GENERAL

Congress passed the Families First Coronavirus Response Act (FFCRA), which includes the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act. The FFCRA’s paid leave provisions are effective on April 1, 2020, and apply to leave taken between April 1, 2020, and December 31, 2020.

LEAVES

EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT (EFMLA)

EFMLA provides for up to 12 work weeks of job-protected leave to employees who are unable to work or telework because they have to care for a child (including children over the age of 18 who are unable to care for themselves due to a mental or physical disability) whose school or place of care or regular childcare provider has closed or is unavailable due to the COVID-19 public health emergency. This includes an employee’s biological, adopted, or foster child, stepchild, legal ward, or any child for which they are standing in loco parentis (have day-to-day responsibilities to care for or financially support).

Eligibility Criteria:

- The employee has been employed for at least 30 calendar days.
- The employee is unable to work or telework from home.
- The employee has a child whose school or place of care or regular childcare provider has closed or is unavailable due to the COVID-19 public health emergency.

Pay Options:

- First two weeks are unpaid.
  - Employee may offset unpaid status with PTO
- Starting at week three, the employee receives 2/3 of regular rate pay for up to 10 weeks.
  - Employee may offset 2/3 pay with PTO

SCENARIOS

Am I eligible for both FML and EFMLA?

No. An employee is entitled only to 12 weeks total in a 12-month period.

My daughter’s school is offering online instruction. Do I qualify for EFMLA?

No, you may not qualify for EFMLA because, although you opted in for online instruction, your school is considered open.
If my employer closes my worksite while I am on paid sick leave or expanded family and medical leave, what happens?

If your employer closes while you are on paid sick leave or expanded family and medical leave, your employer must pay for any paid sick leave or expanded family and medical leave you used before the employer closed.

If my school closes due to a COVID-19 outbreak, would I be eligible for EFMLA?

Yes, for that period of time in which the school remains closed, the employee would be eligible.

Am I eligible if my child has been sent home to quarantine for 14 days due to close contact?

No, you will not be eligible for EFMLA because the school will remain open. However, there may be other leave that you are eligible to take. Please contact the District’s Benefits Department for assistance.

If I choose to take my child out of daycare for the week, am I eligible for this leave?

No, the employee may not qualify for EFMLA because the daycare is open.

An employee has been working from home. An employee must report back to work and has no childcare available. Is the employee eligible for EFMLA?

No, the employee is not eligible. This leave requires that school or daycare must be closed due to COVID-19. The failure to secure childcare prior to the start of school does not create eligibility for this leave.

What if my children go to school during the day, but after school daycare is closed due to a COVID-related emergency closure?

No, the employee is not eligible. The employee should arrange for alternative childcare. Where feasible, the employee should work with his/her supervisor to discuss temporary alternative work hours.

EFMLA Q&A

Are the paid sick leave and expanded family and medical leave requirements retroactive?

No.

What documents do I need to give my employer to get paid sick leave or expanded family and medical leave?

When requesting paid sick leave or expanded family and medical leave, you must provide your employer either orally or in writing the following information:

- Your name;
- The date(s) for which you request leave;
- The reason for leave; and
- A statement that you are unable to work because of the above reason.
EXPANDED FAMILY MEDICAL LEAVE AND EMERGENCY PAID SICK LEAVE ACT

- Documentation supporting the qualifying reason for requesting leave.

For quarantine or isolation orders, the employee will need to provide documentation showing the quarantine or isolation order, or the name of the health care provider who advised them to self-quarantine, such as a copy of the federal, state, or local quarantine or isolation order or written documentation by a health care provider advising the employee to self-quarantine.

For emergency FMLA leave, employees must provide appropriate documentation to support the need for leave as would be required for conventional FMLA leave requests, such as a notice posted on a government, school, or day care website, published in a newspaper, or an email from an employee or official of the school, place of care, or child care provider). This documentation would also be sufficient for paid sick leave taken for COVID-19 school or childcare closings.

May I take my paid sick leave or expanded family and medical leave intermittently while working from home?

Yes, if your employer allows it and if you are unable to telework your normal schedule of hours due to one of the qualifying reasons in the Emergency Paid Sick Leave Act. In that situation, you and your employer may agree that you may take paid sick leave intermittently while teleworking. Similarly, if you are prevented from teleworking your normal schedule of hours because you need to care for your child whose school or place of care is closed, or child care provider is unavailable, because of COVID-19 related reasons, you and your employer may agree that you can take expanded family medical leave intermittently while teleworking.

May I take my expanded family and medical leave intermittently while my child’s school or place of care is closed, or childcare provider is unavailable, due to COVID-19 related reasons, if I am not teleworking?

Yes, but only with your employer’s permission. Intermittent expanded family and medical leave should be permitted only when you and your employer agree upon such a schedule. For example, if your employer and you agree, you may take expanded family and medical leave on Mondays, Wednesdays, and Fridays, but work Tuesdays and Thursdays, while your child is at home because your child’s school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons, for the duration of your leave.

If I elect to take paid sick leave or expanded family and medical leave, must my employer continue my health coverage? If I remain on leave beyond the maximum period of expanded family and medical leave, do I have a right to keep my health coverage?

If your employer provides group health coverage that you’ve elected, you are entitled to continued group health coverage during your expanded family and medical leave on the same terms as if you continued to work. If you are enrolled in family coverage, your employer must maintain coverage during your expanded family and medical leave. You generally must continue to make any normal contributions to the cost of your health coverage.

Do I qualify for leave for a COVID-19 related reason even if I have already used some or all of my leave under the Family and Medical Leave Act (FMLA)?
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If you are an eligible employee, you are entitled to paid sick leave under the Emergency Paid Sick Leave Act regardless of how much leave you have taken under the FMLA.

May I take paid sick leave or expanded family and medical leave to care for my child who is 18 years old or older?

It depends. Under the FFCRA, paid sick leave and expanded family and medical leave include leave to care for one (or more) of your children when his or her school or place of care is closed, or childcare provider is unavailable, due to COVID-19 related reasons. This leave may only be taken to care for your non-disabled child if he or she is under the age of 18. If your child is 18 years of age or older with a disability and cannot care for him or herself due to that disability, you may take paid sick leave and expanded family and medical leave to care for him or her if his or her school or place of care is closed or his or her child care provider is unavailable, due to COVID-19 related reasons, and you are unable to work or telework as a result.

May I take paid sick leave or expanded family and medical leave under the FFCRA if I am on an employer-approved leave of absence?

It depends on whether your leave of absence is voluntary or mandatory. If your leave of absence is voluntary, you may end your leave of absence and begin taking paid sick leave or expanded family and medical leave under the FFCRA if a qualifying reason prevents you from being able to work (or telework). However, you may not take paid sick leave or expanded family and medical leave under the FFCRA if your leave of absence is mandatory. This is because it is the mandatory leave of absence—and not a qualifying reason for leave—that prevents you from being able to work (or telework).

EMERGENCY PAID SICK LEAVE ACT (EPSLA)

Paid leave for an employee who is unable to work, or work from home, due to a need for leave because of COVID-19 related issues.

Eligibility Criteria:

- All full- and part-time employees regardless of how long they have been employed.
- The employee meets one of the following criteria:
  - The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19.
  - The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
  - The employee is experiencing symptoms of COVID-19 and seeking medical diagnosis.
  - The employee is caring for an individual who is subject to a federal, state or local quarantine order, or the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
  - The employee is caring for the employee’s child, if the child’s school or childcare facility has been closed or the child’s childcare provider is unavailable (closed) due to COVID-19 precautions.
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- The employee is experiencing any other substantially similar condition specified by Health and Human Services in consultation with the Department of the Treasury and the Department of Labor.

Pay Options:

- For full-time employees, up to 2 weeks (80 hours total) paid leave at their regular rate.
- For part-time employees, a number of hours equal to the number of hours that such employee works, on average, over a two-week period.
- Employees cannot be required to use other paid time off before using Emergency Paid Sick Leave.
- Amount of pay does not include overtime.
- Can concurrently run with other available leave, if eligible.
- If the EFML is exhausted, but two weeks of EPSLA is not, then the employee will be entitled to more than 12 weeks of protected leave and could have up to 14 weeks (12 weeks FMLA + 2 weeks EPSLA).

EPSLA Q&A

As an employee, how much will I be paid while taking paid sick leave or expanded family and medical leave under the FFCRA?

You will receive your regular rate of pay.

May I take 80 hours of paid sick leave for my self-quarantine and then another amount of paid sick leave for another reason provided under the EPSLA?

No. You may take up to two weeks—or ten days—(80 hours for a full-time employee, or for a part-time employee, the number of hours equal to the average number of hours that the employee works over a typical two-week period) of paid sick leave for any combination of qualifying reasons. However, the total number of hours for which you receive paid sick leave is capped at 80 hours under the Emergency Paid Sick Leave Act.

May I take my paid sick leave or expanded family and medical leave intermittently while working from home?

Yes, if your employer allows it and if you are unable to telework your normal schedule of hours due to one of the qualifying reasons in the Emergency Paid Sick Leave Act. In that situation, you and your employer may agree that you may take paid sick leave intermittently while teleworking. Similarly, if you are prevented from teleworking your normal schedule of hours because you need to care for your child whose school or place of care is closed, or child care provider is unavailable, because of COVID-19 related reasons, you and your employer may agree that you can take expanded family medical leave intermittently while teleworking.

When am I eligible for paid sick leave to self-quarantine?

You are eligible for paid sick leave if a health care provider directs or advises you to stay home or otherwise quarantine yourself because the health care provider believes that you may have COVID-19 or are particularly vulnerable to COVID-19, and quarantining yourself based upon that advice prevents you from working (or teleworking).
EXPANDED FAMILY MEDICAL LEAVE AND EMERGENCY PAID SICK LEAVE ACT

I am an employee. I become ill with COVID-19 symptoms, decide to quarantine myself for two weeks, and then return to work. I do not seek a medical diagnosis or the advice of a health care provider. Can I get paid for those two weeks under the FFCRA?

Generally, no. If you become ill with COVID-19 symptoms, you may take paid sick leave under the FFCRA only to seek a medical diagnosis or if a health care provider otherwise advises you to self-quarantine. If you test positive for the virus associated with COVID-19 or are advised by a health care provider to self-quarantine, you may continue to take paid sick leave.

When am I eligible for paid sick leave to care for someone who is subject to a quarantine or isolation order?

You may take paid sick leave to care for an individual who, as a result of being subject to a quarantine or isolation order, is unable to care for him or herself and depends on you for care and if providing care prevents you from working and from teleworking.

Can I take paid sick leave to care for any individual who is subject to a quarantine or isolation order or who has been advised to self-quarantine?

No. You may take paid sick leave under the FFCRA to care for an immediate family member or someone who regularly resides in your home. You may also take paid sick leave under the FFCRA to care for someone where your relationship creates an expectation that you care for the person in a quarantine or self-quarantine situation, and that individual depends on you for care during the quarantine or self-quarantine.

HEALTH AND WELLNESS

What is this stress going to do to our teachers? How does it affect their health and well-being? How does it affect their ability to teach? How does it affect the quality of education they are able to provide? What is it going to do to our kids? Psychological Services What are the long-term effects of consistently being stressed out? Psychological Services

The Benefits Department offers wellness programs to assist staff with stress related issues and provides tips for handling stress through Lifeworks Employee Assistance Program (EAP). The EAP provides support, referrals, and resources related to the management of stress. For more information, visit www.dallasisd.org/benefits or call 972 925-4300 or email benefits@dallasisd.org.

How will it affect students and faculty when the first teacher in their school dies from this? The first parent of a student who brought it home? The first kid?

The Benefits Department offers assistance through Lifeworks Employee Assistance Program (EAP). The EAP provides support, referrals, and resources related to grief and loss. For more information, visit www.dallasisd.org/benefits or call 972 925-4300 or email benefits@dallasisd.org.