

**FAQ'S Federal Families First Coronavirus Response Act –
Federal Emergency Paid Sick Leave and Federal Expanded Medical Leave
Effective September 16, 2020**

EMERGENCY PAID SICK LEAVE

1. What are the qualifying reasons to apply for the Emergency Paid Sick Leave?

Answer: Employee can become eligible to take leave if the employee is unable to work, including unable to telework (working remotely), because the employee:

- a. Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- b. Has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; OR
- c. Is experiencing symptoms of COVID–19 and seeking a medical diagnosis.
- d. Has a genuine need to care for an individual who is subject to a quarantine or isolation order related to COVID-19, or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- e. Has a genuine need to care for a son or daughter whose school or place of care is closed, or whose childcare provider is unavailable, due to COVID-19precautions.
- f. Is experiencing any other substantially similar condition specified by the Department of Health and Human Services (HHS).

2. When is an employee eligible for paid sick leave to care for someone who is subject to a quarantine or isolation order?

Answer: An employee 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 himself or herself and depends on the employee for care and if providing care prevents the employee from working or teleworking. An employee may only take paid sick leave to care for an individual who genuinely needs care.

3. How much time off can an employee take for Emergency Paid Sick Leave?

Answer: Full-time employees are eligible to receive up to 80 hours of Emergency Paid Sick time. The amount of time a Part-time/PRN employee is eligible to receive will depend upon their average hours typically worked over a two-week period.

4. How much is an employee paid for Emergency Paid Sick Leave?

Answer: Paid sick leave is paid 100% at the employee's regular rate of pay for qualifying reasons a, b & c above, up to a maximum of \$511/day, and at 2/3 regular rate of pay for qualifying reasons d, e & f above, up to \$200/day.

5. Do employees need to use PTO when on Emergency Paid Sick Leave?

Answer: No, an employee is not required to use PTO. An employee can choose to use PTO instead of receiving the pay provided by the Emergency Paid Sick Leave.

6. Can an employee take more than two weeks of paid sick leave under the Emergency Paid Sick Leave Act?

Answer: No. An employee may only take up to two weeks (up to 80 hours for a full-time employee, or average hours per week over a typical two-week period for a part-time/PRN employee) of paid sick leave for any combination of qualifying reasons.

EXPANDED FAMILY MEDICAL LEAVE

7. What are the qualifying reasons to apply for Expanded Family Medical Leave?

Answer: An employee is entitled to take Expanded Family Medical Leave *if the employee has been employed for 30 calendar days* and is unable to work, including unable to telework because the employee has a genuine need to care for a son/daughter whose school or place of childcare is closed, or childcare is unavailable, due to COVID-19.

8. How much time off can an employee take for Expanded Family Medical Leave?

Answer: Up to twelve weeks, if there is a qualifying need for continued leave.

9. How much is an employee paid for Expanded Family Medical Leave?

Answer: The first 2 weeks are unpaid (because the first 2 weeks are covered by *Emergency Paid Sick Leave*). The remaining 10 weeks are paid at 2/3 the employee's regular rate of pay for the number of hours the employee would normally be scheduled to work, up to \$200/day.

10. Are employees required to use PTO when on Expanded Family Medical Leave?

Answer: Yes. Once accrued PTO is exhausted, the balance of the Expanded Family Medical Leave will be paid at 2/3 the employee's regular rate of pay, up to \$200/day.

11. If the school provided a choice between in-person and remote learning, and the employee chose remote learning for their son/daughter because of concerns the child may contract COVID-19, can the employee take Expanded Family Medical Leave since the child will be home from school?

Answer: No, the employee is not eligible for such leave because the school is not "closed" due to COVID-19 related reasons; it is open for physical attendance. However, if, because of COVID-19, the child is under a quarantine order or has been advised by a health care provider to self-isolate or self-quarantine, the employee may be eligible for Emergency Paid Sick Leave.

12. Can an employee qualify for Expanded Family Medical Leave if the employee has already used some of their leave under the Family and Medical Leave Act (FMLA)?

Answer: An employee may take a total of 12 work-weeks for FMLA or Expanded Family Medical Leave reasons during a rolling 12-month period. Thus, if an employee has already taken 3 weeks of FMLA leave during the current 12-month period, the employee may take the remaining 9 weeks for Expanded Family Medical Leave. If an employee has already taken 12 work-weeks of FMLA leave during this rolling 12-month period, the employee may not take additional Expanded Family Medical Leave.

GENERAL QUESTIONS

13. Why is Lee Health reinstating Federal Paid Sick Leave and Expanded Family Medical Leave?

Answer: The Families First Coronavirus Response Act leaves were designed by the federal government and became effective on April 1, 2020. Changes were made to the law making it optional for Lee Health to provide these leaves to employees; Lee Health was not required to do so. Even so, Lee Health chose to provide these paid leaves to its employees and continued doing so through July 31, 2020. Due to additional changes in the law, Lee Health has decided to reinstitute the Families First Coronavirus Response Act leaves effective

September 16, 2020. As a result, Emergency Paid Sick Leave and Expanded Family Medical Leave will remain available to Lee Health's employees through December 31, 2020.

14. Do employees need to have been employed for a certain length of time or work a certain number of hours to be eligible for one or more of the Emergency Leaves?

Answer: All employees are eligible for Emergency Paid Sick Leave as of their first day of employment. Employees must be employed for 30 calendar days to qualify for the Expanded Family Medical Leave.

15. What is the process for an employee to take Emergency Paid Sick Leave or Expanded Family Medical Leave?

Answer:

- Employees will need to complete the **Application for Federal Families First Coronavirus Response Act Emergency Paid Sick Leave and Expanded Family Medical Leave** form – this is a **new form**.
- The form is attached and will also be available on the COVID-19 Resources and Information page on IntraLee.
- The employee may need to provide documentation, depending upon the qualifying reason.
- The employee's leader needs to review and approve the form.
- The form needs to be routed to the HR Call Center by fax to 239-424-4082 or email at employeeservicecenter@leehealth.org and reviewed by Lee Health Leave of Absence experts.

16. How is an employee's "regular rate of pay" calculated for purposes of Federal Paid Sick Leave and the Federal Expanded Family Medical Leave?

Answer: The employee's regular rate is computed for each workweek and generally consists of all non-overtime compensation paid to the employee, divided by the number of hours worked in that workweek. The regular rate of pay **is the average calculated over a period of 6 months prior to the date leave commences**. If the employee receives different rates, such as a shift differential, these wages will be included.

17. Are overtime hours worked by employees included when calculating pay for Emergency Paid Sick Leave or Expanded Family Medical Leave?

Answer: Emergency Paid Sick Leave is capped at 80 hours for a two-week period. However, Expanded Family Medical Leave does not have a cap on hours and provides that employees are paid 2/3 regular rate of pay (up to \$200/day) for the number of hours the employee would normally be scheduled to work. Accordingly, if an employee works overtime, the calculation to determine the number of hours scheduled will include overtime hours. Please note that the partially paid Expanded Family Medical Leave does not include the premium for overtime hours. Accordingly, an employee's overtime premium is not used to calculate the employee's regular rate of pay for the paid leave benefit.

18. Is intermittent leave allowed for either of these federal leave programs?

Answer: Lee Health is not offering Emergency Paid Sick Leave on an intermittent basis. If an employee's child's school is operating on an alternate day (or other hybrid-attendance) basis, the employee may be eligible to take Expanded Family Medical Leave intermittently, on each of the child's remote-learning days, because the school is effectively "closed" to the child on those days.

19. Do I have a right to return to work if I take Emergency Paid Sick Leave or Expanded Family Medical Leave?

Answer: In most instances, you are generally entitled to be restored to the same or an equivalent position upon return from Emergency Paid Sick Leave or Expanded Family Medical Leave. However, you are not protected from employment actions that would have affected you regardless of whether you took a leave of absence.

20. How will Emergency Paid Sick Leave and Expanded Family Medical Leave be coded in KRONOS?

Answer: Emergency Paid Sick Leave and Expanded Family Medical Leave will be coded in Kronos automatically in a similar fashion to a regular FMLA leave. Any exempt employee who is placed on an Emergency Paid Sick Leave or expanded FMLA leave will have their current schedule ended on the last day of the leave. Time reviewers or time leaders will need to create a new exempt recurring schedule for the affected employees once they return to work from the leave. Leaders with questions regarding their employee's leave in Kronos or time associated with their leave on the schedule or timecard can contact the IS Help Desk (239-343-7900).

Questions about *COVID-19 Emergency Leaves of Absence* should be directed to your HRBP, your HR Employee Relations Consultant or the HR Call Center at 239-424-3500.

We are Lee Health Strong! Thank you.