

**Families First Coronavirus Response Act  
Emergency Paid Sick Leave Act  
&  
Emergency Family and Medical Leave Expansion Act**

Employee Guidance FAQs

**Q.1. What is the Families First Coronavirus Response Act (“FFCRA”) and when is it in effect?**

FFCRA is an emergency law created in response to COVID-19 and contains two (2) provisions which provide paid leave to impacted employees. FFCRA contains the:

- 1) Emergency Paid Sick Leave (“EPSL”) Act, and
- 2) Emergency Family and Medical Leave Expansion Act (“EFMLEA”).

The new Acts are effective April 1, 2020, are not retroactive, and cover the period between April 1, 2020 and December 31, 2020.

**Q.2. When can I use the benefits provided by FFCRA?**

While both EPSL and EFMLEA are effective April 1, 2020, because the Board of Supervisors approved COVID-9 PAL (time reporting code ERR) during the period covering March 17, 2020 through April 7, 2020, employees who qualify for EPSL and/or EFMLEA may want to use the benefit starting April 8, 2020. Both EPSL and EFMLEA expire December 31, 2020.

**Q.3. What happens if I don’t use all the benefits provided by FFCRA?**

The right to take leave as provided under EPSL and/or EFMLEA extends only through December 31, 2020. After this date, these leaves will not be available for use. They will not carryover to the next calendar year nor pay-out unused eligibility.

**Q.4. How do employees apply for EPSL or EFMLEA?**

By contacting their Agency/Department Disability Coordinator or Human Resources Office to request these leaves.

**Q.5. Can I use EPSL or EFMLEA if receiving Workers’ Compensation or temporary disability benefits?**

In general, no, unless you are able to return to light duty before taking leave. If you receive workers’ compensation or temporary disability benefits because you are unable to work, you may not use EPSL or EFMLEA. However, if you are able to return to light duty but have a qualifying reason (described in Q.8.) that prevents you from working, you may use EPSL or EFMLEA leave, as the situation warrants.

**Q.6. Can I use EPSL or EFMLEA if my spouse/domestic partner or guardian works for Alameda County?**

You may use EPSL or EFMLEA to care for your child only when you are unable to work or telework as a result of providing care and there is no other suitable person who will be caring for the child during the period you are taking leave. Generally, both employees would not need to use such leave if co-parenting, co-guardian, or if your usual childcare provider is available to provide the care your child needs.

**Emergency Paid Sick Leave Act (EPSL)**

**Q.7. Am I covered under EPSL?**

All employees (including part-time and temporary) are covered under EPSL and therefore are eligible for this leave, regardless of length of service.

**Q.8. How do I qualify for EPSL?**

You may use EPSL when you are unable to work (or telework) due to a need for leave that meets at least one (1) of the following six (6) criteria:

- 1) Subject to Federal, State, or local quarantine or isolation order related to COVID-19.
  - Quarantine or isolation order has been defined to include quarantine, isolation, containment, shelter-in-place, or stay-at-home orders issued by a Federal, State, or local government authority.
  - If a Federal, State, or local government authority has advised categories of citizens (e.g., of certain age ranges or of certain medical conditions) to shelter-in-place, stay at home, isolate, or quarantine, and the employee falls within those defined categories, they can use EPSL if they are unable to telework.
- 2) Advised by a health care provider to self-quarantine due to concerns related to COVID-19.
  - An employee would also qualify for EPSL if a health care provider has advised the employee to self-quarantine because the employee is “particularly vulnerable” to COVID-19, and following the advice prevents the employee from being able to work or telework.
- 3) Experiencing symptoms of COVID-19 and seeking a medical diagnosis.
  - a. Seeking a medical diagnosis for COVID-19 means the employee is experiencing any of the following symptoms:
    1. fever;
    2. dry cough;
    3. shortness of breath; or
    4. any other COVID-19 symptoms identified by the CDC

- 4) Caring for an individual subject to quarantine or isolation order or to self-quarantine.
  - An “individual” means an employee’s immediate family member, a person who regularly resides in the employee’s home, or a similar person with whom the employee has a relationship that creates an expectation that the employee would care for that person if her/she were quarantined or self-quarantined. For this purpose, “individual” does not include persons with whom the employee has no personal relationship.
- 5) Caring for child (as defined in Q.17. below) of such employee if the school or place of care has been closed, or the childcare provider is unavailable, due to COVID-19 precautions and there is no other suitable person who will be caring for the child during the period for which the employee takes leave .
- 6) Other conditions that the Federal government may specify later.

**Q.9. What benefits will I receive under EPSL?**

Two (2) weeks (up to 80 hours, prorated for part-time employees) of full or partial paid leave, job protection and continuation of group health benefits. The amount of pay depends on the reason (as listed in Q.8. above) for taking the leave:

- For reasons #1 through #3, employees will be eligible to receive their regular rate of pay, up to a maximum of \$511 per day and \$5,110 total.
- For reason #4, employees will be eligible to receive two-thirds (2/3) of their regular rate of pay, up to a maximum of \$200 per day and \$2,000 total.
- For reason #5, employees will receive two-thirds (2/3) of their regular rate of pay, up to a maximum of \$200 per day and \$2,000 total. Employees may use EPSL in conjunction with EFMLEA for a combined total of 12 weeks of leave, paid at two-thirds (2/3) of their regular rate of pay, up to \$200 per day and \$12,000 total.
- Employees can also supplement with their own leave accruals to make up the difference between EPSL and EFMLEA and their regular pay.

**Q.10. How will the County prorate my pay if I work part time?**

The amount of pay is based on the average number of hours you are normally scheduled to work over a 2-week period.

**Q.11. Will the County require that I use (or “exhaust”) other paid leave before using EPSL?**

No, you may choose to utilize your leave accruals before receiving pay under EPSL or supplement your EPSL with your own leave accruals.

**Q.12. Can I use EPSL Intermittently?**

You can use EPSL intermittently only if either condition applies to you:

- You are strictly teleworking and not working onsite; or
- You are requesting EPSL because of reason #5 (listed in Q.8. above).

Otherwise, you must use EPSL continuously each day until you:

- use the full amount of EPSL; or
- no longer have a qualifying reason.

The reason for the limiting intermittent EPSL usage according to the Department of Labor is that the intent of FFCRA is to provide leave as necessary to prevent the spread of COVID-19. When an employee is caring for an individual who is sick or the employee is possibly sick with COVID-19 and the employee is allowed to return to work on an intermittent basis, it defeats the intent of FFCRA by reintroducing a potentially contagious employee into the workplace.

**Q.13. Am I required to provide documentation when I request EPSL?**

No. However, you will be required to certify that your request for leave qualifies for EPSL by completing the FFCRA Certification form.

**Emergency Family and Medical Leave Expansion Act (EFMLEA)**

**Q.14. Am I covered under EFMLEA?**

All employees (including part-time and temporary) are covered under EFMLEA and therefore are eligible for this leave if they have been employed with the County for at least 30 calendar days (or hired on or prior to March 2, 2020).

**Q.15. How do I qualify for EFMLEA?**

You may use paid EFMLEA when you can no longer work on-site or telework, to care for your dependent child (defined in Q.17. below) because of school/childcare closures or the childcare provider is unavailable, due to COVID-19 precautions and there is no other suitable person who will be caring for the child during the period you are taking leave.

**Q.16. What benefits will I receive under EFMLEA?**

Up to 12 weeks (up to 480 hours, prorated for part-time employees) of partial paid leave, job protection and continuation of group health benefits. The first two weeks are unpaid; however, you may elect to use your own accrued leave balances or use EPSL, if it's available. After the first two weeks, you will receive two-thirds (2/3) of your regular rate of pay, up to a maximum of \$200 per day and \$10,000 total for ten (10) weeks.

**Q.17. What is the definition of child for the purposes of taking EFMLEA?**

The employee's child under the age of 18, which includes biological, adopted, or foster child, or a child for whom the employee stands in loco parentis, someone for whom the employee has day to day responsibilities or financially supports.

It may also include an adult son or daughter (i.e. one who is 18 years or older), who (1) has a mental or physical disability, and (2) is incapable of self-care because of that disability.

**Q.18. How much leave am I entitled to under the new EFMLEA?**

If eligible, leave under EFMLEA is still limited to 12 work weeks in a 12-month period under FMLA. If you have already used some or all of your FMLA time prior to April 1, 2020 due to your own serious medical condition or while caring for a family member with a serious medical condition, or when used concurrent with their 12-week entitlement under the California Family Rights Act (CFRA) for child bonding, you will **not** be eligible to receive an additional 12-work week allotment under EFMLEA.

**Q.19. In what manner can I request to use leave under EFMLEA?**

You may request to use leave hours continuously, intermittently or to work a reduced work schedule while working on-site or teleworking.

**Q.20. Am I required to provide documentation when I take EFMLEA?**

No documentation is required to establish the school/childcare closure; however, employees are required to complete the FFCRA Certification form.

**Disclaimer**

The answers provided are based on current information and are subject to change. This includes changes, due to revisions of federal, state or local law, regulation and/or regulatory agency guidance. Please be sure to check with your Agency/Department Human Resources Office for the latest information.