

Emergency Paid Sick Leave and Emergency Expanded Family and Medical Leave

As a result of recently enacted federal law, beginning April 1, 2020, every New York State employee, regardless of Attendance Rules coverage and bargaining unit, will be eligible for up to two weeks of paid sick leave if unable to work or work from home because the employee:

Federal Emergency Paid Sick Leave Act (FEPSLA)

1. Is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. Has been advised by a health care provider to self-quarantine because of COVID-19;
3. Is experiencing COVID-19 related symptoms and is seeking a medical diagnosis;
4. Is caring for an individual subject to either an order, as described above in (1), or self-quarantine, as described above in (2);
5. Is caring for the employee's child whose school or place of care is closed, or whose childcare provider is unavailable, due to COVID-19; or
6. Is experiencing any other condition specified by the federal government; however, the federal government has not yet identified anything in this category.

Benefits:

- Leave for numbers 1, 2, and 3 above will be paid at 100% of an employee's regular rate of pay, up to \$511.00 daily, capped at \$5,110.00 for the two-week period.
- Leave for numbers 4, 5, and 6 above will be paid at two-thirds of the employee's regular rate of pay, up to \$200.00 daily, capped at \$2,000.00 for each two-week period.

FEPSLA leave does not carry over and expires on December 31, 2020.

Federal Emergency Expanded Family and Medical Leave (EFMLA)

In addition to the leave described above, New York State employees who have been employed for at least 30 days prior to their request for leave may be eligible for EFMLA. Eligible employees are entitled to 12 work weeks of public health emergency leave from April 1, 2020 through December 31, 2020. Any FMLA an employee used prior to April 1, 2020, for reasons other than those related to COVID-19, is subtracted from this additional 12 weeks of EFMLA Leave. This period of FMLA does not provide an additional 12 weeks of leave entitlement, but rather provides a new qualifying reason for which leave can be taken. Employees are still limited to a total of 12 weeks of FMLA for 2020.

The only qualifying need is that the employee is unable to work or telework because the employee is needed to care for the employee's minor child under age 18 due to an elementary or secondary school or place of care closure, or due to the unavailability of a child care provider, because of a COVID-19 public health emergency. Employees who have a child, age 18 or older, who is incapable of self-care because of a mental or physical disability shall be eligible for public health emergency leave.

Employees eligible for EFMLA will receive pay at two-thirds of the employee's regular rate of pay up to \$200.00 daily, capped at \$10,000.00.

Employee's must submit appropriate documentation to support the use of EFLMA to the extent practicable. Expires December 31, 2020.

Benefits:

- 12 weeks total, any leave taken under FMLA for any other reason is subtracted from the 12 weeks.
- First 10 days is unpaid, but can substitute any type of available paid leave (i.e. FEPSLA, accruals).
- Normal circumstances paid 2/3 of regular rate of pay multiplied by the number of hours the employee would normally be scheduled to work. Leave is capped at \$200/day, but may not exceed a total of \$10,000.
- Paid sick leave (FEPSLA) for the first 10 days, or they may substitute any accrued leave available under State Policy.
- Following 10 days, paid at an amount no less than 2/3 of their regular rate of pay for the hours they would be normally scheduled to work. Capped at \$200/day or \$12,000 for the 12wks that include FEPSLA and EFMLA.
- Full day increments only.
- Must provide as much notice, as practicable under the circumstances, of the need for leave.
- Must submit appropriate documentation to support the use of EFLMA to the extent practicable.

An employee cannot be discharged, disciplined, or otherwise discriminated against for taking this leave, filing a complaint, or challenging a denial of leave in any proceeding.

Please contact Sheila Scott, Payroll & Benefits Manager, with any questions about how these leave benefits work with other Attendance and Leave benefits.

Procedure:

Complete the Covid-19 Leave Request and submit to your supervisor for review and signature. An employee must provide as much notice, as practicable under the circumstances, of the need for leave. Completed forms should be sent to: Sheila Scott, Payroll & Benefits Manager (scottsh@potdam.edu)