

Emergency Paid Sick Leave FAQs

In accordance with the Families First Coronavirus (COVID-9) Response Act, this leave act provides paid sick leave for Coronavirus (COVID-19) related absences for all employees regardless of how long they have been employed.

1. What is the emergency paid sick leave?

Under the Emergency Paid Sick Leave law, full-time employees are entitled to 80 hours of paid sick leave. Part-time employees are entitled to paid sick leave equal to the amount of their average work hours over a two-week period.

2. Are there specific reasons when I can take paid sick leave and if so, what are they?

Employees can take paid sick leave for any of the following reasons:

#1- To comply with a federal, state or local quarantine or isolation order related to COVID-19.

#2- To self-quarantine because the employee has been advised by a health care provider to do so due to concerns related to COVID-19.

#3—The employee is experiencing symptoms of coronavirus and seeking medical diagnosis

#4-To care for an individual who is self-isolating to comply with a federal, state or local quarantine or isolation order related to COVID-19 or who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.

#5-To care for the employee's son or daughter if his/her school or place of care has been closed, or the childcare provider is unavailable, due to COVID-19 precautions/

#6-The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.

3. Is paid sick leave paid at the regular rate of pay?

If leave is taken for the first three reasons listed in the Act as noted above, the employee is paid their regular rate of pay up to \$511.00 per day or \$5,110 in the aggregate.

If leave is taken for any other eligible reason (reasons four through six listed in the Act as noted above), the employee is paid 2/3 of the employee's regular rate of pay up to a maximum of \$200 a day and \$2, 000 in the aggregate.

4. I am a student employee. Do I qualify?

Yes. As a part-time employee, student employees are entitled to paid sick leave equal to the amount of their average work hours over a two-week period.

5. I have a cough and a fever, and I'm self-isolating. Do I qualify?

Unless you have are advised by a health care provider to self-quarantine due to concerns about COVID-19 or are seeking a medical diagnosis due to COVID symptoms.

6. I've been diagnosed with COVID-19 and my doctor told me to remain in self-isolation for 14 days. Do I qualify?

Yes. You do qualify because you have been diagnosed with COVID-19 and are quarantined or isolated under a doctor's recommendation.

7. My child's middle school has suspended classes for an indefinite period because of COVID-19, do I qualify?

Yes. You qualify because the leave is to care for your child because the child's school or place of care has been closed due to the coronavirus.

8. My mother-in-law has been hospitalized with COVID-19, do I qualify?

Although you could obtain leave to care for her if your mother-in-law was self-isolated due to her diagnosis with COVID-19, *this scenario involves hospitalization* rather than a doctor's recommendation for self-isolation, so *you would not be needed* to care for your mother-in-law.

9. I have flu-like symptoms, and I think I may have COVID-19 and am waiting on test results, do I qualify?

Yes. If you self-isolate while waiting for a diagnosis, you qualify for emergency paid sick leave, even if it is later determined that you do not have COVID-19.

10. Do I qualify if I've exhausted all of my sick leave?

Yes. This leave act provides up to 80 hours of paid sick leave, in addition to The Citadel's regular paid sick leave policy.

11. Can paid sick leave be taken intermittently?

Yes. Leave under this Act can be taken on an intermittent basis.

12. Does EFMLA leave carry-over to next year?

Leave may be used at any time between April 1-December 31, 2020, but paid leave provided under the Act does not carry over from year to year.

13. Do employees need to use other forms of leave first?

Employees may choose to use other paid leave available prior to or instead of the leave provided under the Act.

14. Where can I obtain additional information?

[DOL poster](#) and emailing hr@citadel.edu.

Expansion of the Family and Medical Leave Act (EFMLA) FAQs

In accordance with the Families First Coronavirus (COVID-9) Response Act, this leave act creates a new “public health emergency leave” (PHE leave) under the Family Medical Leave Act (FMLA). For PHE leave, it also expands the application of FMLA to employees that have been employed for at least 30 calendar days (rather than 12 months and 1,250 hours).

1. What is the Expansion of the Family and Medical Leave Act?

Employees who are unable to work or telework due to the need for leave to care for a son or daughter under the age of 18 if the school (elementary or secondary) or place of care has been closed or the childcare provider of such son or daughter is unavailable due to a public health emergency. A public health emergency is an emergency with respect to COVID-19 declared by a federal, state or local authority.

2. Am I eligible to apply?

Employees who have been employed for at least 30 calendar days can apply. This includes employees in non-fulltime equivalent and non-leave accruing positions, such as temporary, research grant, and time-limited employees.

3. I am a student employee, do I qualify?

If you have been employed for at least 30 calendar days and work in any of the above employment categories, you may be eligible to apply.

4. How many weeks of leave under Expansion of the Family Medical Leave Act covers?

The EFMLA amends and expands the federal Family and Medical Leave Act (FMLA), on a temporary basis, to provide qualifying employees 12 weeks of leave if the employee is unable to work, including work-from-home, due to the need to care for the employee’s child (under 18 years of age) if the child’s school or place of care is closed or the child care provider is unavailable due to a public health emergency. A public health emergency is “an emergency with respect to COVID-19 declared by a Federal, State, or local authority.”

5. Is the EFMLA leave paid or unpaid?

The first 10 days of the 12-week FMLA leave period may be unpaid leave, during which time an employee may substitute (but may not be compelled to take) accrued vacation or sick leave, *if applicable. (*for those in FTE and leave-earning positions)

After the first 10 days of leave, The Citadel shall provide paid leave for each day at a rate not less than 2/3 of regular rate of pay for the number of hours the employee would normally be scheduled to work. For those employees with varying work schedules, the number of hours should be based upon the average number of hours scheduled over the previous six-month period or the reasonable expectation of hours at time of hire. In no event will the benefit amount for paid PHE exceed \$200 per day and \$10,000 in the aggregate.

6. Can other types of leave cover the first 10 days of unpaid leave?

Employees may use any paid leave available concurrently with EFMLA leave during this 10-day period.

7. Can employees use Emergency Paid Sick Leave to cover the first 10 days of unpaid leave?

Yes. Employees can use both programs concurrently.

8. Can employees combine EFMLA paid leave with other types of leave?

Yes. Employees can use any accrued leave to augment leave taken under EFMLA.

9. Can EFMLA be taken intermittently?

Yes. Leave under the EFMLA can be taken on an intermittent basis.

10. Does EFMLA carry over-over to next year?

These emergency provisions go into effect on April 1, 2020 and expire on December 31, 2020.

11. Does EFMLA protect my job?

EFMLA provides the same job protections as FMLA.

12. What notice must be given by employees taking EFMLA leave?

In any case where the necessity for leave under the EFMLA is foreseeable, an employee shall provide the employer with as much notice as is practicable.

13. What certifications or documentation can The Citadel require?

The normal FMLA certification process is not required for leave taken under the EFMLA. The Citadel may request documentation of the school or childcare providers' closure but should be flexible in the documentation accepted. For example, a printout or screen shot from a school or provider's website indicating closure related to COVID-19 may be accepted.

14. Do job restoration requirements apply to EFMLA leave?

Yes, the same FMLA restoration to position requirements apply to leave taken under the EFMLA.

15. Where can I find additional information?

[DOL poster](#) and emailing hr@citadel.edu.