

Emergency Paid Sick Leave (EPSL) FAQs

1. What is EPSL?

The Families First Coronavirus Response Act (FFCRA), provides up to two weeks (up to 80 hours) of Emergency Paid Sick Leave (EPSL) to all Federal civil service employees for qualifying reasons related to COVID-19.

2. Are all DoDEA employees eligible for EPSL?

All DoDEA employees are eligible to use EPSL when they are unable to work, including unable to telework, when the employee:

- Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- Has been advised by a health care provider to self-quarantine related to COVID-19; or
- Is experiencing COVID-19 symptoms and is seeking a medical diagnosis.
- Is caring for an individual subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- Is caring for an individual who has been advised by a health care provider to self-quarantine related to COVID-19;
- Is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
- Is experiencing any other substantially-similar condition specified by the Department of Health and Human Services.

NOTE: DoDEA quarantine or isolation orders are not considered federal, state, or local orders under the FFCRA. Employees subject to these quarantine or isolation orders will be placed on Weather and Safety (W&S) leave.

3. How does EPSL affect my pay?

EPSL will be paid at the employee's full rate of pay, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period) when the employee:

- Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- Has been advised by a health care provider to self-quarantine related to COVID-19; or
- Is experiencing COVID-19 symptoms and is seeking a medical diagnosis.

EPSL will be paid at two-thirds the employee's rate of pay, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period) when the employee:

- Is caring for an individual subject to a Federal, State, or local quarantine or isolation order related to COVID-19;

- Is caring for an individual who has been advised by a health care provider to self-quarantine related to COVID-19;
- Is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
- Is experiencing any other substantially-similar condition specified by the Department of Health and Human Services.

4. How do I code EPSL on my timecard?

The Defense Finance and Accounting Service implemented the following time and attendance codes for use of the two types of leave under the FFCRA:

- EPSL paid at an employee's full rate of pay is coded "LV – Excused Absence" with environmental hazard code "DX."
- EPSL paid at two-thirds of an employee's rate of pay is coded "LV – Excused Absence" with environmental hazard code "DY."

These leave codes are not programmed to account for the different rates of pay that may apply, and will not prevent an employee from taking leave over the statutory limits under the FFCRA, nor enforce the statutory caps on daily or aggregate pay. Thus, the use of EPSL may result in **debt** that will be collected at a later date. Employees will be **ineligible** to submit a debt waiver for this overpayment.

5. What is the effective date of the Families First Coronavirus Response Act (FFCRA), which includes the Emergency Paid Sick Leave?

The FFCRA's paid leave provisions became effective on April 1, 2020, and applies to leave taken between April 1, 2020, and December 31, 2020. EPSL may not carry over beyond December 31, 2020.

6. Are the EPSL paid sick leave requirements retroactive?

Employees that used other leave on or after April 1, 2020 for reasons covered by the EPSL may make timecard corrections, as appropriate, with supervisory approval.

7. May I take 80 hours of EPSL and then another amount of EPSL for another reason provided under the Emergency Paid Sick Leave Act?

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 EPSL for any combination of qualifying reasons. However, the total number of hours for which you receive EPSL paid sick leave is capped at 80 hours.

8. Can my request for EPSL be denied if I was approved for leave for a reason identified for EPSL prior to the effective date of the FFCRA?

No. The FFCRA imposes a new EPSL requirement effective April 1, 2020.

9. Prior to the FFCRA, DoDEA guidance indicated that if an employee was under a quarantine or isolation order, the employee would telework (if able/eligible) or be put on W&S leave. However,

under FFCRA employees may use emergency paid sick leave (EPSL) for periods of quarantine or isolation. Can a supervisor require that an employee exhaust EPSL for quarantine or isolation before using W&S leave?

No, employees are not required to exhaust EPSL prior to being placed on W&S leave. Generally, employees must request leave, including EPSL. Employees unable to telework may be granted no more than two weeks/80 hours of paid sick leave EPSL for quarantine (or other qualifying reasons). Once the 80 hours has been reached, there is no further option for EPSL, even if an employee subsequently has another qualifying reason for absence under FFCRA, such as childcare, or care for an individual subject to a quarantine or isolation order.

Childcare and caring for another under quarantine or isolation order are not qualifying reasons for Weather and Safety leave. Accordingly, employees with childcare responsibilities who are ineligible for telework would have to use their accrued leave if they have exhausted EPSL for quarantine.

Based on these considerations, employees are not required to exhaust EPSL prior to being placed on W&S leave.

Note: Normally, employees in DoDEA-mandated quarantine periods will be on W&S leave.

10. What documents do I need to give my supervisor to get EPSL?

When requesting EPSL, you must provide your supervisor 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.

If you request leave because you are subject to a quarantine or isolation order or to care for an individual subject to such an order, you should additionally provide the name of the government entity that issued the order. If you request leave to self-quarantine based on the advice of a health care provider or to care for an individual who is self-quarantining based on such advice, you should additionally provide the name of the health care provider who gave advice.

If you request leave to care for your child whose school or place of care is closed, or child care provider is unavailable, you must also provide:

- The name of your child;
- The name of the school, place of care, or child care provider that has closed or become unavailable; and
- A statement that no other suitable person is available to care for your child.

11. What does it mean to be unable to work, including telework, for COVID-19 related reasons?

You are unable to work if your supervisor has work for you and one of the COVID-19 qualifying reasons prevents you from being able to perform that work, either at the worksite or your telework location.

12. If I become unable to telework, can I request EPSL?

Yes. If you are eligible/able to telework and become unable to do so or work the required hours because of one of the qualifying reasons for EPSL, you may request EPSL.

13. May I take EPSL intermittently while working at my usual worksite (as opposed to teleworking)?

It depends on why you are taking EPSL and whether it is approved by your supervisor. Unless you are teleworking, EPSL for qualifying reasons related to COVID-19 must be taken in full-day increments. It cannot be taken intermittently if the leave is being taken because:

You are subject to a Federal, State, or local quarantine or isolation order related to COVID-19;

You have been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

You are experiencing symptoms of COVID-19 and seeking a medical diagnosis;

You are caring for an individual who either 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; or

You are experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.

Unless you are teleworking, once you begin taking EPSL paid sick leave for one or more of these qualifying reasons, you must continue to take EPSL paid sick leave each day until you either (1) use the full amount of EPSL paid sick leave or (2) no longer have a qualifying reason for taking EPSL paid sick leave. This limit is imposed because if you are sick or possibly sick with COVID-19, or caring for an individual who is sick or possibly sick with COVID-19, the intent is to provide such EPSL as necessary to keep you from spreading the virus to others.

If you no longer have a qualifying reason for taking EPSL before you exhaust your EPSL, you may take any remaining EPSL at a later time, until December 31, 2020, if another qualifying reason occurs.

14. If I take EPSL, does that count against other types of leave I have accrued?

No. This new EPSL paid sick leave is in addition to current accrued leave amounts that may be earned (e.g. sick leave, annual leave, educator leave, or leave without pay).

15. When am I eligible for EPSL to self-quarantine?

You are eligible for EPSL 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).

16. 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 EPSL 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 EPSL. You may not take EPSL if you unilaterally decide to self-quarantine for an illness without medical advice, even if you have COVID-19 symptoms. Note that you may not take EPSL if you become ill with an illness not related to COVID-19. Depending on your employer's expectations and your condition, however, you may be able to telework during your period of quarantine.

17. When am I eligible for EPSL to care for someone who is subject to a quarantine or isolation order?

You may take EPSL 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.

Furthermore, you may only take EPSL to care for an individual who genuinely needs your care. Such an individual includes an immediate family member or someone who regularly resides in your home. You may also take EPSL to care for someone if your relationship creates an expectation that you would 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.

You may not take EPSL to care for someone with whom you have no relationship. You also cannot take EPSL to care for someone who does not expect or depend on your care during his or her quarantine or self-quarantine.

18. Are educators assigned to a brick and mortar school eligible to work from an Alternate Work Location (AWL)?

No. Generally, AWL will not be available to educators assigned to a brick-and-mortar school for SY 20-21. Educators are expected to report, as directed.