



Employee Rights

COVID-19: Paid sick leave and expanded family medical leave

The California Department of Human Resources recently sent labor leaders a draft CalHR policy in response to the recently enacted **Families First Coronavirus Response Act (FFCRA)**, which, effective immediately, enacted both the **Emergency Paid Sick Leave Act (EPSLA)** and the **Emergency Family and Medical Leave Expansion Act (E-FMLA)**. A brief synopsis of CalHR's policy implementing the EPSLA and FFCRA is provided below. Please note that policy implementation is still being developed. For the most current information, please contact your local human resources or CAPT chapter.

Emergency Paid Sick Leave Act

The EPSLA entitles workers, without discharge or discipline, up to two-weeks of emergency paid sick leave for COVID-19-related leave. Your time base determines the number of paid sick leave hours you are entitled to receive. The leave can be documented on your time-sheet as Administrative Time Off (ATO). Any ATO used prior to April 1, 2020, will not count toward your EPSLA entitlement. You may use your emergency sick leave in any of the following circumstances:

1. You are subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. advised by a health care provider to self-quarantine related to COVID-19;
3. experiencing COVID-19 symptoms and are seeking a medical diagnosis;
4. caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. 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
6. experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.

Emergency Family and Medical Leave Expansion Act

Effective immediately, the E-FMLA expands FMLA benefits, which includes 12-workweeks of paid FMLA leave, to employees for specified, *documented* reasons related to COVID-19, including to provide care for their child whose school or daycare is closed because of COVID-19. Employees only need to have worked for their employer for 30 days to be eligible for E-FMLA leave benefits. Please note that the first two weeks of E-FMLA are unpaid. After that, employees will be paid two-thirds of their salary, up to \$200/per day up to a total of \$10,000. You may use your leave credits to supplement your E-FMLA. If you have previously used any of your FMLA entitlement, your entitlement, under E-FMLA, will be reduced by the amount already used. E-FMLA applications will be handled by local human resources in consultation with the department.

