

The Families First Coronavirus Response Act (“FFCRA”), phase II, will provide paid leave to employees affected by the novel coronavirus. The Act provides two programs which provide paid leave: 1. Emergency FMLA Expansion (“EFMLA”) and 2. Emergency Paid Sick Leave (“EPSL”).

Emergency Family and Medical Leave Expansion Act (H.R. 6201 Sec. 3101)

- The EFMLA becomes effective April 1, 2020 and will end on December 31, 2020, because of a qualifying need related to a public health emergency.
- **Eligible Employees:** An employee who has been employed with Palm Beach County for at least 30 days may be entitled to the EFMLA leave entitlement, except First Responders (Paramedics, EMT, EMDs) and other employees that may be considered Healthcare Providers, including RNs.
- **Reasons Leave may be granted:** Employee is unable to work (or telework) due to a need to care for their son or daughter under 18 years of age and the school (including elementary or secondary school) or place of childcare has been closed, or the childcare provider (meaning a provider who receives compensation for providing child care services on a regular basis) is unavailable due to COVID19. This also includes an adult son or daughter (i.e., one who is 18 years of age or older), who has a mental or physical disability, and is incapable of self-care because of that disability. Documentation is required.
- **Length of time permitted:** No more than 12 weeks in total. The first 10 days of the employee’s “emergency” FMLA leave may consist of unpaid leave, but the employee may choose to substitute any accrued vacation, sick, comp, or incentive leave benefits for the unpaid leave. This election must be made at the time of application. Additionally, the employee may utilize Emergency Paid Sick Leave to compensate the 10 days unpaid. The remainder of emergency FMLA pay will be paid by the County and may not exceed \$10,000 paid in total.

Failure to notify the County and return to work upon re-opening of the school or childcare facility during EFMLA may result in disciplinary action.

- **Amount of pay permitted:** The paid leave portion of EFMLA will be at two-thirds of an employee’s regular rate of pay. The paid leave is capped at \$200 per day and \$10,000 in total.

Employees will **not be permitted to supplement paid leave** with their preexisting leave entitlements. Employees may choose one type of leave to take, but may not take both simultaneously.

- All employees utilizing EFMLA, regardless of normal schedules, will be placed on an 8-hours per day, 5 day workweek schedule for the duration of the leave.

Emergency Paid Sick Leave Act (EPSL) (H.R. 6201- Sec. 5101)

Eligible Employees: upon the effective date of the Act, the paid sick time shall be available for immediate use by qualifying employees regardless of how long the employee has been employed by the County, with the exception of First Responders (Paramedics, EMT, EMDs) and other employees that may be considered Healthcare Providers, including RNs.

- **Reasons Leave May Be Granted:**

GROUP A EVENTS – LEAVE FOR SELF

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

GROUP B EVENTS – LEAVE FOR OTHERS

4. The employee is caring for an individual who is subject to an order or quarantine;
5. The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed or the childcare provider of such son or daughter 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 in consultation with the Secretary of the Treasury and the Secretary of Labor.

- **Length of time permitted:**

For full-time employees, an employee is entitled to 80 hours of sick leave.

Part-time employees are entitled to the number of hours that employee usually works, on average, over a two-week period not to exceed 80 hours in total. For example, if the employee works an average of 30 hours per week, they would be entitled to no more than 60 hours of sick leave.

Employees will be required to return to work when the event triggering the need for leave has ended, or when the employee has reached the maximum amount of compensation permitted under this policy, whichever occurs first.

Failure to notify the County and return to work upon cessation of the trigger event may result in disciplinary action.

Employees may utilize Emergency Paid Sick Leave for any number of qualifying events; however, a new application must be completed for each event, and the total combined leave cannot exceed 80 hours or the financial caps set forth below.

- **Amount of pay permitted:**

If an employee uses EPSL to care for themselves for reasons 1, 2, or 3 “Group A Events” listed above, the County will pay the employee their regular compensation up to a maximum of \$511 per day or \$5,110 in the aggregate.

If an employee uses EPSL to care for a family member or for reasons 4, 5 or 6 “Group B Events” listed above, the County will pay the employee either two-thirds of their regular compensation or the federal/state/local minimum wage, whichever amount is greater, up to a maximum of \$200 per day or \$2,000 in the aggregate.

EPSL does not carry over into the following calendar year, and the County will not pay out unused leave upon an employee's separation from employment.

Applying for Leave

- Employees must complete the EFMLA or EPSL form for each event and provide the signed form and any required documents to Fair Employment Programs – Human Resources. Forms may be electronically signed and sent to HR-FEP@pbcgov.org. Please note that forms submitted electronically may result in quicker processing time.
- Once the form has been received, Human Resources will collaborate with the Department Head to determine if the applicant is eligible for telework.
- Human Resources will notify the individual of telework eligibility as soon as possible. If an employee is eligible for telework, they will have 24 hours to notify Human Resources in writing of their decision to accept or decline telework. (Note: employees who decline telework, may be ineligible for benefits under this temporary policy)
- If an employee is not eligible for telework, Human Resources will process the application and make a final determination regarding approval or denial of the request, as well, as the amount of pay and duration of leave the employee is entitled to. (Note: employees may receive approval of leave prior to confirmation of amounts of pay and duration of leave).
- All requests are subject to approval by Human Resources.
- Incomplete applications, insufficient documentation, or a failure to timely respond to requests for more information may delay the processing of requested leave or result in a forfeiture of the request.
- Inquiries relating to EFMLA or EPSL may be directed to HR-FEP@pbcgov.org.