

# OKGC

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## **FREQUENTLY ASKED QUESTIONS REGARDING PAID LEAVE MANDATED BY FFCRA\***

### **1. Generally, what paid leave benefits are mandated by the Families First Coronavirus Response Act (FFCRA)?**

The FFCRA provides for up to 80 hours of emergency paid sick leave (EPSL) for full-time employees, and the equivalent of two weeks of EPSL for part-time employees for certain COVID-19-related reasons. The FFCRA also provides expanded FML (EFML) for employees who have worked for 30 or more calendar days who are needed to care for a son or daughter whose school, place of care is closed or care provider is unavailable due to COVID-19. The first two weeks of EFML are unpaid, but an employee may substitute paid EPSL or other existing paid leave. The remaining 10 weeks are paid.

### **2. Are all local public entities required to comply with the leave provisions in the FFCRA?**

Yes. The EPSL and EFML provisions apply to local governments with one or more employees.

### **3. Who is eligible for EPSL?**

Any full-time or part-time employee with a qualifying need for leave is eligible for EPSL, but an employer may elect to exclude healthcare providers or emergency responders.

### **4. When may an employee take EPSL?**

Full-time or part-time employees who are unable to work or telework may take EPSL for any one of five reasons. They are as follows:

- (1) The employee is subject to a federal, state or local quarantine or isolation order relating to COVID-19;
- (2) The employee has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19;

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- (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- (4) The employee is caring for an individual who is subject to a quarantine or isolation order or who has been advised by a healthcare provider to self-isolate;
- (5) The employee is caring for a son or daughter whose school or daycare has been closed due to COVID-19 or the child care provider is unavailable for reasons related to COVID-19;
- (6) The employee is experiencing any other substantially similar condition specified by the Secretary of HHS in consultation with the Secretary of the Treasury and the Secretary of Labor.

**5. Are there caps on EPSL compensation?**

Yes. EPSL taken for reasons (1) through (3) is paid at 100% of an employee's regular rate of pay, but is capped at \$511 per day or \$5,110 in the aggregate. EPSL taken for reasons (4) through (6) is paid at 2/3 of an employee's regular rate, but capped at \$200 per day or \$2,000 in the aggregate.

**6. How much EPSL is available?**

Full-time employees are eligible for up to 80 hours of EPSL. Part-time employees are eligible for EPSL in an amount which is equivalent to the average number of hours worked in a 14 day period.

**7. Who is eligible for EFML?**

Any employee who has been employed for 30 or more calendar days is eligible.

**8. When may an employee take EFML?**

An employee may take EFML if the employee is unable to work or telework because the employee is needed to care for a son or daughter whose school or place of care has been closed or whose childcare provider is unavailable due to COVID-19. An employee is not eligible any day there is another individual caring for the son or daughter.

**9. How much EFML may an eligible employee take?**

An employee may take up to 12 weeks of EFML. If an employee has already exhausted a portion of the employee's regular FML benefits during the 12-month period (as

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defined by the employer's policy), then the employee may only take the remaining portion of the twelve (12) weeks as EFML or FML.

**10. What portion of the EFML is paid?**

The first two weeks of EFML are unpaid, but an employee may substitute EPSL (or other existing paid leave) for the first two weeks. The remainder is paid at 2/3 the employee's regular rate, and capped at \$200 per day and \$10,000 in the aggregate.

**11. Must health insurance benefits be maintained while an employee is on leave?**

Yes. The employer must maintain health insurance benefits under the same terms and conditions while an employee is on EPSL or EFML.

**12. Who is a healthcare provider?**

A healthcare provider (for purposes of determining which employees may be excluded from leave benefits) is anyone employed at any doctor's office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity. This includes any permanent or temporary institution, facility, location, or site where medical services are provided that are similar to such institutions.

This definition includes any individual employed by an entity that contracts with any of the above institutions, employers, or entities to provide services or to maintain the operation of the facility. This also includes anyone employed by any entity that provides medical services, produces medical products, or is otherwise involved in the making of COVID-19 related medical equipment, tests, drugs, vaccines, diagnostic vehicles, or treatments. This also includes any individual that the governor determines is a health care provider necessary for the state's response to COVID-19.

**13. Who is an emergency responder?**

An emergency responder (for purposes of determining which employees may be excluded from leave benefits) is an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, child welfare workers and service providers, public works personnel, and persons with skills or training in operating specialized

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equipment or other skills needed to provide aid in a declared emergency, as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. This also includes any individual that the governor determines is an emergency responder necessary for the state's response to COVID-19.