

**Families First Coronavirus Response Act (FFCRA) FAQs
Regarding Emergency Paid Sick Leave Act (EPSLA) and Emergency Family and Medical
Leave Expansion Act (EFMLEA)**

General Questions

1. Where can I find additional information regarding on COVID-19 Administrative Regulations and Leave options?

All information including the two new Administrative Regulations and Standard Operating Procedures can be found on the [Maricopa Together website](#) under [Policies, Procedures, and Forms](#).

2. Who is considered an employee?

Full-time and part-time employees, employees on leave, temporary employees who are jointly employed by the MCCCCD and another employer are considered employees.

3. Who are individuals I can take care of during this pandemic?

You cannot take Emergency Paid Sick Leave (EPSL) to care for someone with whom you have no personal relationship. Rather, the individual must be an immediate family member, roommate, or a similar person with whom you have a relationship that creates an expectation that you would care for the person if he or she self-quarantined or was quarantined. Additionally, the individual being cared for must: (a) be subject to a Federal, State, or local quarantine or isolation order as described above; or (b) have been advised by a health care provider to self-quarantine based on a belief that he or she has COVID-19, may have COVID-19, or is particularly vulnerable to COVID-19.

4. Do the administrative regulations support parents, spouse, etc.?

All family members are covered under EPSL. EFMLEA is only related to COVID-19 school or daycare closures.

5. Are new hires eligible to use the Emergency Paid Sick Leave and Emergency Family and Medical Leave?

Yes, the employee is eligible for EMLEA if he/she has been employed for at least 30 calendar days by MCCCCD prior to the day that the employee's leave would begin.

An employee is eligible for EPSL after one day of employment.

6. Why is MCCCCD only extending the Emergency Paid Sick Leave and Emergency Paid Family and Medical Leave until March? Why not extend them to the end of the semester or the end of the fiscal year given the rise in cases?

The Department of Labor issued new guidance that enables employers to voluntarily provide the FFCRA leave programs from January 1, 2021 through March 31, 2021. MCCCCD is in compliance with that new guidance.

President Biden is scheduled to propose a Coronavirus Relief Plan that would extend the FFCRA leave programs through September 30, 2021. We are monitoring this proposal closely and will update our administrative regulations accordingly. If new regulation is passed, the expiration date will change to remain in compliance.

7. How do I request EPSL or EFMLEA?

You can request leave by emailing the leaves team at fmla-leaves@domain.maricopa.edu.

8. How is this leave different from normal sick leave?

EPSL and EFMLEA are for absences related to COVID-19. Additionally, COVID-19 leave is not carried over, is not accrued, and is in addition to any regular sick leave.

9. (For Supervisors) How do I know if my employees have completed their Annual Acknowledgement?

Supervisors can run reports for Annual Acknowledgement (and other training) completion can be found on page three (3) of the following ELC for Supervisors Quick Reference Guide (QRG). Supervisors can run reports for direct (or indirect) reports.

https://maricopa.learn.taleo.net/files/upload/tts/elc/ELC_For_Supervisors_QRG.pdf

Emergency Family and Family Medical Leave Expansion Act (EFMLEA)

1. Who is considered a son or daughter?

The EFMLEA adopts the same definition of “son or daughter” as the Family and Medical Leave Act (FMLA). The FMLA expressly includes children 18 years of age or older and incapable of self-care because of a mental or physical disability. 29 U.S.C. 2611(12).

2. Can I work a flex schedule instead of taking EFMLEA to care for my child that is home from school?

Yes, if approved by your supervisor. You are encouraged to work with your supervisor to establish a schedule to perform your work. This can include unconventional times, while tending to family and other responsibilities, such as teaching children whose schools are closed for COVID-19 related reasons.

For example, your supervisor may agree with you to perform telework for COVID-19 related reasons on the following schedule: 7-9 a.m., 12:30-3 p.m., and 7-9 p.m. on weekdays. This could allow you, for example, to help teach children whose school is closed or assist the employee’s parents who are temporarily living with the family, reserving work times when there are fewer distractions.

You will be paid for all hours you actually work each day.

3. I already used 12 weeks of the EFMLEA. Can I use another 12 weeks of EFMLEA between January 1 and March 31, 2021?

No. You are not entitled to an additional 12 weeks of EFMLEA. You may apply for a Personal Leave.

4. I only used a couple of weeks of the EFMLEA between April 1 and December 31, 2020. Can I use the remaining balance of the 12 weeks now?

Yes. You may be eligible to use the remaining balance between January 1 and March 31, 2021.

5. What if I have already used FMLA this year?

If you have already taken FMLA, you will not be able to take the full 12-weeks of EFMLEA. You are limited to a total of 12-weeks of FMLA and EFMLEA combined in a leave year.

For example, if you took three weeks of FMLA during your leave year, you would only have nine weeks of EFMLEA available.

Emergency Paid Sick Leave (EPSL)

1. I am under quarantine due to travel and have work that can be performed at home. Can I take EPSL anyway?

If (a) you have work to perform; (b) the college permits you to to perform work from the location where you are being quarantined or isolated; and (c) there are no extenuating circumstances that prevent you from performing work, you cannot take EPSL.

For example, if you are granted permission to work from home, you are not eligible to not take EPSL.

2. I'm awaiting the results of my COVID-19 test. Can I take EPSL?

If you are awaiting the results of a test, are well enough to work, and have telework available, you cannot take EPSL because: (a) you have work to perform; (b) the college permits you to perform that work from the location where you are quarantined or isolated; and (c) there are no extenuating circumstances that prevent you from performing work.

3. I am experiencing severe symptoms from the COVID-19 vaccination. Can I take EPSLA?

Yes, an employee experiencing severe symptoms as a reaction to the COVID-19 vaccination may use the emergency paid sick leave. Documentation will be required.

4. When can I take EPSL?

- If you are unable to work or telework because you are subject to a Federal, State, or local COVID-19 quarantine or isolation order.
- If you have been advised by a health care provider to self-quarantine for a COVID-19 reason. This self-quarantine must be based on the health care provider's belief that you have COVID-19, may have COVID-19, or you are particularly vulnerable to COVID-19. And, self-quarantining must prevent you from working.
- If you are experiencing symptoms of COVID-19 and seeking a medical diagnosis. These symptoms are identified by the US Centers for Disease Control and Prevention (CDC) as: fever, dry cough, shortness of breath, or other COVID-19 symptoms identified by the CDC. Additionally, paid sick leave taken for this reason is limited to the time you are unable to work because you are taking affirmative steps to obtain a medical diagnosis. Thus, if you are experiencing COVID-19 symptoms, you may take paid sick leave, for time spent making, waiting for, or attending an appointment for a test for COVID-19.
- If you are unable to work or telework because you need to care for an individual who is either: (a) subject to a Federal, State, or local quarantine or isolation order; or (b) has been advised by a health care provider to self-quarantine due to

concerns related to COVID-19.

- If you are unable to work because the employee needs to care for his or her son or daughter if: (a) the child's school or place of care has closed; or (b) the child care provider is unavailable, due to COVID-19 related reason. You can take EPSLA only when you need to, and actually are, caring for your child. If there is another suitable individual, a co-parent, co-guardian, or the usual child care provider, available to provide the care, you cannot take EPSL.
- If you are unable to work because you are 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.

However, if: (a) you have work to perform; (b) the employer permits the employee to perform that work from the location where the employee is being quarantined or isolated; and (c) there are no extenuating circumstances that prevent the employee from performing that work such as serious COVID-19 symptoms, you cannot take EPSL.

5. I'm worried about being exposed and want to self-quarantine. Can I be paid EPSL?

No. You may not take paid sick leave to self-quarantine without seeking a medical diagnosis.

6. How much EPSL do I have available?

You have two weeks of leave available. Balances for part-time employees is calculated by your average hours of work. Full-time employees are entitled to 80 hours

7. I used two week (80 hours) of EPSL between April 1 and December 31, 2020. Can I take another 80 hours of EPSL between Jan 1 and March 31?

No. You are entitled to 80 hours of EPSL. If you have already used a total of 80 hours between April 1 and December 31, you are not entitled to any additional hours.

8. I only used a few hours of EPSL in September 2020, but now need to take more. Am I able to EPSL now?

Yes. Full-time employees are entitled to a total of up to 80 hours of EPSL. If you used any hours between April 1 and December 31, 2020, you are able to use the remaining hours between January 1 and March 31, 2021.

9. Can I use regular sick leave if I have exhausted the 80 hours of EPSL?

Yes. You are entitled to use any accrued sick leave and/or vacation time. You may also apply for advanced sick leave or compassionate leave if you have exhausted all paid accruals.

10. Will the administrative regulation be retroactive for this year? We are a few weeks into January already and many staff members are becoming sick with COVID-19?

The effective date will be January 1, 2021 for both EPSL and EFMLEA. If you have used your sick and/or vacation accruals for a COVID related absence, please email the leaves team at fmla-leaves@domail.maricopa.edu to request either type of leave.

11. I have not exhausted my EPSL and/or EFMLEA hours. However, starting January 1, I was required to use my sick and vacation leave accruals for COVID-19. Am I able to have those sick leave accruals and/or vacation accruals credited to my sick leave bank and/or vacation accrual bank?

Yes, all confirmed COVID absences in which the employee used regular sick or vacation accruals between January 1 and January 22, 2021 will be adjusted to reflect EPSL or EFMLEA, whichever is applicable. Payroll adjustments will be made within the pay period in which the COVID leave is approved. If the leaves team approves the COVID leave after the cutoff for time and labor in payroll, the adjustment will be on the following pay period.

Please contact the Leaves Department at fmla-leaves@domail.maricopa.edu to make this request. Include detailed information about the original request.