

Frequently Asked Questions
Families First Coronavirus Response Act (FFCRA)
Emergency Paid Sick Leave

Q. What is Emergency Paid Sick Leave?

A. Emergency Paid Sick Leave is a paid leave benefit that has been included in the FFCRA. It provides Paid Sick Leave, above and beyond what the City provides, to employees who are unable to perform assigned work for one of the qualifying reasons, including new hires who have been with the City for less than 90 days. Full time employees are eligible for up to 80 hours of Emergency Paid Sick Leave, part-time and temporary employees are eligible for the up to the number of hours that employee would work during a two-week period, and employees in the Fire Department on a 56 hour schedule are eligible for up to 112 hours. The qualifying reasons are listed on the REQUEST FOR EMERGENCY PAID SICK LEAVE form located on Employee Benefits page of the City website.

Q. When does Emergency Paid Sick Leave become available for use?

A. Emergency Paid Sick Leave is available beginning April 1, 2020 and may be used for qualifying reasons through December 31, 2020.

Q: I experienced a qualifying reason under FFCRA before April 1, 2020 and used my own accrued and available leave time. Will I get my leave time back?

A: No. Neither the Emergency Paid Sick Leave nor Emergency FMLA Leave provisions are retroactive. Any absences for otherwise qualifying reasons occurring before April 1, 2020, were either charged against your accrued and available leave balances, borrowed from future leave balances as provided in the City Emergency Orders, charged as administrative leave time pursuant to an effective City Emergency Order, or charged as LWOP.

Q: If I am an emergency responder, may I use Emergency Paid Sick Leave?

A: The FFCRA permits public sector entities to exclude emergency responders from the Emergency Paid Sick Leave benefit, however, the City of Fresno has chosen to extend Emergency Paid Sick Leave to emergency responders under certain circumstances, and subject to the operational needs of critical emergency services. Please consult the City's Emergency Order 2020-10, or Personnel Services, for more information on Emergency Paid Sick Leave for emergency responders.

Q What is the process for obtaining approval for use of Emergency Paid Sick Leave?

A. Let your supervisor know as soon as you believe you are experiencing a qualifying reason. You must let your supervisor know which qualifying reason you are experiencing and express your desire to use Emergency Paid Sick Leave. To obtain approval you must complete the REQUEST FOR EMERGENCY PAID SICK LEAVE form located on Employee Benefits page of the City website, attach supporting documentation and submit

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both to your supervisor for processing in the Department. If you are unable to complete and submit the form on your own because you do not have access to a computer, you may request a supervisor fill out and submit the form on your behalf. However, you may be required to acknowledge the contents of the form as soon as reasonably thereafter and complete any statements required by the FFCRA.

Q. What type of documentation is required?

A. It depends on the qualifying reason for the leave. If you have received a quarantine or isolation order then you are to provide the name of the government entity that issued the order or a copy of the order. If you have received a doctor's note provide a copy of the note verifying that the health care provider has advised you to self-quarantine due to concerns related to COVID 19. Finally, if a school or child care provider has closed then provide a copy of the notice indicating the dates of closure along with the name of the son and/or daughter being cared for and affirming that no other suitable person will be caring for the son and/or daughter. If you are caring for a family member for a COVID-19 related, qualifying reason, you must submit appropriate documentation supporting the need for leave (e.g. a physician's statement your spouse has tested positive for COVID-19).

Q. What if I stay home or have been sent home based on the mandatory self-screening questionnaire?

A. You must indicate you are absent pursuant to the County Health Order on the REQUEST FOR EMERGENCY PAID SICK LEAVE form. In addition to the request for FFCRA leave, you will need to comply with the reporting requirements to your supervisor. You need to attach the completed Screening Checklist indicating which symptoms you are displaying.

Q. What will my Supervisor do with the request form and documentation?

A. Your Supervisor will review the documentation to ensure it is consistent with the reason for the request. Your Supervisor will note when you are unavailable for work and send the paperwork to Personnel Services for approval. Your department will be notified once the paperwork is approved so your Department can correctly code your absence..

Q. Should we be listing on a leave request that the absence is COVID-19 related? What about HIPPA laws?

A. Medical information communicated by the employee is confidential by law. Employees may be required to disclose/discuss specific symptoms, consistent with the County Health Order, to determine eligibility. Medical documentation, information regarding symptoms, and/or diagnostic information related to COVID-19 will be kept confidential consistent with existing state and federal law.

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Q. What if I fail to submit the REQUEST FOR EMERGENCY PAID SICK LEAVE form, or fail to submit required documentation?

A. An employee will not be approved for Emergency Paid Sick Leave until the REQUEST FOR EMERGENCY PAID SICK LEAVE form is submitted and approved, along with all required documentation. If an employee fails to submit the form and/or fails to submit required documentation, the employee will either use their own accrued and available leave, or, if no leave is available, will be placed on a leave without pay status.

Q. Are employees entitled to 80 hours of Emergency Paid Sick Leave per incident, if there are multiple qualifying incidents for the duration of the COVID-19 emergency?

A. No. The FFCRA provides a grand total of 80 hours of Emergency Paid Sick leave even if an employee experiences multiple qualifying reasons beginning April 1, 2020, and ending on December 31, 2020. Employees who have exhausted their Emergency Paid Sick Leave allotment and who experience what would otherwise be a qualifying event may use their own leave balances, may borrow from future leave balances consistent with the City's Emergency Orders, or may be placed on a leave without pay status consistent with City rules.

Q. Are Full Time and Permanent Part Time employees able to coordinate personal leave banks with Emergency Paid Sick Leave?

A. Yes, employees may use their available leave banks in conjunction with Emergency Paid Sick Leave in order to reach 100% of their regular rate of pay. Employees must authorize integration with existing leave banks when the employee submits the REQUEST FOR EMERGENCY PAID SICK LEAVE form.

Q. Are employees allowed to take Emergency Paid Sick Leave intermittently while teleworking?

A. Yes, if you are unable to telework your normal schedule of hours due to child care needs pursuant to the FFCRA, and with the agreement of the department, you may use Emergency Paid Sick Leave intermittently.

Q. Do employees who are 65 years of age or older or those employees who are vulnerable due to chronic conditions as identified by the Centers for Disease Control have to use their own leave time if they are not experiencing a qualifying reason for Emergency Paid Sick Leave?

A. Employees who are vulnerable should not assume they are ineligible for Emergency Paid Sick Leave. If the employee's physician directs the employee to self-isolate/self-quarantine due to a health condition rendering the employee susceptible to COVID-19, the employee is eligible for Emergency Paid Sick Leave, provided the employee submits supporting documentation. Questions concerning eligibility can be addressed

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confidentially with Personnel Services. If however, they do not meet eligibility they would use their accrued leave or request a leave advance if needed.

Q. The only reason I am staying home is due to the Shelter in Place order, so do I have to use my own leave time?

A. Except for employees who are emergency responders or those who are able to telework, an employee who is sheltering in place pursuant to a federal, state, or local order may qualify for Emergency Paid Sick Leave, or may request use of their accrued paid leave.

Q. If I am told by my Supervisor to go home do I have to use my own leave time?

A. If you are sent home due to displaying symptoms of COVID-19, answering in the affirmative to the County's mandatory self-screening checklist, or because you have been deemed to have had close contact with another employee or person suspected of being COVID-19 positive, you are eligible for Emergency Paid Sick Leave. Indicate the reason you were sent home and the authority (i.e. answered in the affirmative to the afternoon self-screening checklist, sent home pursuant to the County Health Order by my supervisor.) If you are sent home by your supervisor for reasons unrelated to COVID-19, you will either use your own leave time, or be placed on administrative leave in accordance with existing processes.

Q. Must you be able to do telework in order to receive the 80 hours of leave due to childcare needs?

A. No. If you are unable to work or telework due to childcare needs consistent with the FFCRA qualifying reason, you will be eligible for 80 hours of Emergency Paid Leave at 2/3 the regular rate of pay up to \$200 per day and \$2,000 in total. Additionally, employees able to work or telework for a portion of the day or week may be eligible for intermittent Emergency Paid Sick Leave, if the reason for that leave is caring for their son and/or daughter consistent with the requirements for this qualifying reason. Intermittent use of Emergency Paid Sick Leave is contingent on mutual agreement between the department and the employee.

Q. Will I continue to accrue sick and vacation while using Emergency Paid Sick Leave under the FFCRA?

A. Yes, as long as an employee is paid status they continue to accrue their paid leave.

Q. Can employees with childcare issues just notify the department that they will be gone for 12 weeks (or however long their school is closed), or do they have to call in every day?

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A. Employees who are unable to work or telework due to closure of a school or child care facility must notify their supervisor and complete and submit a REQUEST FOR EMERGENCY PAID SICK LEAVE with the required supporting documentation. If the duration of absence is greater than two weeks for this reason, the employee should also complete a REQUEST FOR EMERGENCY FAMILY MEDICAL LEAVE (FMLA) form. Once approved for continuous leave under either the Emergency Paid Sick Leave provision, or the Emergency FMLA provision, the employee need not report their absence daily. Employees approved for intermittent Emergency Paid Sick Leave and/or Emergency Paid FMLA will need to report their absences as normally required, unless the department and the employee agree in advance on a fixed schedule (e.g. Employee will use intermittent Emergency Paid Sick Leave on Mondays, Wednesdays, and Fridays for the next three weeks).

Q. Do employees that are off for childcare issues have to be available to the department by phone?

A. No. Employees who have been approved for Emergency Paid Sick Leave are not required to work, or be available for work, for the duration of the approved leave.

Q: Will I be subject to discipline for using Emergency Paid Sick Leave?

A: No. Emergency Paid Sick Leave is protected leave by law and you will not be subject to discipline, or any other adverse employment action, due to your use of this leave.

Q: Will Emergency Paid Sick Leave affect my Health Reimbursement Account?

A: No. Emergency Paid Sick Leave is protected leave.