

NOTE: Information regarding Covid-19 is continuing to change rapidly at the State and Federal Level. The information below is as of the date it is issued.

Two Federal Acts were recently passed that are applicable to the City of Flagstaff under the Families First Coronavirus Response Act (FFCRA). This Question and Answer (Q & A) has been developed to provide direction on the utilization of benefits provided under those new Federal Acts.

The Acts

- Emergency Paid Sick Leave Act – EPSL
- Emergency Family and Medical Leave Expansion Act – EFML

General Information

Q. When are these effective and when do they expire?

A. The Acts are effective April 1, 2020 and will expire December 31, 2020.

Q. Which City of Flagstaff (CoF) employees are covered by these Acts?

A. EPSL: All employees are eligible regardless of status or date of hire.

EFML: All employees who have been employed by the City for at least 30 days.

Note: for both EPSL and EFML, only employees who are currently scheduled to work are eligible for the expanded leave. If an employee’s worksite is closed and/or an employee is not scheduled to work any hours, EPSL and EFML are not available.

Q. Will Fire and Police emergency responders be included?

A. Yes, although the Acts allow the city to exclude emergency responders.

Q. Are part-time employees eligible?

A. Yes, the amount of leave is pro-rated based on the employee’s average work week.

Q. If I have not exhausted the two weeks (equivalent) of PHEL that the CoF granted is that still available for me to use?

A. Yes, and the criteria for use is the same as previously communicated. Wherever the use of accrued leave is indicated below, available PHEL would also be one of the available options.

Q. What if my facility is closed and/or the CoF has no work for me and I am not able to telework?

A. You are not eligible for EPSL or EFML benefits. You may be eligible to apply for unemployment benefits. For additional information please refer to:

<https://www.careeronestop.org/LocalHelp/UnemploymentBenefits/Find-Unemployment-Benefits.aspx>

Q. May I use ESPL if the CoF only has partial work available for me?

A. No as indicated above you are not eligible for EPSL or EFML if work is not available for you. You may use any unused Public Health Emergency Leave (PHEL) hours the CoF previously granted or eligible accrued leave to make up the difference. You may also be eligible for some unemployment benefits. For additional information please refer to:

<https://www.careeronestop.org/LocalHelp/UnemploymentBenefits/Find-Unemployment-Benefits.aspx>

- Q. What reasons might qualify me for using EPSL or EFML?
- A. 1) You are subject to a Federal, State, or local quarantine or isolation order related to Covid-19.
- 2) You have been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- 3) You are experiencing symptoms of COVID-19 and have been advised by a medical provider to self-assess at home.
- 4) You are caring for an individual who either is subject to an order described in paragraph (1) or has been advised as described in paragraph (2).
- 5) You are caring for a son or daughter if the school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19 or an adult son or daughter with a mental or physical disability as defined by the FMLA

Emergency Paid Sick Leave (EPSL)

- Q. What does the EPSL benefit provide?
- A. Two weeks (capped at 80 hours regardless of work schedule and pro-rated for part-time) of paid leave because you are unable to work or telework and there is work available for you.

- Q. How much pay will I receive if taking EPSL?
- A. For reasons 1-3 above you will receive 100% of your normal rate of pay for the hours you were scheduled to work. The City is permitted under the Act to cap your 100% pay at \$511 per day, or \$5,110 total over the entire sick leave period, but the city has chosen NOT to do this. No caps will be imposed for 100% pay under EPSL.

For reasons 4-5 above you may choose one of the following two (2) options:

- Use your eligible accrued leave to maintain your income at 100%
- Receive 2/3 of your regular rate of pay for the hours you were normally scheduled to work. Supplementing this pay with accrued leave is NOT permitted.
 - NOTE: As the employer we are permitted to cap your 2/3 pay at \$200 per day or \$2,000 over the entire two-week period but the City has chosen NOT to do this. No caps will be imposed for 2/3 pay under EPSL.

- Q. May I take EPSL intermittently?
- A. It depends. If you are teleworking and you and your supervisor agree on an intermittent telework schedule you may use EPSL intermittently. A schedule should be developed and adhered to. Intermittent leave may be used in four (4) hour increments only.

However, if you are unable to telework and scheduled to work at your regular worksite, EPSL can only be used intermittently when the reason you are taking EPSL is for reason #5 above. Unless you are teleworking, once you begin taking EPSL for one or more of the other qualifying reasons you must continue to take ESPL each day until you either 1) use the full amount of EPSL, or 2) no longer have a qualifying reason for taking EPSL. This limitation is imposed because if you are sick or possibly sick with COVID-19, or caring for an individual who is sick or possibly sick with COVID-19, the intent of FFCRA is to provide such paid leave as necessary to keep you from spreading the virus to others in the workplace.

- Q. Once I start taking EPSL do I have to use it all?
- A. No, if you no longer have a qualifying reason before you exhaust your 80 (prorated for part time) hours of EPSL you may take any remaining EPSL if another qualifying reason occurs until December 31, 2020.

Extended Family Medical Leave (EFML)

NOTE: To maintain safe staffing levels throughout our essential services, please consider ALL of your options for alternate childcare including the Governor’s Childcare Program should it become available in our community.

- Q. What does the EFML benefit provide?
- A. A total of twelve (12) weeks (see below for further details) of leave for reason #5 above. Employees must have been employed by the City at least 30 days prior to the first day of the requested leave.
- Q. How much EFML can I request?
- A. EFML can be requested for up to a total of twelve (12) weeks. The first two weeks are either unpaid or you may use EPSL as described above or other eligible accrued leave if this benefit has been exhausted. EFML then provides for up to an additional ten (10) weeks after those first two (2) weeks for a total of twelve (12) weeks.
- Q. If I have already used traditional Family Medical Leave in the past twelve (12) months does the Act give me another twelve (12) weeks of EFML?
- A. No. You are only eligible for a total of twelve (12) weeks of Family Medical Leave, EFML and traditional FML combined in a twelve (12) month period as defined in CoF policy. Human Resources can assist you in determining if you have eligible FML leave remaining. However, even if you have exhausted your eligible twelve (12) weeks of FML, you are still eligible to be approved for the EPSL benefit.
- Q. Can EFML be used intermittently?
- A. Yes, if you and your supervisor agree to an intermittent on-site or telework schedule. A schedule should be developed and adhered to. Intermittent leave may be used in 4 hour increments only.
- Q. How much will I be paid if approved for EFML?
- A. The first two weeks of EFML are unpaid, or you may use available PHEL, ESPL or other eligible accrued leaves as described above. The following ten (10) weeks of EFML are paid. Because EFML is only available for reason #5 you may choose one of these two (2) options:
- Use your eligible accrued leave to maintain your income at 100%
 - Receive 2/3 of your regular rate of pay for the hours you were normally scheduled to work. Supplementing this pay with accrued leave is NOT permitted.
 - NOTE: The City is permitted under the Act to cap your 2/3 pay at \$200 per day and \$10,000 total over the entire ten-week period. However, the City has chosen NOT to do this. No caps will be imposed for 2/3 pay under EFML.
 - If you elect to begin EFML using your eligible accrued leave but do not have enough eligible leave to cover the entire approved EFML period you may convert to the 2/3

option at that time. You are eligible to apply for Donated Leave under the CoF current policy which requires you to have exhausted all other eligible leave first.

Q. Consistent with traditional Family Medical Leave, will documentation be required to request EFML?

A. Yes, a form will be provided and must be submitted prior to or at the onset of the leave if the need is emergent.

Q. What if I need traditional Family Medical Leave due to reasons 1-3 above?

A. You may request traditional Family Medical Leave and all of the current provisions and requirements remain in place.

Q. If I am only receiving 2/3 of my pay due to taking ESPL or EFML for reasons 4-5 above, may I supplement my remaining wages with other leave?

A. No. You may choose to use your eligible accrued leave instead as noted above.

Q. What Payroll codes should be used to designate use of EPSL or EFML?

A. The following codes have been established to assist with tracking:

- E1 should be coded for using EPSL for reasons 1-3 (paid at 100% of regular rate of pay)
- E2 should be coded for using EPSL for reasons 4-5 IF electing to be paid 2/3 regular rate of pay**
- E3 should be coded for using EFML (available for reason 5 only) IF electing to be paid 2/3 regular rate of pay**
- **If electing to use eligible accruals for EPSL (reasons 4-5) or for EFML (reason 5) the applicable FML codes should be used (e.g. FML PTO, FML Vacation, etc.)