Information and FAQ’s For Employees

On March 19, 2020, President Trump signed into law H.R. 6201, the Families First Coronavirus Response Act (FFCRA). This law provides free coronavirus testing, expands food assistance and unemployment benefits, provides emergency paid sick leave and expands the family and medical leave act to support employees in this unprecedented time. Expanded leave benefits will be in effect until December 31, 2020. The following is information regarding paid leave offered under the Families First Coronavirus Response Act, effective April 1, 2020.

Emergency Family and Medical Leave Expansion Act (EFMLA)
Effective April 1, 2020, H.R. 6201 temporarily adds a paid leave under normally unpaid FMLA, Emergency Family and Medical Leave (EFMLA). The following are qualifying reasons an employee may be eligible for EFMLA:

1. An eligible employee unable to work due to a need to care for a son or daughter of the employee because the school or childcare provider is closed or unavailable is entitled to up to 12 workweeks of leave.
   a. Children must be under the age of 18.
   b. The closure or unavailability must be due to a Covid-19 related public health emergency declared by a Federal, State, or local authority.
   c. School is defined as “elementary” or “secondary” school.
   d. “Child care provider” means a provider who receives compensation for providing child care services on a regular basis.

2. An employee is deemed eligible if he or she has been employed for at least 30 calendar days.

3. Eligible employees are entitled to 12 workweeks of leave under the following conditions:
   a. The first 10 days are unpaid unless the employee substitutes vacation, personal leave, or sick leave for unpaid FMLA.
   b. The remainder of the leave is paid at not less than 2/3 pay, which shall not exceed $200 a day and $10,000 total.
   c. If the employee has used FMLA in the last 12 months, he/she may only use up to the remaining balance of the annual 12 weeks.

Emergency Paid Sick Leave Act
The Family First Coronavirus Response Act provides for Emergency Paid Sick Leave to an employee who is unable to work for specified reasons. The following are qualifying reasons an employee may be eligible for Emergency Paid Sick Leave:

1. In order to be eligible for Emergency Paid Sick Leave an employee must be deemed unable to work for one of the following reasons related to Covid-19:
a. The employee is subject to a quarantine or isolation order by Federal, State or local government due to COVID-19.

b. The employee has been advised to self-quarantine by a healthcare provider due to COVID-19.

c. The employee is experiencing COVID-19 like symptoms and is seeking medical diagnosis.

d. The employee is caring for someone subject to (a) or (b).

e. The employee is caring for the employee’s son or daughter age 18 or under whose school or childcare is closed or unavailable “due to Covid-19 precautions”.

f. The employee is experiencing a “substantially similar condition” as specified by the Secretary of Health and Human Services.

2. Full time employees are eligible for 80 hours of Emergency Paid Sick Leave; part-time employees get a prorated amount.

3. Effective April 1, 2020, Emergency Paid Sick Leave is available immediately (not retroactively), regardless of how long the employee has been employed.

4. Compensation for Emergency Paid Sick Leave is dependent upon the reason for the leave.

   a. If the leave is due to a COVID-19 related government quarantine or isolation order or healthcare provider’s recommendation for a quarantine or isolation of the employee, the employee is paid based on the employee’s regular rate of pay, not to exceed $511 per day and a total of $5,111.

   b. If the employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis, the employee is paid based on the employee’s regular rate of pay, not to exceed $511 per day and a total of $5,111.

   c. If the leave is due to the employee caring for someone under COVID-19 related quarantine or isolation orders, the employee is paid based on two-thirds (2/3) of the employee’s regular rate of pay, up to a maximum of $200 per day and a total of $2,000.

   d. If the leave is due to the employee caring for the employee’s son or daughter age 18 or under whose school or childcare is unavailable due to the COVID-19 emergency, the employee is paid based on two-thirds (2/3) of the employee’s regular rate of pay, up to a maximum of $200 per day and a total of $2,000.

5. For leaves under items a, b, or c, please provide a doctor’s confirmation of the applicable circumstance.

6. An eligible employee may first use Emergency Paid Sick Leave before using any other paid leaves.

**How do I apply for Emergency Paid Sick Leave?** To apply for the Emergency Paid Sick Leave, please complete the FFCRA Leave Request found on the HR website under ‘Resources’.

**What other leave options would be available after the Emergency Paid Sick Leave is used?** If you have exhausted the Emergency Paid Sick Leave, you would be entitled to use the appropriate leave options as outlined in your Collective Bargaining Agreement. If you are a classified employee, you can submit a doctor’s note, and you would use your accumulated sick leave. If you exhaust all your sick leave, you would be placed in Extended Illness Leave. If you are a certificated employee, you would exhaust all of your accumulated sick leave and then go into differential pay.

**What if I am afraid of being exposed to the virus?** Because we are public employees, we are considered disaster service workers and would be required to report to work. However, please know the District is committed to our safety as well as the safety of our students, and our supervisors do not intend to place us in a situation where we are in danger.
What If I test positive? If you receive positive test results, stay home and contact your health care provider, your supervisor, and Suzanne Wheeler Human Resources Specialist, at (949) 234-9362 or sjwheeler@capusd.org who will share your information with Wendy Pospichal. Wendy is our liaison with the California Department of Health.

What if I develop flu or other symptoms? If you develop flu-like symptoms, including dry cough and fever, please contact your medical provider, and do not come to work. Notify your supervisor and Suzanne Wheeler, Human Resources Specialist, at (949) 234-9362 or sjwheeler@capusd.org, as soon as possible.

What if I have been in contact with someone who tested positive? If you feel you may have been in contact with someone who tested positive, you should first consult and follow the advice of your healthcare provider or public health department regarding the length of time to stay at home. If those resources are not available, you should remain at home for 14 days after last exposure. If you develop symptoms, you should remain home for at least ten days from the initial onset of the symptoms, and three days without a fever (achieved without medication) and improvement in respiratory symptoms (e.g., cough, shortness of breath).

What if someone at my site tests positive? Employees with remote work capabilities are expected to work from home if an office is closed due to a positive test. Each employee should consult with their manager for additional instructions. Should you have any questions or concerns, please contact Human Resource Services. You may also check the CDC COVID-19 website for additional information, and also check the local health department website.

CUSD cannot identify employee(s) who tested positive for the virus because of privacy laws. However, we will gather the names of those employees that worked in close proximity (within 6 feet for 15 minutes or more) during the 48 hours prior to infected employee showing symptoms, and contact them.

Resources for more information about COVID-19:
- CDC
- Orange County
- California Department of Health

Please note: The Families First Coronavirus Response Act is effective April 1, 2020 through December 31, 2020. If you believe you are eligible for Emergency Family and Medical Leave or Emergency Paid Sick Leave Act or have questions regarding the FFCRA, please contact Human Resource Services at (949) 234-9380. Please leave a contact number where you can be reached and someone will get back to you.

Respectfully,

Tim Brooks