

Notification Requirements

If you experience any symptoms consistent with COVID-19, you should immediately leave work (if applicable), notify your supervisor and the Office of Benefits (Benefits@pwcs.edu or 703.791.8050) and seek medical guidance from a healthcare provider.

Families First Coronavirus Response Act (FFCRA)

The Families First Coronavirus Response Act (FFCRA) is one of several federal laws that focuses on our needs in coping with our health and employment during this pandemic. The FFCRA introduces two new pay/leave benefits for employees with paid sick leave or expanded family medical leave for specified reasons related to COVID-19.

There are two main components of the Act: Emergency Paid Sick Leave (EPSL) and Emergency Family Medical Leave Expansion (EFMLA). These programs will add to other employee leave benefits (like FCPS sick accruals or the classic Family Medical Leave Act).

You can learn more about the FFCRA and your rights at this link: [FFCRA DOL Poster](#).

The Act provides many workers with paid leave due to COVID related illnesses/exposures and childcare/school closures. The law is effective April 1, 2020 and expires December 31, 2020.

Key Points

Emergency Paid Sick Leave (EPSL) and Emergency Family Medical Leave (EFMLA)

	Emergency Paid Sick Leave (EPSL)	Emergency Family Medical Leave (EFMLA)
Eligible employees	All employees who are expected to work or telework between April 1 – December 31, 2020.	All employees who have been employed 30 or more days and are expected to work or telework between April 1 – December 31, 2020.
Employees quarantined, subject to an isolation order or experiencing a COVID-19 related illness	Benefit: Up to two weeks of paid leave up to a maximum of \$511 per day.	EFMLA does not apply.

<p>Employees caring for a family member that has been quarantined, subject to an isolation order or experiencing a COVID-19 related illness.</p>	<p>Benefit: Up to two weeks of leave at 2/3rd pay up to a maximum of \$200 per day.</p>	<p>EFMLA does not apply.</p>
<p>Employees whose minor son or daughter’s school or childcare is closed due to COVID-19</p>	<p>Benefit: Up to two weeks of leave at 2/3rd pay up to a maximum of \$200 per day.</p>	<p>Benefit: Up to 10 weeks of leave at 2/3rd pay up to a maximum of \$200 per day.</p>

Following are Frequently Asked Questions (FAQ’s) concerning this legislation. Additional information can be found on the [Government Response to Coronavirus, COVID-19 website](#), the [Center for Disease Control and Prevention \(CDC\)](#) or the [Virginia Department of Health](#).

1. How does the FFCRA impact existing PWCS leave policies?

Answer: The FFCRA creates new emergency paid sick leave and paid FMLA obligations under EPSL and EFMLA. All other PWCS Leave Regulations continue to apply when applicable.

EPSL requires certain employers to provide up to two weeks of paid sick leave when an employee cannot work or telework due to certain circumstances related to COVID-19, including but not limited to:

- the need to quarantine or isolate as ordered by the government or advised by a healthcare practitioner;
- experiencing COVID-19 related symptoms and seeking medical diagnosis; and
- childcare issues related to school closures or the unavailability of caregivers because of the public health emergency.

EFMLA requires expanded job protected leave under the Family and Medical Leave Act (FMLA) to cover eligible employees who are unable to work or telework so that they may care for children if schools are closed or their caregivers are unavailable because of a public health emergency. Employees are eligible for EFMLA if they have been employed for at least 30 calendar days prior to the start of the requested leave.

Unlike traditional FMLA, EFMLA is paid leave after the first two work weeks of protected leave. Employees may elect to utilize EPSL or other available annual leave, personal leave, or unpaid vacation days during the unpaid period (first two work weeks). Pay shall be calculated based on: (I) an amount that is not less than two-thirds (2/3) of an employee's regular rate of pay and (II) the number of hours the employee would otherwise be normally scheduled to work. The employee may elect to supplement EFMLA pay with accrued annual leave, personal leave, or unpaid vacation days up to, but not exceeding, 100% of the employee's normal base pay. Sick leave may not be used to supplement EFMLA pay.

2. What is the duration of the FFCRA legislation?

Answer: The FFCRA takes effect on April 1, 2020 and will expire on December 31, 2020. The FFCRA's paid leave provisions apply to leave taken between April 1, 2020 and December 31, 2020. There are no 'rollover' provisions for these leave types. Unless the Act is extended by Congress, leave benefits under the Act will end on December 31, 2020.

3. What information may be collected from an employee to substantiate the employee's request for EPSL or EFMLA?

Answer: An employee must provide the following information prior to taking EPSL or EFMLA leave (as applicable):

- Employee's name.
- Date(s) for which leave is requested.
- Qualifying reason for the leave.
- Oral or written statement that the employee is unable to work because of the qualified reason for leave.
- The name of the government entity that issued the quarantine or isolation order.
- The name of the health care provider who advised the employee to self-quarantine due to concerns related to COVID-19.
- The name of the son or daughter being cared for.
- The name of the school, place of care, or child-care provider that has closed or become unavailable.
- An employee statement that no other suitable person will be caring for the son or daughter during the period for which the employee takes paid sick leave or expanded FMLA leave.

Employees will be required to complete applicable EPSL and/or EFMLA forms to initiate a request for benefits under the FFCRA. Forms may be obtained from the Office of Benefits and Retirement Services. The Office of Benefits and Retirement Services may be contacted by emailing Benefits@pwcs.edu.

4. If I exhaust my EPSL and/or EFMLA and still need time away from work for a COVID-related reason, will I be able to use my accrued leave to cover my absence?

Answer: A number of factors affect your ability to use leave outside of the provisions of the FFCRA. If you have exhausted your benefits under EPSL and/or EFMLA, you should contact the Office of Benefits and Retirement Services for further guidance. The Office of Benefits and Retirement Services may be contacted by emailing Benefits@pwcs.edu.

5. If I do not use EPSL or EFMLA by December 31, 2020, do the hours carry over into standard FMLA and sick leave benefits?

Answer: No, these benefits are not “transferable” for use under other PWCS leave regulations and there are no rollover provisions for these leave benefits under FFCRA. Unless the Act is extended by Congress, leave benefits under the Act will end on December 31, 2020.

Emergency Paid Sick Leave Act (EPSL)

1. What are the qualifying reasons to receive benefits under the Emergency Paid Sick Leave Act (EPSL) and what are the benefits?

Answer: EPSL provides paid sick leave when an employee is unable to work for a qualifying reason related to COVID-19. Paid leave under EPSL is for a maximum of two weeks and the payment amount is based on the employee’s scheduled work hours and reason for utilizing the leave. Qualification for EPSL is divided into three categories:

- I. **Employee is ill or quarantined due to COVID-19.** An employee may receive up to two weeks (10 working days) of pay (up to a maximum of \$511 per day) when the employee is unable to work for one of the following reasons:
 - Employee is subject to quarantine or isolation* due to an order by a federal, state or local entity;
 - Employee is advised by a healthcare provider to self-quarantine;
 - Employee is experiencing symptoms and is seeking medical diagnosis;
 - Employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services (HHS).

- II. **Employee is caring for individual who is ill or quarantined due to COVID-19.** An employee may receive up to two weeks (10 working days) of partial pay (2/3rd of regular pay up to a maximum of \$200 per day) when the employee is caring for an individual subject to a federal, state or local quarantine or isolation order* or the individual has been advised by a health care provider to self-quarantine.

III. **Child's School or Day Care Center is Closed Due to COVID-19.** An employee may receive up to two weeks of partial pay (2/3rd of regular pay up to a maximum of \$200 per day) when the employee is caring for his/her own son(s)/daughter(s) due to closure of school or a childcare provider is unavailable due to the public health emergency.

**Per the Virginia Department of Health and the Prince William County Health Department, quarantine applies to a well-person who has been exposed to someone who is sick with COVID and who's movement is restricted. Isolation applies to a person who is isolating at home due to a diagnosis or symptoms of COVID-19.*

2. Who is eligible for paid sick leave benefits under the Emergency Paid Sick Leave Act?

Answer: All employees of PWCS, regardless of how long they have been employed, are eligible for EPSL. Employees will be eligible if PWCS has scheduled them to work, but they are unable to work (or telework) because:

- The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19.
- The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- The employee is caring for an individual who is subject to the three previous bullets.
- The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child-care provider of such son or daughter is unavailable, due to COVID-19 precautions.
- The employee is 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.

3. Under the Emergency Paid Sick Leave Act (EPSL) how much paid leave must PWCS provide?

Answer: Full-time employees are entitled to two weeks (10 working days) of paid leave (subject to daily maximums). Part-time employees are entitled to a number of hours equal to the number of hours that the employee normally works over a two-week (10 working day) period.

If an employee's need for EPSL is less than the two-week (10 working day) maximum duration, emergency paid sick leave under this Act shall cease beginning with the employee's next scheduled work shift immediately following the termination of the need for paid sick time due to applicable COVID-19 reasons.

4. What amount of pay can I expect to receive under EPSL for my own quarantine, isolation or COVID-19 related illness?

Answer: EPSL will provide up to a maximum of two weeks (10 working days) of 100% of the regular rate of pay (based on the employee's scheduled hours) up to a maximum of \$511 per day, when EPSL is taken due to an employee's own COVID-19 related illness or quarantine. Employees using EPSL for their own quarantine, isolation, or COVID-19 related illness, may supplement EPSL benefits with accrued sick leave, annual leave, personal leave, and/or unpaid vacation days up to, but not exceeding, 100% of the employee's normal base pay.

5. What amount of pay can I expect to receive under EPSL to care for another individual who is under quarantine, isolation order or ill due to COVID-19?

Answer: EPSL will provide up to two weeks (10 working days) of partial pay equal to 2/3rd of an employee's regular rate of pay (up to a maximum of \$200 per day) based on the employee's scheduled hours. Employees using EPSL to care for an individual who is quarantined, isolated or ill due to COVID-19 may use accrued annual leave, personal leave, unpaid vacation days, and sick leave up to, but not exceeding, 100% of the employee's normal base pay.

6. What amount of pay can I expect to receive under EPSL to care for my own son(s)/daughter(s) due to closure of school or if a childcare provider is unavailable due to the public health emergency?

Answer: EPSL will provide up to two weeks (10 working days) of pay at 2/3rd of an employee's regular rate of pay (up to a maximum of \$200 per day) based on the employee's scheduled hours. When EPSL is taken **to care** for your own son(s)/daughter(s) due to closure of school or if a childcare provider is unavailable due to the public health emergency.

- A "son or daughter" is your own child, which includes your biological, adopted, or foster child, your stepchild, a legal ward, or a child for whom you are standing in loco parentis—someone with day-to-day responsibilities to care for or financially support a child. "Son or daughter" is also an adult son or daughter (i.e., one who is 18 years of age or older), who (1) has a mental or physical disability, and (2) is incapable of self-care because of that disability.

7. If EPSL benefits provide less than my full rate of pay, am I able to supplement my pay with my own leave?

Answer: You may supplement EPSL benefits with your accrued annual leave, personal leave, sick leave, and/or unpaid vacation days if you would receive less than your full

regular pay under EPSL, for any qualified COVID-related reasons except for loss of childcare.

Employees using EPSL for loss of childcare may supplement EPSL benefits with accrued annual leave, personal leave, and/or unpaid vacation days.

Supplemental payment will not exceed 100% of regular rate of pay.

8. If I exhaust my EPSL and then have an additional COVID-19 exposure, how will my leave be handled?

Answer: Should you exhaust your EPSL and have an additional COVID-19 exposure, please contact the Office of Benefits and Retirement Services for further guidance. The Office of Benefits and Retirement Services may be contacted by emailing Benefits@pwcs.edu.

9. When will EPSL benefits begin?

Answer: EPSL will begin the day after the qualifying event. EPSL benefits may be retroactive. Employees must provide documentation to support the use of EPSL as soon as possible, but no later than 15 calendar days after the date they initially requested leave.

Required documentation may include a copy of federal, state or local quarantine or isolation or related to COVID-19 or written documentation by a health care provider advising employee to self-quarantine due to COVID-19. This documentation must be submitted to the Office of Benefits and Retirement Services at Benefits@pwcs.edu.

10. How much notice do employees have to give before taking EPSL and how do employees apply for this leave?

Answer: Employees are expected to notify their supervisor as soon as possible, or at least by the first workday missed due a COVID related absence. Employees must contact benefits to formalize the request to use EPSL.

11. Can leave benefits be used intermittently under the Emergency Paid Sick Leave Act (EPSL)?

Answer: It depends on why you are utilizing EPSL. Paid sick leave for qualifying reasons related to COVID-19 must be taken in full-day increments. It can be taken intermittently if:

- a. you are teleworking. For each full day that you are unable to telework, you will continue to take EPSL until you either (1) use the full 10 workdays of EPSL or (2) no longer have a qualifying reason for taking EPSL. 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 sick leave as necessary to keep you from spreading the virus to others;

- b. you may take paid sick leave intermittently if you are taking paid sick leave to care for your child whose school or place of care is closed, or whose childcare provider is unavailable, because of COVID-19 related reasons. For example, if your child is at home because his or her school or place of care is closed, or child care provider is unavailable, because of COVID-19 related reasons, you may take paid sick leave on Mondays, Wednesdays, and Fridays to care for your child, but work at your normal worksite on Tuesdays and Thursdays.

Family and Medical Leave Expansion Act (EFMLA)

- 1. What are the qualifying reasons to receive benefits under the Emergency Family Medical Leave Expansion (EMFLA) and what are the benefits?**

Answer: EFMLA is federally mandated, partially paid leave for employees who are unable to work or telework because they must care for their son or daughter under age 18 whose school or daycare is closed due to COVID-19. It may also be used to care for an adult son or daughter age 18 or older who is disabled and incapable of self-support in the event their daycare has been closed due to COVID-19.

EFMLA is a separate benefit from EPSL and must be applied for using a separate application. EFMLA is provided for a maximum of 12 weeks at 2/3rd of the employee's regular salary (up to a maximum of \$200 per day).

EFMLA is available no earlier than April 1, 2020, and benefits end on December 31, 2020.

- 2. Who is eligible for paid leave benefits under the Emergency Family and Medical Leave Expansion Act (EFMLA)?**

Answer: All employees who have been employed for 30 calendar days who have a need to take leave to care for a child whose childcare is unavailable for a COVID-related reason. See Question 3 for definition of child.

- 3. Who is considered a "son or daughter" for the purpose of EFMLA benefits eligibility?**

Answer: A "son or daughter" is your own child, which includes your biological, adopted, or foster child, your stepchild, a legal ward, or a child for whom you are standing in loco parentis—someone with day-to-day responsibilities to care for or financially support a child. "Son or daughter" is also an adult son or daughter (i.e., one who is 18 years of age or older), who (1) has a mental or physical disability, and (2) is incapable of self-care because of that disability.

4. Is my job protected if I take EFMLA?

Answer: An employee's job is protected under EFMLA. The law requires the employee to be restored to the same or equivalent position upon return to work.

5. Under the EFMLA, how much job protected leave must employers provide?

Answer: Employees are eligible for a combined total of up to 12 weeks of EFMLA benefits due to COVID-19 and Family Medical Leave Act (FMLA) benefits (if eligible). Only employees who have not utilized any FMLA leave in the last 12 months will have the full 12 weeks of EFMLA available. Employees that have used some or all of the 12 weeks of FMLA eligibility over the last 12 months will have their eligibility for EFMLA benefits reduced by the number of FMLA weeks/days already used.

6. What amount of pay can I expect to receive under the EFMLA?

The first two (2) weeks of EFMLA are unpaid job protected leave under the FFCRA.

An employee may use paid leave benefits under the Emergency Paid Sick Leave Act (EPSL) during the first two (2) weeks of unpaid EFMLA, but they are not required to do so.

After the initial two (2) weeks of unpaid EFMLA, the remaining weeks (10 weeks maximum) of EFMLA benefits must be paid at 2/3rd of the employee's regular rate of pay (up to a maximum of \$200 per day) for the number of hours that the employee would otherwise be normally scheduled to work. You may supplement EFMLA benefits with your accrued annual leave, personal leave, and/or unpaid vacation days if you would receive less than your full regular pay while receiving EFMLA benefits. You may not supplement EFMLA benefits with accrued sick leave.

12. My spouse and I both work for PWCS. Can we each use the 12 weeks of EFMLA benefits?

Answer: No. Only one employee can use EFMLA during the same period of time; however, the two employees may take a combined total of up to 12 weeks of EFMLA intermittently as long as the qualifying event remains and/or benefit is available. For example, two employees are both working part-time telework arrangements alternating days off to provide care for their school age children. If employee #1 has arranged to be with their children on Monday, Wednesday, and Friday and employee #2 has arranged to care for their children on Tuesday and Thursday, both parents may use EFMLA intermittently on the days they have committed to care for their children. Both parents cannot be providing care on the same days.

13. How much notice do employees have to give before taking COVID-19 Qualifying EFMLA Leave and how do employees apply for this leave?

Answer: Employees are expected to notify their supervisor as soon as possible, or at least by the first workday missed due a COVID related absence. Employees must contact benefits to formalize the request to use E-FMLA Leave.

14. Is the COVID-19 Qualifying EFMLA leave job protected?

Answer: Yes. PWCS must engage in reasonable efforts to restore an employee to a position equivalent to the position the employee held when the leave commenced, with equivalent employment benefits, pay, and other terms and conditions of employment.

15. Do I have to exhaust all my accrued leave before taking leave under EFMLA?

Answer: No. EFMLA and accrued annual leave, personal leave, and/or unpaid vacation days will be used concurrently to allow employee to receive full pay.

16. Can I take leave intermittently under EFMLA?

Answer: Yes, but in full day increments only and with approval and coordination with your supervisor.

17. Can an employee who is an exempt employee telework ½ days and supplement with accrued leave hours under EFMLA to spend time with their children?

Answer: No. We have authorized the use of EFMLA leave on an intermittent basis in full day increments only.

If the employee is declining to commit to work on any day that they can't be 100% available for their contracted hours, then they must take leave for the full day.

Employees need to be sure that they understand what their options are: telework/be available all day long **OR** take leave. Communication with your supervisor is vital to using this leave intermittently.

4. I have already taken FMLA this school year. Can I take another 12 weeks of EFMLA emergency leave?

Answer: No. The duration of EFMLA available to a covered employee depends on any FMLA leave already taken in the applicable 12-month period. For example, an eligible employee who has already taken ten (10) weeks of FMLA leave in the current 12-month period to bond with a new child can take only two (2) weeks of emergency COVID-19 leave under EFMLA.

Other Benefit Related Questions

1. What is the current status of COVID-19 in Virginia?

Answer: This situation is rapidly evolving. For the most up-to-date information, check the [VDH website](#), which is updated daily.

2. What if I get sick with COVID-19? What health guidance should I follow?

Answer: Employees should work directly with their health care provider on any issue concerning their health including COVID-19. If you have general questions concerning COVID-19, you can visit the [Virginia Department of Health](#) or the [Center for Disease Control and Prevention \(CDC\)](#).

3. I believe that I have contracted coronavirus through contact while performing my work duties. Will this be covered under workers' compensation?

Answer: The Virginia Workers' Compensation law provides benefits when an employee suffers an accidental injury, and in some cases, when they contract an occupational disease caused by their employment. While workers' compensation law provides compensation for "occupational diseases" that arise out of and in the course of employment, Virginia excludes "ordinary diseases of life" (e.g., the common cold or flu). To be covered under workers' compensation, the employee must *prove* to the [Virginia Workers' Compensation Commission](#) that the illness arose out of the employment as defined by the [Virginia Workers' Compensation Code](#).

4. Do our benefit plans include telemedicine or a way to see medical professionals remotely?

Answer: Yes. Each of our providers, Anthem Blue Cross/Blue Shield and Kaiser Permanente, offer these services. You will need your insurance card, pharmacy information, and a debit or credit card to access these virtual services. If you have difficulty, please contact Lisa Figueroa at figuerlm@pwcs.edu or 703-791-8022, or Elisa Pickette at pickete@pwcs.edu or 703-791-8780.

- Staff and families who have PWCS insurance coverage through **Kaiser Permanente**, can call the advice number on the Kaiser Permanente membership card to speak with a licensed care provider or to schedule a telephone or video appointment with your doctor. If you don't have your membership card with you, visit the [Kaiser Permanente website](#) and click on "24/7 advice." You can make most video visit appointments online 24/7 from your computer or mobile device. Choose a time that works best for you and register at www.kp.org. You may also call the

Kaiser Permanente appointment line to schedule your video visit at 1-800-777-7904 (TTY 711).

- Staff and families who have PWCS insurance coverage through Anthem Blue Cross/Blue Shield, should contact your Primary Care Physician, Anthem Member Services or the 24/7 Nurse Line for treatment advice. Contact numbers are listed on your Anthem Blue Cross/Blue Shield ID Card. You may also utilize the Live Health Online feature of your plan by registering on the [Live Health Online website](#).

5. Are employees eligible for Short Term Disability benefits if placed under quarantine? (VRS - Hybrid employees)

Answer: There are a wide variety of scenarios under which an individual may be quarantined, ranging from a voluntary self-quarantine without a COVID-19 diagnosis to a mandated quarantine with a diagnosis.

If an individual is quarantined as directed by a licensed health care professional or government agency, the Standard will assess a claim for benefits as follows:

- If the individual has been diagnosed with COVID-19 and is unable to work from home, they will remain insured and eligible under the group STD policy.
- If the individual has not been diagnosed and is unable to work from home, they will retain coverage and eligibility under the STD policy should they eventually become disabled.
- It is important to remember that under most STD policies a covered individual must be unable to work, either at their place of employment or from home, and must experience a loss of income to be eligible for STD benefits in all cases.