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### 1. What is a “place of care” for my child?

A “place of care” is a physical location in which care is provided for your child. Examples include day care facilities, preschools, before and after school care programs, schools, homes, summer camps, summer enrichment programs, and respite care programs.

### 2. My child’s school or place of care has moved to online instruction or to another model in which children are expected or required to complete assignments at home. Is it “closed”?

Yes. If the physical location where your child received instruction or care is now closed, the school or place of care is “closed” for purposes of paid sick leave and expanded family and medical leave. This is true even if some or all instruction is being provided online or whether, through another format such as “distance learning,” your child is still expected or required to complete assignments.

### 3. Who is considered my son or daughter?

Under the FFCRA, a “son or daughter” is your own minor 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. A son or daughter also includes an adult son or daughter who (1) has a mental or physical disability, and (2) is incapable of self-care because of that disability.

### 4. May I take my expanded family and medical leave intermittently while my child’s school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons, if I am not teleworking?

Yes, but only with your Supervisor’s permission.



5. If I am home with my child because his or her school or place of care is closed, or child care provider is unavailable, do I get paid sick leave, expanded family and medical leave, or both—how do they interact?

You may be eligible for both types of leave, but only for a total of 12 weeks of paid leave. You may take both paid sick leave and expanded family and medical leave if you are unable to work or telework due to the need to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.

When taking emergency paid sick leave for this reason, the Emergency Paid Sick Leave Act provides for an initial two weeks of paid leave at two-thirds of your regular rate of pay subject to a cap of \$200/day and \$2,000 total. This period thus covers the first 10 workdays of expanded family and medical leave, which are otherwise unpaid under the Emergency and Family Medical Leave Expansion Act unless you elect to use existing vacation, personal, or medical or sick leave you have accrued. \*PCOE will base the two-thirds on the employee's current salary, and allow the employee to use sick, vacation, or comp time to offset the two-thirds pay, to stay in full pay status.

After the first 10 workdays have elapsed, so long as you have been employed for at least 30 days, you will receive two-thirds of your regular rate of pay, subject to a cap of \$200/day and \$10,000 total, for the hours you would have been scheduled to work in the subsequent 10 weeks under the Emergency and Family Medical Leave Expansion Act. \*PCOE will base the two-thirds on the employee's current salary, and allow the employee to use sick, vacation, or comp time to offset the two-thirds pay, to stay in full pay status.

\*Please note that you can only receive the additional 10 weeks of expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act for leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.

\*Please also note that your eligibility for expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act depends on how much leave you have already taken during the current 12-month period used to calculate your entitlement to leave under the Family and Medical Leave Act. You are entitled to 12 weeks **total** during a 12-month period for both FMLA leave and expanded family and medical leave.



6. I took paid sick leave and am now taking expanded family and medical leave to care for my children whose school is closed for a COVID-19 related reason. After completing distance learning, the children’s school closed for summer vacation. May I take paid sick leave or expanded family and medical leave to care for my children because their school is closed for summer vacation?

No. Paid sick leave and emergency family and medical leave are not available for this qualifying reason if the school or child care provider is closed for summer vacation, or any other reason that is not related to COVID-19. However, you may be able to take leave if your child’s care provider during the summer—a camp or other programs in which your child is enrolled—is closed or unavailable for a COVID-19 related reason.

7. May I take paid sick leave or expanded family and medical leave to care for my child who is 18 years old or older?

It depends. Under the FFCRA, paid sick leave and expanded family and medical leave include leave to care for one (or more) of your children when his or her school or place of care is closed or child care provider is unavailable due to COVID-19 related reasons. This leave may only be taken to care for your non-disabled child if he or she is under the age of 18. If your child is 18 years of age or older with a disability and cannot care for him or herself due to that disability, you may take paid sick leave and expanded family and medical leave to care for him or her if his or her school or place of care is closed, or his or her child care provider is unavailable, due to COVID-19 related reasons and you are unable to work or telework as a result.

In addition, paid sick leave is available to care for an individual who is subject to a federal, state, or local quarantine or isolation order related to COVID-19, or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. If you have a need to care for your child age 18 or older who needs care for any of these circumstances, you may take paid sick leave if you are unable to work or telework as a result of providing care. **But in no event may your total paid sick leave exceed two weeks.**

8. Who is my “child care provider”?

A “child care provider” is someone who cares for your child. This includes individuals paid to provide child care, like nannies, au pairs, and babysitters. It also includes individuals who provide child care at no cost and without a license on a regular basis, for example, grandparents, aunts, uncles, or neighbors.



## 9. May I take expanded family and medical leave to care for a child other than my child?

No. Expanded family and medical leave is only available to care for your own “son or daughter.”

## 10. What documents do I need to give Human Resources to get paid sick leave or expanded family and medical leave?

When requesting paid sick leave or expanded family and medical leave, you must provide Human Resources with the following information:

- a. Your name;
  - b. The date(s) for which you request leave;
  - c. The reason for leave; and
  - d. A statement that you are unable to work because of the above reason.
- **If you request leave because you are subject to a quarantine or isolation order**, or to care for an individual subject to such an order, you should additionally provide the name of the government entity that issued the order.
  - **If you request leave to self-quarantine based on the advice of a health care provider** or to care for an individual who is self-quarantining based on such advice, you should additionally provide the name of the health care provider who gave advice.
  - **If you request leave to care for your child** whose school or place of care is closed, or childcare provider is unavailable, you must also provide:
    - a. The name of your child;
    - b. The name of the school, place of care, or child care provider that has closed or become unavailable; and
    - c. A statement that no other suitable person is available to care for your child.

\*Please also note if you are taking leave beyond the two weeks of emergency paid sick leave because your medical condition for COVID-19 related reasons rises to the level of a serious health condition, **you must continue to provide medical certifications.**

## 11. Is all leave under the FMLA now paid leave?

No. The only type of family and medical leave that is paid leave is expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act **when such leave exceeds 10 days**. This includes only leave taken because the employee is unable to work or telework because they must care for a child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.





## 12. Are the paid sick leave and expanded family and medical leave requirements retroactive?

No.

## 13. As an employee, how much will I be paid while taking paid sick leave or expanded family and medical leave under the FFCRA?

It depends on your normal schedule as well as why you are taking leave.

A. If you are taking paid sick leave because you are unable to work or telework due to a need for leave because you (1) are subject to a federal, state, or local quarantine or isolation order related to COVID-19; (2) have been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or (3) are experiencing symptoms of COVID-19 and are seeking medical diagnosis, you will receive your regular rate of pay, capped at \$511/day and \$5,110 total. \*PCOE will base the two-thirds on the employee's current salary, and allow the employee to use sick, vacation, or comp time to offset the two-thirds pay, to stay in full pay status.

In these circumstances, you are entitled to a maximum of 10 paid days. If you are a part-time employee, you are entitled to paid sick leave for up to the number of hours you work on average over a two-week period.

B. If you are taking paid sick leave because you are unable to work or telework because you are : (1) caring for an individual who is subject to a federal, state, or local quarantine or isolation order related to COVID-19 or an individual who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; (2) caring for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons; or (3) experiencing any other condition substantially similar to COVID-19 as specified by the Department of Labor, you are entitled to compensation at two-thirds your regular rate of pay, capped at \$200/day and \$2,000 total. \*PCOE will base the two-thirds on the employee's current salary, and allow the employee to use sick, vacation, or comp time to offset the two-thirds pay, to stay in full pay status.

If you are taking expanded family and medical leave, you may take paid sick leave for the first two weeks of that leave period, or you may substitute any accrued vacation



leave, personal leave, or sick leave you have to remain in full-pay status. For the following 10 weeks, you will be paid for your leave at an amount no less than two-thirds of your regular rate of pay for the hours you would be normally scheduled to work, capped at \$200/day and \$10,000 total.

#### 14. When am I able to telework under the FFCRA?

You may telework when your Supervisor permits or allows you to perform work while you are at home or at a location other than your normal workplace. Telework is work for which normal wages must be paid and is not compensated under the paid leave provisions of the FFCRA.

#### 15. What does it mean to be unable to work, including telework, for COVID-19 related reasons?

You are unable to work if your Supervisor has work for you and one of the COVID-19 qualifying reasons set forth in the FFCRA prevents you from being able to perform that work, either under normal circumstances at your normal worksite or by means of telework.

#### 16. If I am teleworking and tests positive for COVID-19, am I required to use the two weeks of EPSL - or not because I am working from home?

If you are teleworking and can continue to perform your duties, there is no reason you would need to take leave. If you cannot perform teleworking duties because of the illness, then you would be able to access EPSL and other available sick leave.

#### 17. If I am or become unable to telework, am I entitled to paid sick leave or expanded family and medical leave?

If your Supervisor permits teleworking—for example, allows you to perform certain tasks or work a certain number of hours from home or at a location other than your normal workplace—and you are unable to perform those tasks or work the required hours because of one of the qualifying reasons for paid sick leave, then you are entitled to take paid sick leave.

Similarly, if you are unable to perform those teleworking tasks or work the required teleworking hours because you need to care for your child whose school or place of care is closed, or child care provider is unavailable because of COVID-19 related reasons, then you are also entitled to take expanded family and medical leave.



## 18. May I take my paid sick leave or expanded family and medical leave intermittently while teleworking?

Yes, if your Supervisor allows it and if you are unable to telework your normal schedule of hours due to one of the qualifying reasons in the Emergency Paid Sick Leave Act. In that situation, you and your Supervisor may agree that you may take paid sick leave intermittently while teleworking. Similarly, if you are prevented from teleworking your normal schedule of hours because you need to care for your child whose school or place of care is closed, or child care provider is unavailable because of COVID-19 related reasons, you and your Supervisor may agree that you can take expanded family medical leave intermittently while teleworking.

## 19. May I take my paid sick leave intermittently while working at my usual worksite (as opposed to teleworking)?

It depends on why you are taking paid sick leave and whether your Supervisor agrees. Unless you are teleworking, paid sick leave for qualifying reasons related to COVID-19 must be taken in full-day increments. It cannot be taken intermittently if the leave is being taken because:

- a. You are subject to a federal, state, or local quarantine or isolation order related to COVID-19;
- b. You have been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- c. You are experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- d. You are caring for an individual who either is subject to a quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or
- e. You are experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.

**Unless you are teleworking**, once you begin taking paid sick leave for one or more of these qualifying reasons, you must continue to take paid sick leave each day until you either (1) use the full amount of paid sick leave; or (2) no longer have a qualifying reason for taking paid sick leave. **This limit 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 sick leave as necessary to keep you from spreading the virus to others.**



If you no longer have a qualifying reason for taking paid sick leave before you exhaust your paid sick leave, you may take any remaining paid sick leave at a later time, until December 31, 2020, if another qualifying reason occurs.

In contrast, if you and your Supervisor agree, 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 child care 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.

## 20. May I take my expanded family and medical leave intermittently while my child's school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons, if I am not teleworking?

Yes, but only with your Supervisor's permission. Intermittent expanded family and medical leave should be permitted only when you and your Supervisor agree upon such a schedule. For example, if your Supervisor and you agree, you may take expanded family and medical leave on Mondays, Wednesdays, and Fridays, but work Tuesdays and Thursdays, while your child is at home because your child's school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons, for the duration of your leave.

## 21. If I elect to take paid sick leave or expanded family and medical leave, must PCOE continue my health coverage?

You are entitled to continued group health coverage during your paid sick leave and expanded family and medical leave on the same terms as if you continued to work. If you are enrolled in family coverage, PCOE will maintain coverage during your expanded family and medical leave. You must continue to make any normal contributions to the cost of your health coverage.



## 22. Do I qualify for leave for a COVID-19 related reason even if I have already used some or all of my leave under the Family and Medical Leave Act (FMLA)?

If you are an eligible employee, you are entitled to paid sick leave under the Emergency Paid Sick Leave Act regardless of how much leave you have taken under the FMLA.

However, your eligibility for expanded family and medical leave depends on how much leave you have already taken during the 12-month eligibility period for FMLA leave. You may take a **total of 12 workweeks** for FMLA or expanded family and medical leave reasons during a 12-month period. If you have taken some, but not all, of the 12 workweeks of your leave under FMLA, you may take the remaining portion of leave available. If you have already taken 12 workweeks of FMLA leave during this 12-month period, you may not take additional expanded family and medical leave.

## 23. May I take leave under the Family and Medical Leave Act over the next 12 months if I used some or all of my expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act?

It depends. You may take a **total of 12 workweeks of leave during a 12-month period** under the FMLA, including the Emergency Family and Medical Leave Expansion Act. If you take some, but not all, of the 12 workweeks of your expanded family and medical leave by December 31, 2020, you may take the remaining portion of FMLA leave for a serious medical condition, as long as the total time taken does not exceed 12 workweeks in the 12-month period. Please note that expanded family and medical leave is available only until December 31, 2020; after that, you may only take FMLA leave.

However, you are entitled to paid sick leave under the Emergency Paid Sick Leave Act regardless of how much leave you have taken under the FMLA. Paid sick leave is not a form of FMLA leave and therefore does not count toward the 12 workweeks in the 12-month period cap. But please note that if you take paid sick leave concurrently with the first two weeks of expanded family and medical leave, which may otherwise be unpaid, then those two weeks do count towards the 12 workweeks in the 12-month period.



24. If I take paid sick leave under the Emergency Paid Sick Leave Act, does that count against other types of paid sick leave to which I am entitled under federal, state or local law, or PCOE’s policy?

No. Paid sick leave under the Emergency Paid Sick Leave Act is in addition to other leave provided under federal, state, or local law, an applicable collective bargaining agreement, or PCOE’s policy.

25. May I use paid sick leave and expanded family and medical leave together for any COVID-19 related reasons?

No. The Emergency Family and Medical Leave Expansion Act applies only when you are unable to work or telework due to the need for leave to care for your child whose school or place of care is closed, or whose child care provider is unavailable due to COVID-19 related reasons. However, you can take paid sick leave under the Emergency Paid Sick Leave Act for numerous other reasons.

26. Who is a “health care provider” for purposes of determining individuals whose advice to self-quarantine due to concerns related to COVID-19 can be relied on as a qualifying reason for paid sick leave?

The term “health care provider,” as used to determine individuals whose advice to self-quarantine due to concerns related to COVID-19 can be relied on as a qualifying reason for paid sick leave, means a licensed doctor of medicine, nurse practitioner, or other health care provider permitted to issue a certification for purposes of the FMLA.

27. When am I eligible for paid sick leave to self-quarantine?

You are eligible for paid sick leave if a health care provider directs or advises you to stay home or otherwise quarantine yourself because the health care provider believes that you may have COVID-19 or are particularly vulnerable to COVID-19, and quarantining yourself based upon that advice prevents you from working (or teleworking).



28. May I take 80 hours of paid sick leave for my self-quarantine and then another amount of paid leave for another reason provided under the Emergency Paid Sick Leave Act?

No. You may take up to a total of two weeks—or 10 days—(80 hours for a full-time employee, or for a part-time employee, the number of hours equal to the average number of hours that the employee works over a typical two-week period) of paid sick leave for any combination of qualifying reasons.

29. I am an employee. I become ill with COVID-19 symptoms, decide to quarantine myself for two weeks, and then return to work. I do not seek a medical diagnosis or the advice of a health care provider. Can I get paid for those two weeks under the FFCRA?

Generally no. If you become ill with COVID-19 symptoms, you may take paid sick leave under the FFCRA only to seek a medical diagnosis or if a health care provider otherwise advises you to self-quarantine. If you test positive for the virus associated with COVID-19 or are advised by a health care provider to self-quarantine, you may continue to take paid sick leave. You may not take paid sick leave under the FFCRA if you unilaterally decide to self-quarantine for an illness without medical advice, even if you have COVID-19 symptoms. \*Note that you may not take paid sick leave under the FFCRA if you become ill with an illness not related to COVID-19. Depending on your Supervisor's expectations and your condition, however, you may be able to telework during your period of quarantine.

30. Can I make the determination I am “particularly vulnerable” to COVID-19 to qualify for paid sick leave, or do I have to have a health care provider make that determination?

A health care provider must make that determination. You are eligible for paid sick leave if a health care provider directs or advises you to stay home or otherwise quarantine because the health care provider believes you are particularly vulnerable to COVID-19, and quarantining based upon that advice prevents you from working or teleworking.



31. I am over 65 and/or have an underlying health condition and have been working from home, but now I want to return to work the workplace. Will I be required to provide a doctor's note to return to the workplace?

If an employee is at home based on a doctor's note, then PCOE may require another doctor's note allowing the employee to return in accordance with existing agreements. If Human Resources is aware of a disability, it may also engage in the interactive process prior to return. However, if an employee is 65 and has not requested accommodation, there is generally no need to require a doctor's note.

32. What if I am quarantined to secure my own health (for example, I am 65+ years old and/or medically vulnerable)? If I am granted two weeks of paid leave through FFCRA, what happens when I exhaust the two weeks?

You would be entitled to all other applicable leaves pursuant to federal, state, and local laws, applicable collective bargaining agreements, and PCOE policy. However, leave taken for the purpose of avoiding exposure to COVID-19 is not protected under the FMLA. Each situation will be addressed case by case. For example, there may be a reason to engage in an interactive process to determine whether there are reasonable accommodations which would allow you to perform the essential functions of your job.

33. If I am in a high-risk category for reporting to work and am offered telework and refuse, I'm not eligible for paid sick leave, right?

Correct. Paid sick leave is only available if you are unable to work **or telework** for one reason of the enumerated reasons.

34. When am I eligible for paid sick leave to care for someone who is subject to a quarantine or isolation order?

You may take paid sick leave to care for an individual who, as a result of being subject to a quarantine or isolation order, is unable to care for him or herself, and that depends on you for care, and if providing care prevents you from working or teleworking.





Furthermore, you may only take paid sick leave to care for an individual who genuinely needs your care. Such an individual includes an immediate family member or someone who regularly resides in your home. You may also take paid sick leave to care for someone if your relationship creates an expectation that you would care for the person in a quarantine or self-quarantine situation, and that individual depends on you for care during the quarantine or self-quarantine.

You may not take paid sick leave to care for someone with whom you have no relationship. Nor can you take paid sick leave to care for someone who does not expect or depend on your care during his or her quarantine or self-quarantine.

### 35. Can I take paid sick leave to care for *any* individual who is subject to a quarantine or isolation order or who has been advised to self-quarantine?

No. You may take paid sick leave under the FFCRA to care for an immediate family member or someone who regularly resides in your home. You may also take paid sick leave under the FFCRA to care for someone where your relationship creates an expectation that you care for the person in a quarantine or self-quarantine situation, and that individual depends on you for care during the quarantine or self-quarantine.

However, you may not take paid sick leave under the FFCRA to care for someone with whom you have no relationship. Nor can you take paid sick leave under the FFCRA to care for someone who does not expect or depend on your care during his or her quarantine or self-quarantine due to COVID-19.

### 36. When am I eligible for paid sick leave to care for someone who is self-quarantining?

You may take paid sick leave to care for a self-quarantining individual if a health care provider has advised that individual to stay home or otherwise quarantine him or herself because he or she may have COVID-19 or is particularly vulnerable to COVID-19 and provision of care to that individual prevents you from working (or teleworking).



### 37. May I take paid sick leave or expanded family and medical leave if I am receiving workers' compensation or temporary disability benefits?

In general, no, unless you were able to return to light duty before taking leave. If you receive workers' compensation or temporary disability benefits because you are unable to work, you may not take paid sick leave or expanded family and medical leave. However, if you were able to return to light duty and a qualifying reason prevents you from working, you may take paid sick leave or expanded family and medical leave, as the situation warrants.

### 38. May I take paid sick leave or expanded family and medical leave under the FFCRA if I am on an approved leave of absence?

It depends on whether your leave of absence is voluntary or mandatory. If your leave of absence is voluntary, you may end your leave of absence and begin taking paid sick leave or expanded family and medical leave under the FFCRA if a qualifying reason prevents you from being able to work (or telework). However, you may not take paid sick leave or expanded family and medical leave under the FFCRA if your leave of absence is mandatory. This is because it is the mandatory leave of absence—and not a qualifying reason for leave—that prevents you from being able to work (or telework).

In the instance of a mandatory leave of absence, you may be eligible for unemployment insurance benefits. You should contact your state workforce agency or state unemployment insurance office for specific questions about your eligibility.

### 39. Are stay-at-home and shelter-in-place orders the same as quarantine or isolation orders? If so, when can I take leave under the FFCRA for reasons relating to one of those orders?

Yes, for purposes of the FFCRA, a federal, state, or local quarantine or isolation order includes shelter-in-place or stay-at-home orders, issued by any federal, state, or local government authority. However, in order for such an order to qualify you for leave, being subject to the order must be the reason you are unable to perform work (or telework) that your Supervisor has for you. You may not take paid leave due to such an order if your Supervisor does not have work for you to perform as a result of the order or for other reasons.

For example, if you are prohibited from leaving a containment zone and PCOE remains open outside the containment zone and has work you cannot perform because



you cannot leave the containment zone, you may take paid leave under the FFCRA. Similarly, if you are ordered to stay at home by a government official for 14 days because you were on a cruise ship where other passengers tested positive for COVID-19, and your Supervisor has work for you to do, you are also entitled to paid sick leave if you cannot work (or telework) because of the order. If, however, PCOE closed one or more locations because of a quarantine or isolation order and, as a result of that closure, there was no work for you to perform, you are not entitled to leave under the FFCRA and should seek unemployment compensation through your State Unemployment Insurance Office.

#### 40. What documentation is required if I feel I have symptoms of COVID-19 and am requesting a leave to obtain a diagnosis?

When requesting paid sick leave you must provide Human Resources with the following information: (1) your name; (2) the date(s) for which you request leave; (3) the reason for leave; and (4) a statement that you are unable to work because of the above reason.

#### 41. If I exhaust all my leaves or compensation pathways, will I be placed on the 39-month rehire list?

It will depend on the circumstances. For example, if you are on leave and cannot return due to an underlying health condition that makes you particularly at risk to COVID-19 and there are no other ways to reasonably accommodate you to return, unpaid leave may be allowed as a reasonable accommodation for a reasonable, defined period of time and, if not, placement on the reemployment list may be appropriate.

#### 42. Must I provide a doctor's note if I have been advised by a doctor to self-quarantine?

The FFCRA does not require an employee to provide PCOE with a doctor's note. However, existing leave policies require an employee to provide a doctor's note after three days of absence.

#### 43. I have a condition that makes me unable to wear a face covering, what do I do?

Contact Human Resources. A meeting will be scheduled to outline all possible accommodations.