

FREQUENTLY ASKED QUESTIONS AND ANSWERS

Emergency Family Medical Leave Act (“EFMLA”)

1. Does the new EFMLA impact my existing FMLA incident(s)?

No. The County will be providing up to an additional 12 weeks EFMLA leave to all eligible employees. This new leave will in no way draw down or restrict your ability to use any existing FMLA incidents on file.

2. Does the EFMLA require all FMLA leave to be paid?

No. The EFMLA only provides paid leave for “Employees unable to work or telework due to a need to care for their son or daughter under 18 years of age and the school or place of childcare has been closed, or the childcare provider is unavailable due to COVID19.”

All other “traditional” FMLA uses will be paid or unpaid in accordance with CW-P-077 and standard County policies.

3. Do I have to complete the traditional FMLA certification process?

No. Employees requesting EFMLA must complete the EFMLA intake form and provide a copy of the written notice of school or childcare provider’s closure or unavailability.

4. Who will determine if I am eligible for Telework?

Human Resources, in conjunction with each Department, will determine which individuals are eligible for Telework.

5. How is a “son or daughter” defined?

A “son or daughter” is defined by the FMLA regulations as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is under 18 years of age. This also includes 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.

6. Does an employee have to take leave all at once or can it be taken periodically or to reduce the employee’s schedule?

Employees may take EFMLA leave intermittently – taking leave in separate blocks of time – or on a reduced leave schedule – reducing the employee’s usual weekly or daily work schedule. However, the employee is still capped at \$200 per day and \$10,000 in total. Employees needing intermittent/reduced schedule leave for foreseeable care of another must work with their Department to schedule the leave so as not disrupt the employer’s operations.

7. Does EFMLA apply to all PBC-BCC employees?

No. Employees must have been employed for the County for at least 30 days. Additionally, employees who are First Responders or Healthcare Providers will not be eligible for EFMLA.

EMERGENCY PAID SICK LEAVE

1. Do I need a Doctor’s Note to Return Work?

Possibly. Employees absent for 3 or more days due to their own illness must provide a release to return to work. Note: employees placed on self-isolation or quarantine orders by a healthcare provider or caring for someone under such orders may return without a release at the conclusion of the isolation or quarantine period.

2. Will EPSL affect my current accrued leave balances?

No. Employees are not required to use accrued vacation, sick, comp, or incentive leave balances while on Emergency Paid Sick Leave.

3. When will EPSL be available after I apply?

EPSL will be immediately available to the employee upon approval.

4. Do I have to find someone to cover my work shift before taking EPSL?

No. Employees will not be required to find work coverage when taking EPSL.

5. Can my employer deny me paid sick leave if my employer gave me paid leave for a reason identified in the Emergency Paid Sick Leave Act prior to the Act going into effect?

No. The Emergency Paid Sick Leave Act imposes a new leave requirement on employers that is effective beginning on April 1, 2020.

6. If I have used EPSL for a qualifying event under Group B (#4, 5, or 6) and reached the \$2,000 threshold, may I take leave for an event under Group A (#1,2, or3) ?

Yes. However, the total amount cannot exceed \$5,110 in any combination or \$2,000 total solely for Group B Events (#4, 5, & 6).

7. How is full-time defined for purposes to EPSL compensation?

A full-time employee is defined as one who works 40 or more hours per week. All other employees are “part-time” for purposes of EPSL only.

EFMLA AND EPSL

1. Is every County employee entitled to paid leave benefits under EFMLA or EPSL?

No. Healthcare Providers, First Responders, and those positions capable of teleworking are not eligible for EFMLA or EPSL.

A Healthcare Provider is defined as anyone employed at any doctor’s office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity.

A First Responder is defined as an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.

The following are examples of job classifications that are NOT eligible for EFMLA or EPSL: Paramedics, EMT, EMDs and other employees that may be considered Healthcare Providers, including RNs, Occupational Health Nurse, Firefighter, Fire Rescue Communicator I, II, and III. Final Determination is the discretion of Human Resources. This list is not exhaustive and other classifications may be exempt.

2. How much notice must be provided to my supervisor before I can use EFMLA?

As much as possible. Employees should notify their Department as soon as practicable so as not to disrupt operations.

3. Must I present documentation to the Occupational Health Clinic to get EFMLA?

No. Simply complete the EFMLA intake form and email it along with the required documentation to HR-FEP@pbcgov.org or deliver it to your supervisor who will send the completed form by interoffice or email. Alternatively, forms may be dropped in the “Emergency Leave Application” folder located on the 1st and 3rd floors at 100 Australian Ave., West Palm Beach.

4. What documentation is required for EFMLA?

Individuals seeking EFMLA due to school closures should submit a written document reflecting the dates of closure. Individuals seeking EFMLA due the closing of daycares, preschools, or other childcare providers may provide any method of written documentation that the provider is unavailable due to COVID-19. This includes, letters, emails, and text messages, so long as the written notice includes the name and contact information of the provider and the dates of closure.

5. If my spouse also works for the County, do we each get up to 12 weeks of EFMLA?

Yes. Each eligible employee will receive up to 12 weeks of Emergency FMLA.

6. How do EFMLA and EPSL affect my regular attendance policies?

Employees are still expected to follow their Department’s regular attendance policies as it relates to absences. However, EFMLA is protected leave and employees will not be disciplined for proper use of EFMLA. Note: daily call out procedures will be suspended for those utilizing consecutive EFMLA. However, the employee must notify their supervisor, in writing, or the start and end date during which the leave will be used.

7. Are EFMLA and EPSL retroactive?

No. EFMLA and EPSL will only apply for leave requests beginning on April 1, 2020.

8. How do EFMLA and EPSL interact?

You may be eligible for both types of leave, but only for one **total of twelve weeks of paid leave**. You may take both EPSL and EFMLA to care for your child whose school or place of care is closed, or childcare provider is unavailable, due to COVID-19 related reasons. The Emergency Paid Sick Leave Act provides for an initial two weeks of paid leave. This period may cover the first ten workdays of EFMLA, which are otherwise unpaid under the EFMLA unless the you elect to use existing vacation, personal, or medical or sick leave under your employer’s policy. After the first ten workdays have elapsed, you will receive 2/3 of your regular rate of pay for the hours you would have been scheduled to work in the subsequent ten weeks under the EFMLA.

9. When calculating pay due to employees, must overtime hours be included?

Yes. EFMLA requires payment to an employee for hours the employee would have been normally scheduled to work even if that is more than 40 hours in a week. However, the amount cannot exceed \$200 per day.

However, the EPSL requires that paid sick leave be paid only up to 80 hours over a two-week period. For example, an employee who is scheduled to work 50 hours a week may take 50 hours of paid sick leave in the first week and 30 hours of paid sick leave in the second week. In any event, the total number of hours paid under the Emergency Paid Sick Leave Act is capped at 80.

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

You may take up to two weeks—or ten 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. However, the total number of hours for which you receive paid sick leave is capped at 80 hours under the Emergency Paid Sick Leave Act. Note: part-time employees may only be entitled to an amount less than 80 hours, but equal to the average amount of time worked over the preceding two weeks.