

**Families First Coronavirus Response Act**  
**CDFW Frequently Asked Questions**

**Emergency Paid Sick Leave (EPSLA)**

- 1. Under the EPSLA, employees are entitled to two-weeks of emergency paid sick leave for sick leave related to COVID-19. Can this be used in hourly increments?**

Emergency Paid Sick Leave can be used intermittently for employees who are (1) teleworking or (2) for those who are unable to telework and must care for a child due to school closure or closure of day care provider.

Emergency Paid Sick Leave cannot be used intermittently by an employee who works in the office and is exposed to the virus either due to their own illness or the illness of someone residing with them, as the purpose of the leave is to prevent the spread of the virus.

- 2. Can an employee who is already teleworking request the 80 hours of leave for child care (reason 5)? Can employees telework partial days and use EPSLA to supplement to full days?**

Yes. If an employee is unable to telework *due to a lack of childcare*, he or she may request the 80 hours of Emergency Paid Sick Leave. The employee may use those hours intermittently and telework either partial days or part time during the week. For example, the employee may telework 3 full days a week, and use 2 full days of Emergency Paid Leave per week. Likewise, they may also telework 3 hours a day and use Emergency Paid Leave for the remaining 5 hours.

- 3. Do employees need to disclose they are COVID-19 positive to be eligible for Emergency Paid Sick Leave?**

Departments may require a doctor's note as long as it complies with the Memorandum of Understanding (MOU). However, CalHR also recommends looking at what the county requires. For example, Los Angeles County Public Health has very clear instructions for anyone who has been exposed or has the virus to self-isolate and/or quarantine

**4. Can an employee use Emergency Paid Sick Leave if they have decided to self-quarantine as a precaution?**

No. The employee would need to have received an order to quarantine or self-isolate from a local public health department, state, or federal authority, or their personal physician in order to be eligible to receive the Emergency Paid Sick Leave.

**5. Can any employee use Emergency Paid Sick Leave if they are caring for a child whose school or place of care is closed due to COVID-19 related reasons?**

Yes, employees who are unable to work or unable to telework due to this reason are eligible.

**6. Reason 6 for Emergency Paid Sick Leave is “Experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services”. What is the process for vetting other similar conditions and what approval is needed?**

This will be vetted by the U.S. Department of Health and Human Services and direction will be provided to employers when other substantially similar conditions are identified. At this time, April 9, 2020, no substantially similar conditions have been identified and relayed to employers.

**Tracking, Reporting, and Approving Time**

**1. Who is responsible for calculating and tracking Emergency Sick Leave hours? Supervisors or HRB?**

Supervisors will be responsible for tracking all used Emergency Sick Leave hours for their employees.

**2. Will there be a special location on the timesheet to track Emergency Paid Sick Leave for these programs?**

Yes. In Tempo, for timesheet tracking, there is a leave code titled AT-EPSLA and a special hours code titled E-FMLA.

**3. Is Regional Manager approval needed for Emergency Paid Sick Leave under these circumstances?**

Branch Chiefs and Regional Managers have been designated approvers for Emergency Paid Sick Leave. However, all employees who meet the criteria have

a right to Emergency Paid Sick Leave. No request for EPSLA can be denied for operational needs.

All denials must be sent to the HRB Chief for review before a denial can be issued to an employee.

**4. Is there a special project code used for ATO under these circumstances?**

If you are **STATE FUNDED**, there is essentially no change, and you charge ATO time to your normal reporting structure and project ID. If you are **FEDERALLY FUNDED** you will charge ATO time to your normal reporting structure and Project ID (PID) 36000010010033.

**5. Is CalHR Approval needed for use of Emergency Paid Sick Leave under these circumstances?**

No, CalHR approval is not needed for Emergency Paid Sick Leave used for these circumstances.

**Emergency Family Medical Leave Expansion Act (E-FMLA)**

**1. In order to be eligible for E-FMLA, does the employee need to have worked 30 days, or is it 30 days from date of hire?**

In order to be eligible for E-FMLA, the employee needs to have worked with the State of California for a minimum of 30 *calendar* days. This means at least 30 days from date of hire for new to state employees.

**2. How does an employee enter supplemented leave credits onto their timesheets from weeks 3 – 12 of E-FMLA?**

Supplementation would not be referenced on the timesheet, If the employee elects to supplement, the Senior Personnel Specialist would determine the number of leave hours needed for supplementation and the hours would be keyed manually into the State Controller's Office.

**Other Questions**

**1. Will the ATO Flow Chart and other resources be updated?**

Yes. We will continue to update this FAQ and other documents as we continue to receive guidance and additional information relating to these special programs. A new Flow Chart specific to FFCRA will also be developed.