

Division of Personnel & Labor Relations
Family First Coronavirus Response Act (FFCRA)
FAQ
Updated June 1, 2020

The Families First Coronavirus Response Act (FFCRA) was enacted into federal law on March 18, 2020 and is effective April 1, 2020 until December 31, 2020.

The FFCRA provides eligible employees Emergency Paid Sick Leave (EPSL) and Emergency Family Medical Leave (EFML) for documented qualifying circumstances.

In response to this new law, the State of Alaska has updated our COVID-19 Leave Policy and has developed the corresponding FAQ below.

Employees who work in health care provider or emergency responder positions, as defined by the U.S. Department of Labor or identified by their agency, are only eligible for EPSL in limited circumstances described below and are not eligible for EFML. Employees in these two categories of work are providing key and critical services and are necessary to maintain public safety. We are incredibly grateful for their service.

If employees are able to work remotely, they should continue doing so. Employees who are able to complete all or a portion of their job responsibilities remotely should continue to work remotely. Some employees are still required to report to their normal worksite due to the essential functions they perform for their agency.

During this unprecedented time, the State of Alaska is rapidly responding to new mandates and statewide needs. This rapid response inevitably causes rapid change. The SOA recognizes it is difficult for employees to adjust to and stay informed of these changes. In partnership with agency leaders, we will continue to support employees through these changes as best as we can.

We thank you for your continued service and commitment during such a challenging time. Your service is more important than ever.

DEFINITIONS

“Paid sick leave” – means paid leave under the Emergency Paid Sick Leave Act.

“Expanded family and medical leave” – means paid leave under the Emergency Family and Medical Leave Expansion Act.

EMERGENCY PAID SICK LEAVE ACT (EPSLA):

1. What is Emergency Paid Sick Leave (EPSL)?

EPSL provides up to 10 days (75/80 hours for a full-time employee) of paid leave for eligible employees due to a need for leave because the employee is unable to work remotely (telework). As the State of Alaska (SOA) has an established COVID-19 leave policy in place, EPSL leave is considered the same as SOA COVID-19 leave.

EPSL/SOA COVID-19 leave may be taken for the following qualifying reasons:

- a) You are subject to a Federal, State, or local quarantine or isolation order related to COVID-19 (i.e. travel self-quarantine);
- b) You tested positive for COVID-19 (Per SOA COVID-19 leave policy);
- c) You are experiencing symptoms of COVID-19 and seeking a medical diagnosis (Per SOA COVID-19 leave policy);
- d) You have been advised by a health care provider to self-quarantine due concerns related to COVID-19;

- e) 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 (Effective starting April 1, 2020); or
- f) You are caring for a child whose school or place of care is closed, including a care provider being unavailable, due to COVID-19 reasons (Effective starting April 1, 2020).

2. Is EPSL/SOA COVID-19 LEAVE paid or unpaid?

EPSL is paid at 100% for eligible employees who meet criteria under section (1) a), b), c), d) or EPSL is paid at 2/3rds of your regular pay if you meet criteria under section (1) e) or f). Use of EPSL can be augmented with a leave cash-in of available accrued leave to achieve 100% pay.

3. How long does EPSL last?

EPSL ends on December 31, 2020, even if you have an EPSL balance. The SOA's COVID-19 leave policy was effective as of March 16, 2020, and the policy is reviewed every 14 days.

4. Who is eligible for paid sick leave/SOA COVID-19 leave?

Employees who meet one of the criteria outlined in question #1 are eligible for EPSL. There is no waiting period for eligible employees to request the use of EPSL. EPSL is available to full time, part-time, hourly, or temporary/non-permanent employees who do not work in a health care provider or emergency responder position; however, the entitlement is based on the number of hours they typically work over a 2-week period.

Employees who work in health care provider or emergency responder positions, as defined by the U.S. Department of Labor or identified by their agency, are only eligible for EPSL if they meet the criteria under sections a), b), or c).

5. How many hours of paid sick leave/SOA COVID-19 leave do I qualify for?

If you are a full time employee and have a qualifying reason as outlined above in question #1, you are eligible for up to 10 days (75/80 hours) maximum of paid sick leave in accordance with your regularly scheduled workweek hours.

Part-time employees are eligible for paid sick leave/SOA COVID-19 leave based on the number of hours equal to the average number of hours the employee works over a typical 2-week period. For example, if you are scheduled to work a 20-hour workweek, you would be eligible for 40 hours of paid sick leave/SOA COVID-19 leave.

6. May I take paid sick leave/SOA COVID-19 leave on more than one occasion?

It depends. You may take up to 10 days (75/80 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/SOA COVID-19 leave for any combination of qualifying reasons. However, the total number of hours for which you receive paid sick leave is capped at 10 days (75/80 hours) maximum under EPSLA.

Exception: under the State's COVID-19 policy, a leave-eligible employee may be eligible for additional SOA COVID-19 leave if the leave is taken due to the following reasons:

- a) You are subject to a Federal, State, or local quarantine or isolation order related to COVID-19 (i.e. travel self-quarantine);
- b) You tested positive for COVID-19 (Per SOA COVID-19 leave policy);
- c) You are experiencing symptoms of COVID-19 and seeking a medical diagnosis (Per SOA COVID-19 leave policy).

7. May I take my paid sick leave/SOA COVID-19 leave intermittently while working at my usual worksite?

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 (i.e. travel self-quarantine);
- b) You tested positive for COVID-19 (Per SOA COVID-19 leave policy);
- c) You are experiencing symptoms of COVID-19 and seeking a medical diagnosis (Per SOA COVID-19 leave policy);
- d) You have been advised by a health care provider to self-quarantine due concerns related to COVID-19;
- e) 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 (Effective starting April 1, 2020).

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.

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.

8. How does an employee request to use EPSL/SOA COVID-19 leave?

Follow your department/division/section leave request procedures. If you have a qualifying reason, you will need supervisor approval and must complete the **Employee Verification for Paid Leave Due to Coronavirus (COVID) 2019** form.

EMERGENCY FAMILY MEDICAL LEAVE ACT (EFMLA):

9. What is Emergency Family Medical Leave (EFML)?

The EFMLA provides up to 12 weeks of leave to those eligible employees who have a qualifying need related to a public health emergency. This leave benefit ends on 12/31/20, even if you have an EFML balance. A qualifying need means an employee is unable to work remotely: (all of the following must be true)

- due to a need for leave to care for the employee’s child,
- who is under the age of 18,
- if the elementary school or secondary school or place of care of the child has been closed or is unavailable,
AND
- due to a public health emergency (i.e., a COVID-19 emergency declared by a Federal, State, or local authority).

10. Who is a son or daughter?

A “son or daughter” is under 18 years of age and an employee’s child, which includes a biological, adopted, or foster child, a stepchild, legal ward, or a child for whom an employee stands in loco parentis—someone with day-to-day responsibilities to care for or financially support a child.

A “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.

11. Who is eligible for EFML?

Employees who have been employed with the State of Alaska for at least the last 30 consecutive calendar days, and have a qualifying need, as described below. They must be unable to work (or telework) due to a need for leave to care for their sons or daughters under 18 years of age if the school or place of care has been closed, or the child care provider is unavailable, related to COVID-19.

Employees who work in health care provider or emergency responder positions, as defined by the U.S. Department of Labor or identified by their agency, are not eligible for EFML.

12. Is EFML paid or unpaid?

The first 75/80 hours of EFML is unpaid, however, an employee may elect to substitute accrued leave to receive 100% of pay or use EPSL/SOA COVID-19 leave to receive up to 2/3rds pay. After the first 75 hours, EFML is paid at 2/3rds of an employee's regular rate of pay; however, in no event shall such paid leave exceed \$200 per day and \$10,000 in the aggregate. Employees may augment this paid leave by cashing in available accrued leave to achieve 100% pay.

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

Yes, with your supervisor's approval. Intermittent expanded family and medical leave could be permitted 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.

Supervisors are encouraged to collaborate with their employees to achieve maximum flexibility.

14. May I take leave for a COVID-19 related reason under the new expanded FMLA provisions even if I have already used some or all of my 12 weeks under the Family and Medical Leave Act (FMLA)?

You may take a total of 12 workweeks for an FMLA qualifying condition, including the expanded COVID-19 related reasons, during a 12-month period. If you have already taken some, but not all, 12 workweeks of your leave under FMLA during the current [12-month period determined by your employer](#), you may take the remaining portion of the 12 weeks still available. If you have already taken 12 workweeks of [FMLA](#) leave during this 12-month period, you may not take additional FMLA leave.

15. 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 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.

For example, assume you take 4 weeks of Expanded Family and Medical Leave in April 2020 to care for your child whose school is closed due to a COVID-19 related reason. These 4 weeks count against your entitlement to 12 weeks of FMLA leave in a 12-month period. If you are eligible for preexisting FMLA leave and need to take such leave in August 2020 because you need surgery, you would be entitled to take up to 8 weeks of FMLA leave.

However, you are entitled to paid sick leave under EPSLA 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 2 weeks of

expanded family and medical leave, which may otherwise be unpaid, then those 2 weeks do count towards the 12 workweeks in the 12-month period.

An employee may also be eligible under state law for additional unpaid leave.

16. How does an employee request to use EFMLA?

Follow your department/division/section leave request procedures. If you have a qualifying reason, you will need supervisor approval and must complete the **Employee Verification for Paid Leave Due to Coronavirus (COVID) 2019** form.

EPSL/EFMLA GENERAL QUESTIONS:

17. Can I take EFML or EPSL for any missed work time prior to April 1?

The FFCRA's paid leave provisions are effective on April 1, 2020, and apply only to leave taken between April 1, 2020, and December 31, 2020. The SOA's COVID-19 leave policy was effective as of March 16, 2020, and the policy is reviewed every 14 days.

18. Do employees have to exhaust their accrued leave before using EFML or EPSL?

No. Employees are not required to exhaust their accrued leave balances prior to using EFML or EPSL.

19. If I am home with my child because his or her school or place of care is closed, or childcare provider is unavailable, do I get paid sick leave/SOA COVID-19 leave, expanded family and medical leave, or both?

In this scenario, you may, but are not required to, utilize both types of leave, for a total of 12 weeks of paid leave (see question #11 above). Note: FMLA/AFLA entitlements run concurrently.

20. If I am or become unable to telework, am I entitled to paid sick leave/SOA COVID-19 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—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 entitled to take expanded family and medical leave. If you are able to telework while caring for your child, paid sick leave and expanded family and medical leave is not available.

Note: All telework must be approved by your supervisor. For purposes of continuity of operations during the coronavirus public health epidemic, supervisors can approve telework arrangements for employees who need to manage childcare needs (an exception to the Telecommuting Policy that does not establish a permanent precedent). With the spread of the COVID-19, protecting the health and safety of the workforce through dispersion via telecommuting (where allowed under the telecommuting policy) is of the highest priority. The SOA recognizes employees may have dependents at home while the employee is telecommuting. Supervisors should document outcomes and deliverables expected of employees, regardless of whether dependents are at home or the employee has to provide intermittent dependent care.

21. May I take paid sick leave/SOA COVID-19 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 EPSLA. In that situation, your supervisor may approve for you to 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, your supervisor may approve for you to take expanded family medical leave intermittently while teleworking.

Supervisors and employees are encouraged to collaborate to achieve flexibility and meet mutual needs.

22. Who should I contact if I have a question regarding my current FMLA leave balance?

Contact Payroll Services through the Payroll Service Email Address link below:

02 Admin	doa.dop.admin.payroll@alaska.gov
03 Law	doa.dop.law.payroll@alaska.gov
04 Revenue	doa.dop.revenue.payroll@alaska.gov
05 Education	doa.dop.education.payroll@alaska.gov
06 H&SS	doa.dop.hss.payroll@alaska.gov
07 Labor	doa.dop.labor.payroll@alaska.gov
08 Commerce	doa.dop.commerce.payroll@alaska.gov
09 DMVA	doa.dop.dmva.payroll@alaska.gov
10 DNR	doa.dop.natresources.payroll@alaska.gov
11 F&G	doa.dop.fg.payroll@alaska.gov
12 DPS	doa.dop.dps.payroll@alaska.gov
18 DEC	doa.dop.envconserv.payroll@alaska.gov
20 DOC	doa.dop.corrections.payroll@alaska.gov
25 DOT	doa.dop.dot.payroll@alaska.gov

23. Who should I contact if I have general questions regarding the FFCRA and what leave I may be eligible to use?

Follow your department practice and contact either your administrative staff or HR contact as appropriate.

24. When am I eligible for paid sick leave/SOA COVID-19 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 for him or herself and depends on you for care and if providing care prevents you from working and from 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.

25. 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).

26. How do I know if I can receive paid sick leave/COVID-19 leave for a Federal, State, or local quarantine or isolation order related to COVID-19?

For purposes of the FFCRA/SOA COVID-19 Leave Policy, a Federal, State, or local quarantine or isolation order includes quarantine or isolation orders, as well as shelter-in-place or stay-at-home orders, issued by any Federal, State, or local government authority that cause you to be unable to work (or to telework) even though your employer has work that you could perform but for the order.

27. What if 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/SOA COVID-19 Leave Policy 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 employer's expectations and your condition, however, you may be able to telework during your period of quarantine.

28. 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.

29. 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, the employee may be able to take leave if his or her child's care provider during the summer—a camp or other programs in which the employee's child is enrolled—is closed or unavailable for a COVID-19 related reason.