

Southeastern Louisiana University Families First Coronavirus Response Act Leave

The Families First Coronavirus Response Act (FFCRA) is effective prospectively on April 1, 2020 and will sunset on December 31, 2020. Given that the situation is evolving, updates may be forthcoming as circumstances change. All decisions will be made with the health and safety of Southeastern's community in mind and with the guidance of Louisiana Civil Service and public health authorities.

Emergency Paid Sick Leave (EPSL) (Civil Service Chapter 11.35 (c))

Eligibility: Subject to the exemptions set forth below, employees are entitled to up to 80 hours of paid sick leave, separate and apart from any accrued sick leave balance they may carry, for the following reasons:

1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19;
3. The employee is experiencing symptoms of COVID-19 and is seeking medical diagnosis;
4. The employee is 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 healthcare provider to self-quarantine due to concerns related to COVID-19;
5. The employee is caring for their child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons; or
6. The employee is experiencing any other substantially-similar condition that may arise, as specified by the Secretary of Health and Human Services. No such specification has been made as of this date; however, may be made by December 31, 2020.

Payment Amount: Employees needing leave for reasons 1-3 above are entitled to their regular hourly rate of pay, capped at \$511 per day or an aggregate of \$5,110 over the two-week period.

Employees needing leave for reasons 4-6 above are entitled to two-thirds of their regular rate of pay, capped at \$200 per day or an aggregate of \$2,000 over the two-week period.

Limitations: Employees may only take one single two-week period of paid sick leave, even if they are subject to multiple qualifying events.

If you believe that you qualify for use of this leave for any of these reasons, you should speak with your supervisor and the Human Resources Department.

If you do not meet any of these conditions, you do not qualify for use of this leave at this time.

Emergency Family Medical Leave Expansion Act

If you need to take time off to care for children and have not exhausted your annual FMLA entitlement, you may be eligible for up to 12 weeks of protected leave that can be used either on

a continuous or intermittent basis. During the final 10 weeks of the leave, eligible employees may receive up to 2/3 of their daily pay, up to a maximum of \$200/day. With the passing of the Emergency Family Medical Leave Expansion Act (EFMLEA), employees will now be entitled to additional leave benefits under the Family Medical Leave Act of 1993 (FMLA), if they:

1. Have been a Southeastern employee for at least thirty (30) days
2. Have not exhausted their annual FMLA entitlement*
3. Cannot work or telework due to having to care for their child (under eighteen years of age), if the child's school or place of care has been closed, or the childcare provider is unavailable due to the COVID-19 public health emergency.

*Time taken under the EFMLEA will be factored into an employee's annual FMLA entitlement. All employees that meet the eligibility criteria are entitled to up to twelve (12) workweeks of protected leave, which can be used either on a continuous or intermittent basis.

Eligible employees can elect that the initial two-week period of protected leave be:

1. Unpaid
2. Or the employee may use EPSL
3. Or an employee may elect to delay use of EPSL and use accrued leave
4. Or an employee may use EPSL and supplement it with accrued annual leave (or sick leave as long as permissible under Civil Service Chapter 27) to make himself whole.

During the final ten (10) workweeks of the leave, eligible employees can receive up to 2/3 of their daily pay, up to a maximum of \$200/day. Eligible employees may also choose to use their personally accrued leave to supplement their paycheck up to their standard gross biweekly or monthly pay.

Exemptions

The FFCRA provides that healthcare providers and emergency responders may be exempted from the Act's provisions. Pursuant to the Governor's Proclamation No. 43 JBE 2020, Section 4, the following state employees are excluded from receiving paid sick leave under the EPSL or EFMLEA:

Healthcare providers, defined as any employee of the State of Louisiana employed at a hospital, veterans' home, health care center, clinic, local health department or agency, or any facility that performs laboratory or medical testing, as well as those employees who work in such facilities whose work is necessary to maintain the operation of the facility; and

Emergency responders, defined as any employee of the State of Louisiana necessary for the provision of transport, care, healthcare, comfort and nutrition of such patients, or others needed for the response to COVID-19. This includes, but is not limited to military or national guard personnel, law enforcement officers, correctional institution personnel, fire fighters, emergency medical technicians, paramedics and emergency management personnel, as well as those employees who work in such facilities whose work is necessary to maintain the operation of the facility.

**Due to the above mentioned exemption Louisiana Civil Service approved the following:
Civil Service Chapter 11.35 Special Leave Related to COVID-19 Health Pandemic**

(b) An appointing authority may grant time off without loss of pay, annual leave or sick leave to any healthcare provider or emergency responder who was exempted from the Families First Coronavirus Response Act by the Governor's Proclamation Order No. 43 JBE 2020 Section 4 and who has tested positive for COVID-19 or who has been advised by a healthcare provider to self-quarantine related to COVID-19, or who is experiencing COVID-19 symptoms and is seeking medical diagnosis.

Such special paid leave shall not extend beyond 15 working days and will be in addition to any other leave benefits afforded by law.

Required Documentation

Employees should provide the following documentation related to FFCRA leave:

For employee unable to work due to a quarantine or isolation order: Employee should provide document/obtain documentation from the medical professional or government entity requiring quarantine. If this is due to contact with a confirmed positive test person the employee may provide the paperwork from the Department of Health Contact Tracing Department.

For school/child care closures or child care provider unavailability, employees should provide documentation of the name of the child being cared for, the name of the school, place of care or provider that is closed or unavailable to COVID-19 related reasons and a statement that the employee has no other suitable person available to care for the child.

For COVID-19 related illness or to care for a parent, spouse, or child with a COVID-19 related illness employees should complete the FMLA form.

When requesting the Emergency Paid Sick Leave (EPSL) or Extended Family Medical Leave (EFMLEA), you are agreeing that to the best of your knowledge you meet the criteria for use of this leave. In doing so, you understand that any willful misrepresentation or falsification may lead to ineligibility for these benefits and may be cause for disciplinary action, up to and including termination.