

Clayton County Public Schools

Division of Human Resources

Emergency Family and Medical Leave (EFML) Frequently Asked Questions (FAQs)

Please Read Carefully

The **Families First Coronavirus Response Act (FFCRA)** requires certain employers to provide their employees with Emergency Paid Sick Leave (**EPSL**) and Emergency Family and Medical Leave (**EFML**) for specified reasons related to COVID-19. Please note the guidance from public health authorities is constantly changing as the COVID-19 Pandemic is still evolving. As a district, we will continue to monitor and follow the most current information available on maintaining safety in the workplace.

Q1 What are the effective dates of the Emergency Paid Sick Leave (EPSL)?

- The EPSL became effective on April 1, 2020 and its requirements expire on December 31, 2020.

Q2 Who is eligible for Emergency Family and Medical Leave (EFML)?

- Employees who have been employed for at least 30 calendar days at the time of the request.

Q3 What if an employee has already taken leave under the Family Medical Leave Act (FMLA) prior to the enactment of the Emergency Family Medical Expansion Leave Act (EFMLEA)?

- If an employee has taken some, but not all, 12-weeks under FMLA during the current 12 month look back period, the employee may take the remaining portion of leave available. If an eligible employee has already taken the full 12-weeks of FMLA leave during the 12-month look back period, the employee may not take EFML leave. In such a case, the employee would still be entitled to take up to two weeks of paid sick leave under EPSL.

Q4 Are part time employees eligible for EFML?

- Yes, a part time employee is eligible for leave for the number of hours that the employee is normally scheduled to work, over a two-week period.

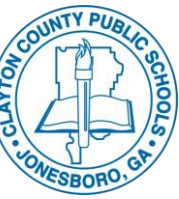
Q5 Is an employee entitled to the same or similar position following paid sick leave under EPSL?

- An employee has a right to be restored to the same or equivalent position following EPSL. The determination of what constitutes the “same or equivalent position” is the same criteria used for employees returning from FMLA leave.

Q6 Can an employee take leave if they are afraid to return to work?

- While we acknowledge employee concerns, the district has implemented appropriate safety measures for employees to return to work based on guidance from several related Federal, State, and local agencies. Employees should refer to CCPS Board of Education, Policy GARH: Employee Leaves and Absences. [CCPS BOE Policies](#)
- The Families First Coronavirus Response Act (FFCRA) provides **six reasons** that an employee can be absent from work for COVID-19. The procedures for employees who are absent from work will not change except for compliance with the regulations relative to COVID-19, the reasons are listed:

- 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 health care provider to self-quarantine related to COVID-19.*



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Emergency Family and Medical Expanded Leave (EFML) Frequently Asked Questions (FAQs) Continued

3. *The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.*
4. *The employee is caring for an individual who is subject to an order described in reasons 1 or 2.*
5. *Employee is caring for his/her child whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19 related reasons. Employee certifies that no other suitable person is available to care for son/daughter during the period of requested leave.*
6. *Employee is experiencing other conditions substantially similar to COVID-19 as specified by the U.S. Department of Health and Human Services. (N/A, to date, this reason code is not available for use as the U.S. Department of Health and Human Services has not identified substantially similar conditions.)*

Q7 What does it mean to be subject to a quarantine or isolation order?

- This will fall under reasons one (1) or four (4). A quarantine or isolation order includes quarantine, isolation, containment, shelter-in-place, or stay-at-home orders issued by any Federal, State, or Local government authority that causes the employee to be unable to work even though his/her employer has work that the employee could perform.

Q8 Can an employee take leave if experiencing COVID-19 symptoms and is seeking medical diagnosis?

- Yes, this will fall under reason three (3). The time an employee may take leave for this reason is limited to the time the employee is unable to work because they are taking steps to obtain a medical diagnosis, such as making, waiting for, or attending an appointment for a test for COVID-19.

Q9 Are there limitations on an employee taking EPSL to care for an individual who 1) is subject to a quarantine or isolation order, or 2) who has been advised by a healthcare provider to self-quarantine?

- Yes, this will fall under reason four (4). An employee is able to take paid sick leave under EPSL for this reason if the employee is unable to perform work.

Q10 Are there limitations on taking paid sick leave under EPSL to care for a child whose school or place of care is closed, or whose childcare provider is unavailable?

- Yes, this will fall under reason five (5).