

EMERGENCY PAID LEAVE SUPERVISOR PROCEDURES

Greetings from Human Resources!

The Families First Coronavirus Response Act (FFCRA) requires government employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The U.S. Department of Labor's Wage and Hour Division administers and enforces the new paid leave requirements.

These provisions are in effect from April 1, 2020 to December 31, 2020.

- **Emergency Paid Leave Sick Act (EPSLA)** – provides for 80 hours of paid sick leave for full-time employees; part-time employees are entitled to the average number of hours an employee works over a 2-week period.
- **Expanded Family and Medical Leave Expansion Act (EFLMEA)** – amends the FMLA provisions to provide up to 12 weeks of leave (10 weeks at 2/3 pay) for employees who are caring for their children at home because they do not have childcare due to schools or daycare providers being closed.

To help you become familiar with this new requirement, please read the following:

- [Families First Coronavirus Response Act Summary](#); and
- [HR Guidance for Exposure to COVID-19 and Leave Time](#)

You can find these materials on the county's website at: <https://www.ramseycounty.us/employees>

OR on the RamseyNet FMLA page: <https://ramseynet.us/job-information-training-benefits/employee-resources/employee-benefits-wellness/family-medical-leave-act-fmla-and-equivalent-fmq>

The purpose of the following material is to explain the process supervisors will use to approve leave time requested under FFCRA for **Emergency Paid Sick Leave (EPSLA) and/or Emergency Family Medical Leave Expanded Act (EFMLEA)**. Please note that leaves qualifying under federal law precede the use of **Paid Extraordinary Pandemic Event Leave (PEPEL)**.

The length of leave for EPSLA and EFMLEA is dependent on how much FMLA time an employee has already used in their current FMLA year. The combination of FMLA/EPSLA/EFMLEA cannot exceed 12 weeks.

Only employees not exempted from EFMLEA with a qualifying reason for school or childcare closure may receive up to an additional ten (10) weeks of **EFMLEA**.

Human Resources will determine eligibility and approval for EPSLA or EFMLEA and will inform the employee, the supervisor, the department's payroll/transaction contact, and the HR Generalist for your department by email of the decision.

If you have any questions, please email ContactHR@co.ramsey.mn.us and refer to the last page of this presentation for additional resources.

Navigating the EPSLA-EFMLA Form

The employee must fully complete the *three-page* “[Emergency Paid Leave Request Form](#)” (see the next slide)

All forms must be submitted electronically to ContactHR@co.ramsey.mn.us.

If the employee doesn't have a laptop or computer available to them, *YOU* must complete the form and submit it electronically.

NOTE: Any paper-based forms submitted to HR will delay any employee benefits for EPSLA or EFMLEA as mail delivery is staffed at less than daily intervals at this time.

EMERGENCY PAID LEAVE REQUEST

PART A

Employee Name (Last, First, MI)		Empl ID		Primary Phone: []	
[]		[]		Email where we can contact you: []	
Department & Work Location		Current Job Title	Date of Hire	Current Supervisor	Avg Hrs./Week
[] & []		[]	[]	[]	[]

IMPORTANT INSTRUCTIONS – READ CAREFULLY:

1. ALL Employees are expected to continue to work (telework where available) when possible.
2. Most employees may be eligible for emergency paid leave (Emergency Paid Sick Leave (EPSLA) and Emergency Paid Family & Medical Leave (EFMLEA) benefits) under FFCRA. **Use this form to request these benefits.**
3. Read "Guidance for Exposure to COVID-19 and Leave Time as Determined by FFCRA" for more detailed information.
4. All employees may be eligible for EPSLA benefits. Complete the form (Parts A, B, C & D) in full, review it with your supervisor to obtain approval, and submit to CONTACTHR@CO.RAMSEY.MN.US for processing. HR will notify you whether you are approved for this leave.
5. **County emergency and health care workers working in the following facilities are exempted from and ineligible for EFMLEA:**
Adult Detention Center, Correctional Facility, Juvenile Detention Center, Care Center, Detoxification Center, Emergency Communications Center, Lake Owasso Residence, Medical Examiner and Sheriff's Offices.
EMPLOYEES WORKING AT THESE FACILITIES SHOULD NOT REQUEST EFMLEA, IT WILL BE DENIED.

Employees working at these facilities are eligible for the following:
 - Are eligible for up to two weeks/80 hours of (EPSLA) (complete form as instructed above).
 - Are eligible for the County's PEPEL leave.

I am requesting (CHECK ONE)		My leave begins and expected return dates are:	
DISCUSS WITH YOUR SUPERVISOR PRIOR TO SUBMISSION.			
<input type="checkbox"/> Continuous Leave; Reason: []		Continuous leave to start no earlier than 4/1/20: []	
		Return to work date: []	
<input type="checkbox"/> Intermittent Leave; Detail of proposed schedule: []		Intermittent leave to start no earlier than 4/1/20: []	
		Return to work date: []	
<input type="checkbox"/> I am currently working/teleworking (including redeployment assignments).			
<input type="checkbox"/> If you are no longer able to work, tell us why: []			
Employee Signature		Date	
<input type="checkbox"/> Type in name:			
<i>By checking the above box, I certify and authorize this request for leave in its entirety for a covered reason under the Families First Coronavirus Response Act (FFCRA) as stated below. I agree to provide additional documentation to support this leave if requested and I acknowledge: 1) If I don't comply, I may be denied this leave; 2) I am responsible to follow department call-in procedures; and 3) I may be subject to discipline, up to and including termination of employment for falsifying my need for leave under the FFCRA.</i>			
Supervisor Signature		Date:	
<input type="checkbox"/> Type in name:			
<i>By checking the above box, I certify I have reviewed this request and approve the proposed intermittent or continuous schedule.</i>			

Steps to Review Employee Request

Do reasons
qualify for
leave?

Is employee
eligible for
consideration?

Is the leave
necessary? Is
employee able
or unable to
work?

•Is the
employee able
or unable to
work?

Qualifying Reasons for Emergency Paid Sick Leave (EPSLA):

Under FFCRA, an employee may qualify for **up to 80 hours of paid leave (EPSLA)** if the employee is unable to work (or unable to telework) due to a need for leave because the employee is:

1. Subject to Federal, State or local quarantine or isolation order related to COVID19.
NOTE: As Ramsey County is open for business, **county employees are generally exempted from this provision**; if an employee selects this alternative, email ContactHR@co.Ramsey.mn.us for advice.
2. Advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. Experiencing COVID-19 symptoms and is seeking medical diagnosis.
4. Caring for individual subject to a state isolation order (as in #1) or self quarantine (as in #2).
5. Caring for child whose school or place of care (or child care provider is unavailable) for reasons related to COVID-19.
6. Experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Duration of Leave:

For reasons (1)-(4) and (6): A full-time employee is eligible for up to 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

For reason (5): A full-time employee is eligible for up to 12 weeks of leave at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

Qualifying Reasons for Emergency Paid Family & Medical Leave (EFMLEA):

Under FFCRA, an employee may qualify for **up to ten (10) weeks of paid leave (EFMLEA)** for expanded family leave if the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19.

While most county employees will be covered by this provision (as in #5), consistent with provisions in the FFCRA the County has determined the following:

County emergency and health care workers working in the following facilities are exempted from EFMLEA and:

- Are eligible for up to two weeks/80 hours of Emergency Paid Sick Leave (EPSLA)
- Are not eligible for Emergency Paid Family & Medical Leave (EFMLEA - up to ten weeks)
- Are eligible for the County's PEPEL leave

County emergency and health care worker employees **working in the following facilities are exempted from EFMLEA:**

Adult Detention Center, Correctional Facility, Juvenile Detention Center, Care Center, Detoxification Center, Emergency Communications Center, Lake Owasso Residence, Medical Examiner and Sheriff's Offices.

The County emergency and health care worker employees working in the above facilities are expected to work/telework as appropriate and when possible.

Is the employee eligible for consideration?

You must review Part A & Part B of the employee's request to determine:

Generally, employees may be eligible for emergency paid sick leave because the reason for their request is consistent with the FFCRA criteria (see Part B of the Emergency Paid Leave Request form).

If the employee is an *emergency or health worker in the noted facilities*, Ramsey County has *included* them for Emergency Paid Leave (EPSLA – up to 80 hours) but *excluded* them from Emergency Paid Family & Medical Leave (EFMLEA – up to 10 weeks). Therefore:

- If an employee at any of the noted facilities has applied for Emergency Paid Sick Leave (Part B, EPSLA), proceed to sign and email to ContactHR@co.ramsey.mn.us .
- If an employee at any of the noted facilities has applied for Emergency Paid Family & Medical Leave (Part C, EFMLEA reason #5), advise them they are not eligible for EFMLEA and HR will send them a notice to that effect. Proceed to sign and email to ContactHR@co.ramsey.mn.us .

Is the leave necessary?

You must discuss Part A with the employee whether their request for leave is necessary, as follows:

Is the employee able to perform their usual work? What hours can they work? Is an intermittent leave necessary?

If the employee can work, they must continue to work to the extent possible.

Is the employee able to perform their work via telework? What hours can they work? Is an intermittent leave necessary?

If the employee can telework, ensure that is implemented quickly and the employee must continue to telework to the extent possible.

**Is the employee able to work?
Is the employee unable to work?**

Is the employee unable to perform their usual work?

If so, talk to your HR Generalist to see if they may be redeployed to other work in the department or county

If the employee can be redeployed to other work, contact your HR Generalist to determine the deployment, effective date, and what hours they can work.

If the employee can be redeployed, ensure that is implemented quickly and the employee will work this new assignment to the extent possible.

Assess Intermittent or Continuous Leave

Is the
employee
eligible for
consideration?

Is intermittent
leave
appropriate?

Is continuous
leave
appropriate?

•Now what?

Is the employee eligible for consideration?

If the employee can work their full normal schedule through regular, telework or redeployment, they are not eligible for EPSLA or EFMLEA.

Do not submit the Request form.

Is Intermittent Leave Appropriate?

If the employee can perform some but not all work (regular, telework or redeployment), they may request **intermittent leave** consistent with the federal criteria.

Discuss with the employee the need for a reliable schedule that meets business needs

Discuss the terms of the intermittent leave that will work for the department and the employee (i.e. what is the begin and end date, identify the schedule)

Determine whether intermittent leave is appropriate.

Is Continuous Leave Appropriate?

If the employee is not able to perform any work or redeployment, they may request **continuous leave** consistent with the federal criteria.

Discuss the terms of the continuous leave that will work for the department and the employee (i.e. what is the begin and end date, identify the length of leave)

Determine whether intermittent leave is appropriate.

See next page for “Now What?”

Ensure Form is Complete

- Ensure the form is completed, signed by both you and the employee

Email Form to HR

- Email the completed form to ContactHR@co.ramsey.mn.us

About Medical Documentation

- If employee wants to attach medical documentation, they may do so.
 - **NOTE: YOU CANNOT REQUIRE MEDICAL DOCUMENTATION**
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Human Resources Review & Authorization

While you are approving the type of leave, Human Resources is the authority to determine eligibility and approval for EPSLA (Part B) or EFMLEA (Part C & D).

Human Resources will inform the employee, the supervisor, the department's payroll/transaction contact, and your HR Generalist of the determination by email.

Human Resources will determine length, type and amount of EPSLA or EFMLEA leave and benefits available to the employee to supplement their wages to 100%.

Human Resources will inform the department's payroll/transaction contact how to record the EPSLA, EFMLEA, and use of other benefits for time reporting purposes.

Supervisor Best Practices

- ❖ Work with your Transactions/Payroll Contact and keep them informed
- ❖ Email completed Request forms to ContactHR@co.ramsey.mn.us immediately
- ❖ Clarify Attendance Policies with your employee
 - Confirm call-in policy with employee
 - WHO to call - WHEN to call
 - What happens if no compliance
 - What happens when an employee is “No call/No show”

When do I need to talk with my HR Generalist?

- ? When you think something isn't right...
 - ? When it's not FMLA, ESPL, EFMLEA, then what...
 - ? When the employee already used up FMLA ...
 - ? When an employee remains out on leave of absence after ESPL or EFMLEA is exhausted....
 - ? When considering discipline: what to do/what not to do?
 - ? When you think the employee is working elsewhere during ESPL or EFMLEA leave (Prohibited Activity)
 - ? When the employee fails to return to work after ESPL or EFMLEA
 - ? When ESPL or EFMLEA or FMLA overlaps with other issues
(e.g. Workers Compensation, ADA, 2 year LOA, STD-LTD, retirement eligibility, discipline etc.)
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For Additional Help or Questions:

- **Questions?** Email ContactHR@co.ramsey.mn.us
 - [Families First Coronavirus Response Act Summary](#)
 - [HR Guidance for Exposure to COVID-19 and Leave Time](#)

Emergency Paid Leave Form *(available at the following locations):*

- <https://ramseynet.us/sites/default/files/Strategic%20Team/Human%20Resouces/Emergency%20Paid%20Leave%20Request.pdf>
 - <https://ramseynet.us/job-information-training-benefits/employee-resources/employee-forms>
 - <https://ramseynet.us/job-information-training-benefits/employee-resources/employee-benefits-wellness/family-medical-leave-act-fmla-and-equivalent-fmq>
- **RamseyNet:**
- <https://ramseynet.us/service-teams-departments/health-and-wellness/public-health/resources/current-public-health-issues/coronavirus-disease-2019-covid-19>

Additional Resources:

- Department payroll/transactions contact
- <https://ramseynet.us/service-teams-departments/strategic-team/human-resources/department-human-resources-generalists>
- Sandra Hokanson, HR Supervisor – Disability & LOA Administration
@ 651-266-2729