



UXBRIDGE PUBLIC SCHOOLS

EQUITY · RESPECT · RESPONSIBILITY · COLLABORATION

Families First Coronavirus Response Act (FFCRA)

Frequently Asked Questions

Please be advised that the District will change or update these FAQs as necessary to address questions frequently asked by employees that are not already addressed below and as the Department of Labor issues additional or updated guidance or regulations related to the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act that are part of the Families First Coronavirus Response Act.

These FAQs are intended to be informative in nature.

Q. When did the Emergency Sick Paid Leave Act (“EPSLA”) and the Emergency Family and Medical Leave Expansion Act (“EFMLEA”) go into effect? When will they expire?

A. They took effect on April 1, 2020 and are due expire on December 31, 2020.

Q. How do I apply for “EPSLA” leave?

A. Please fill out the EPSLA Leave Request Form located on our website, along with any required documentation.

Q. How do I apply for “EFMLEA” leave?

A. Please fill out the EFMLEA Leave Request Form located on our website, _____ along with any required documentation.

Please also note that all existing certification requirements under the FMLA remain in effect if you are taking FMLA leave for one of the existing qualifying reasons under the FMLA. For example, if you are taking leave beyond the two weeks of EPSLA because your medical condition for COVID-19-related reasons rises to the level of a serious health condition, you must continue to provide medical certifications under the FMLA as requested.

Q. What documentation do I have to submit to show that my child’s school or place of care is closed or my child’s child care provider is unavailable?

A. You must provide name of school or childcare provider that has become unavailable and a statement indicating that no other suitable person is available to care for the child.

Q. If I elect to take “EPSLA” or “EFMLEA”, will the Town of Uxbridge continue my health coverage?

A. If you are enrolled in group health coverage through the Town of Uxbridge, you are entitled to continued group health coverage during your expanded family and medical leave on the same terms as if you continued to work. Similarly, if you are enrolled in family coverage, you may maintain coverage during your expanded family and medical leave. You must continue to make any normal contributions to the cost of your health coverage. The Town will deduct these costs from your payment for your paid leave. If your pay during your leave is insufficient to cover the cost of your insurance coverage, you must pay the Town of Uxbridge directly for your health insurance premiums to avoid cancellation of your insurance benefits. You will receive a monthly billing statement for each month that your pay is insufficient to cover the cost of the insurance for as long as you remain eligible for benefits. Please contact Lisa Yaroshefski, Benefits, at 508-278-8600 X2008, for specifics regarding the payment plan and to whom’s attention payment should be made out to.

The Town of Uxbridge reserves the right to cancel your coverage for non-payment of premiums. If your payment is more than 30 days overdue, your coverage will be canceled for non-payment of premium retroactive to your paid through the date of coverage. You will be responsible for any medical claims incurred after the termination date of coverage.

If you wish to cancel your coverage voluntarily, please notify the Benefits Department in writing and provide proof of coverage elsewhere. If you voluntarily cancel your coverage or fail to pay the owed premiums, you will not be able to re-enroll in a plan until the next annual enrollment period or unless you experience a qualifying event. Returning to work from a Leave of Absence is not a qualifying event to re-enroll in a health plan. For more information please contact Lisa Yaroshefski @ lyaroshefski@uxbridge-ma.gov.

Q. If I remain on leave beyond the maximum period of EFMLEA, may I keep my health coverage?

A. If you do not return to work at the end of your expanded family and medical leave, you must request and be granted an approved leave of absence pursuant to the District’s leave policies. If you are granted a leave of absence, you may be eligible to keep your health coverage on the same terms (including contribution rates).

If you are on an unpaid leave of absence or if you have not had regular health insurance deductions taken because you have not received a continuous paycheck, you must pay the Town of Uxbridge directly for your health insurance premiums to avoid cancellation of your insurance benefits. You will receive a monthly billing statement for each month that your pay is insufficient to cover the cost of the insurance for as long as you remain eligible for benefits. Please contact Lisa Yaroshefski, Benefits, at 508-278-8600 X2008, for specifics regarding the payment plan and to whom’s attention payment should be made out to.

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Q. Do I have a right to return to work if I am taking “EPSLA” or “EFMLEA” leave?

A. In most instances, you are entitled to be restored to the same or an equivalent position when you return from EPSLA or EFMLEA leave. The District will not fire, discipline, or otherwise discriminate against you because you take EPSLA or EFMLEA leave. Nor will the District fire, discipline, or otherwise discriminate against you because you filed any type of complaint or proceeding relating to EPSLA or EFMLEA leave, or have or intend to testify in any such proceeding. However, if while you are out on EPSLA, EFMLEA or another form of leave, or if you are working, and your position is eliminated, you may not be permitted to return to work and you may no longer be eligible for EPSLA or EFMLEA.

Q. Can I use EPSLA and EFMLEA leave intermittently?

A. No. You may not use EPSLA or EFMLA intermittently.

Q. May I take two weeks of EPSLA leave for my self-quarantine and then another two weeks of EPSLA sick leave for another qualifying reason under the EPSLA?

A. No. You may take up to two weeks (capped at your regular scheduled hours over a two weeks period) of EPSLA for any combination of qualifying reasons. If you require additional leave, you must use your existing leave balances in accordance with the District's applicable policies and procedures and collective bargaining agreements.

Q. Am I retroactively entitled to EPSLA or EFMLEA if I took leave for a reason identified in the EPSLA or EFMLEA prior to the Act going into effect?

A. No.

Qualifying Conditions For Leave And Eligibility

Q. Do I qualify for leave for a COVID-19 related reason even if I have already used some or all of my leave under the Family and Medical Leave Act (FMLA)?

A. If you are an eligible employee, you are entitled to paid sick leave under the EPSLA regardless of whether you have used FMLA leave or how much FMLA leave you have taken.

EFMLEA is available to eligible employees who have worked with the District for more than 30 days, as opposed to twelve months.

Your eligibility for EFMLEA leave will also depend on how much FMLA leave you have already taken during the preceding 12-month period. You may take a total of 12 work weeks of leave for FMLA or EFMLEA reasons during a 12-month period. If you have taken some, but not all, 12 work weeks of your leave under FMLA, you may take the remaining portion of leave available as EFMLEA. If you have already taken 12 workweeks of FMLA leave during the preceding 12-month period, you may not take additional EFMLEA.

For example, if you took two weeks of FMLA leave in January 2020 to undergo and recover from a surgical procedure, you have 10 weeks of FMLA leave remaining. Because EFMLEA leave is a type of FMLA leave, you

would be entitled to take up to 10 weeks of expanded family and medical leave, rather than 12 weeks. And any EFMLEA leave you take will count against your entitlement to pre-existing FMLA leave.

Q. May I use EPSLA and EFMLEA leave together for any COVID-19 related reasons?

A. No. The EFMLEA applies only when you are on leave to care for your child whose school or place of care is closed, or whose child care provider is unavailable, due to COVID-19 related reasons.

However, you can take EPSLA leave for several other reasons such as:

1. If you are subject to a Federal, State or local quarantine or isolation order related to COVID-19;
2. You have been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. You are experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. You are caring for an individual who is subject to an order as described 1 or 2 above;
5. You are caring for your child because the child’s school or place of care has been closed, or the child’s child care provider is unavailable, due to COVID-19 precautions; or
6. You are experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services. Please see the below section on EPSLA for more details.

Q. Who is my son or daughter for purposes of the EPSLA and EFMLEA?

A. Your minor child and your son or daughter is your own child, which includes your biological, adopted, or foster child, your stepchild, a legal ward, or a child for whom you are standing *in loco parentis*—meaning you have the day to day responsibilities to care for the child or you financially support the 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.

Q. How do I know whether I have “been employed for at least 30 calendar days by the District” for purposes of EFMLEA?

A. You have been employed by the Town of Uxbridge for at least 30 calendar days if you were on the Town’s payroll for the 30 calendar days immediately before the day your leave will begin.

Q. What does it mean to be unable to work, including telework, for COVID-19 related reasons?

A. You are unable to work for a COVID-19 related reason if you have a COVID-19 qualifying reason set forth in the FFCRA that prevents you from being able to complete the work your department or school has for you either at your regular worksite or remotely.

If you and your school or department agree that you will work your normal number of hours, but outside of your normally scheduled hours (for instance, early in the morning or late at night), then you are able to work and leave is not necessary unless a COVID-19 qualifying reason prevents you from working that schedule.

Q. If I am or become unable to telework, am I entitled to EPSLA or EFMLEA leave?

A. If the District has not designated you as an Emergency Responder and your Department allows you to telework—for example, allows you to perform certain tasks or work a certain number of hours from home or at a location other than your normal workplace—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 may be eligible to take EPSLA.

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 may be entitled to EFMLEA leave. Of course, to the extent you are able to telework and satisfactorily perform the functions of your job while caring for your child, EPSLA and EFMLEA are not available.

Q. For purposes of EPSLA leave, what does “caring for an individual” mean?

A. An “individual” means an immediate family member, a person who regularly resides in your home, or a similar person with whom you have a relationship that creates an expectation that you will care for the person if the person were quarantined or self-quarantined. You may take EPSLA leave to care for such an individual if the individual depends on you to take care of them *and* is either: (1) subject to a Quarantine or Isolation Order; or (2) has been advised to self-quarantine by a health care provider because of a belief that— (A) the individual has COVID-19; (B) the individual may have COVID-19 due to known exposure or symptoms; or (C) the individual is particularly vulnerable to COVID-19.

Q. The EPSLA provides for leave when an “employee is experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services.” What does this mean?

A. Currently, this condition does not exist. The U.S. Department of Health and Human Services has not yet identified any “substantially similar conditions” that would satisfy qualifying reason (6) for FFCRA sick leave. If such a condition is identified, the U.S. Department of Labor (DOL) is expected to issue additional guidance about it. If the DOL issues additional guidance on the matter, the District will update its policy and provide additional information.

Q. If I take paid sick leave under the EPSLA, does that count against my other types of accrual balances?

A. EPSLA leave is in addition to your current leave balances.

Q. If I take leave under the EFMLEA, does it run concurrently with my other types of District paid leave balances?

A. The first two weeks of EFMLEA are unpaid. However, you can elect to use any available EPSLA, or any available appropriate accrued leave, to receive payment during that time. After week two, any of your appropriate accrued leave will run concurrently with your EFMLEA until you exhaust your appropriate accrued leave. You will receive your regular pay during any time in which your available appropriate accrued leave runs concurrently with EFMLEA. If you exhaust your available appropriate accrued leave (including vacation and personal leave, or comp time but excluding sick leave) before you exhaust your EFMLEA leave, the Town will

pay you 2/3 of your regular rate of pay up to \$200/day up to a maximum of \$10,000, until you exhaust your EFMLEA leave or you no longer need the leave.

Please note that the amount of EFMLEA available for you to use will depend on how much FMLA leave you have already taken during the preceding 12-month period. You may take a total of 12 workweeks of leave for FMLA or EFMLEA reasons during a 12-month period. If you have taken some, but not all, 12 work weeks of your leave under the FMLA, you may take the remaining portion of leave available as EFMLEA. If you have already taken 12 workweeks of FMLA leave during the preceding 12-month period, you may not take additional EFMLEA.

Q. If I take leave under the EPSLA, does it run concurrently with my other types of District paid leave balances?

A. The District will not run any balances concurrent with your EPSLA leave. Nor may you request to supplement the pay you receive for EPSLA leave by using your accrued leave balances. However, you may elect to use your other paid balances before using EPSLA. When you use EPSLA for reasons 1, 2, or 3 (see above) (for your own illness or quarantine), you will receive your regular pay. If you use your EPSLA for purposes 4, 5, or 6 (see above) (to care for others), you will receive 2/3 of your regular rate of pay for the number of hours that you would otherwise normally be scheduled to work (capped at 80 hours) or the State minimum wage, capped at \$200 per day and a total of \$2,000 for the two week period.

Q. Can I use my sick leave or other paid balances to cover the two weeks of unpaid EFMLEA leave?

A. Yes. You may choose to use an appropriate District paid leave (including vacation and personal leave but excluding sick leave) to cover the initial unpaid 10 days of EFMLEA leave. You may also use EPSLA leave to cover the initial unpaid 10 days of EFMLA. If you do elect to use EPSLA, you will receive 2/3 of your regular rate of pay for the number of hours that you would otherwise normally be scheduled to work (capped at 80 hours) or the State minimum wage, capped at \$200 per day and a total of \$2,000 for the two week period.

Q. If I am home with my child because his or her school or place of care is closed, or child care provider is unavailable, do I get EPSLA leave, EFMLEA leave, or both—how do they interact?

A. You may be eligible for both types of leave, but only for a total of twelve weeks of paid leave. You may take both EPSLA and EFMLEA leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons. The EPSLA provides for an initial two weeks of paid leave. This period thus covers the first ten workdays of EFMLEA leave, which are otherwise unpaid under the EFMLEA unless you elect to use appropriate accrued leave. After the first ten workdays, any of your appropriate accrued leave (including vacation and personal leave but excluding sick leave) will runs concurrently with your EFMLEA leave until you exhaust your appropriate accrued leave.

You will receive your regular pay during any time in which your available appropriate accrued leave (including vacation and personal leave but excluding sick leave) runs concurrently with EFMLEA. If you exhaust your available appropriate accrued leave before you exhaust your EFMLEA leave, the City will pay you 2/3 of your regular rate of pay for the number of hours that you would otherwise normally be scheduled to work or the state minimum wage, capped at \$200 per day and up to a maximum of \$10,000 until you exhaust your EFMLEA leave or you no longer need the leave.

Please note that you can only receive the additional ten weeks of expanded family and medical leave under the EFMLEA for leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons and you are unable to work or telework as explained above.

Q. My regular wages total more than \$200 per day and I do not want to see a reduction in my pay. Can I elect to use my own leave balances rather than use EPSLA?

A. Yes. You may elect to use any appropriate form of paid leave before using EPSLA leave. However, you cannot supplement the EPSLA leave with other existing balances.

Q. Is all leave under the FMLA now paid leave?

A. No - only EFMLEA leave that exceeds ten days to care for a child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.

Q. Will I be reimbursed or compensated for any unused EFMLA or EPSLA leave if my employment with Uxbridge Public Schools ends?

A. No.

Q. Can I carry over unused EFMLA or EPSLA leave at the end of the year?

A. No. EFMLA and EPSLA leave expire on December 31, 2020 and cannot be carried over.