

Covid-19 Related Emergency Leaves of Absence

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You are legally entitled to make use of all the new leaves of absence programs that have been created at the Federal level due to Covid-19 closures. However, PPS has communicated to your PAT leadership, that PPS would prefer that you remain at work (telework). School administrators will work with you to flex your schedule as necessary to ensure that you remain at work (telework) between now and the end of the school year.

This document will provide you with a brief overview of the new leaves of absence created by the Families First Coronavirus Response Act (FFCRA), additional details are provided below along with weblinks and additional legal memos to help you understand which leave of absence is right for your situation.

What type of leave am I eligible for?

Below, is a brief outline of the new leaves created by the FFCRA:

I have Covid →	Emergency paid sick leave (80 hours)
I must care for someone with Covid →	Emergency paid sick leave (80 hours)
I must care for a minor child because their school/daycare is closed →	Expanded Family & Medical Leave Act (FMLA)

There are several leaves and I'm confused. Which one can I use?

Here is a short-hand way to understand the different leaves, and below we have included a legal memo from the OEA Legal Department and all weblinks from the U.S. Department of Labor which provides more details of the Acts.

- **Emergency Paid Sick Leave:** Use this leave if you are (1) under a local quarantine or isolation order related to coronavirus; (2) you have been told to self isolate because you (may) have the coronavirus (3) you are caring for an individual with coronavirus symptoms or (4) you are caring for a son or daughter because their school or daycare is under a covid closure order.
<https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>
- **Expanded Family Medical Leave Act (FMLA):** This is a 12 week leave *only* available to employees who are unable to work (or telework) due to a need for

leave to care for a son or daughter under the age of 18 if the school or place of care has been closed.

See section below, “How do I get paid?” to understand the payment structures for each type of leave.

How do I get paid while on leave?

Below is a brief overview with additional details noted below with several weblink resources:

If leave is due to your own Covid symptoms →	80 hours paid by PPS at 100% pay.
If leave is to care for an individual with Covid →	80 hours of paid sick leave at two-thirds the employee’s regular rate of pay.
If leave is to care for a minor dependent who does not attend school/daycare because of Covid closures →	First 10 days may be unpaid, but you can substitute your accrued sick time to pay yourself. Then, you may take up to 10 weeks of leave. Leave is paid at an amount not less than 2/3 of the employee’s regular rate of pay capped at \$200 per day and \$10,000 in the aggregate.

Details of how to get paid while on leave:

Under the **Emergency Paid Sick Leave** this is how you would get paid:

- For leave related to the employee’s own quarantine or illness, compensation is their full rate of pay, up to a maximum of \$511 per day and \$5,110 total.
- For leave related to caring for another individual, compensation is at 2/3 of the employee’s regular pay, with a cap of \$200 per day and \$2,000 total.
- Employers are prohibited from requiring employees to use other paid leave first.

I’ve decided I want to apply for a leave. What do I do now?

These are the steps you must follow to apply for a leave of absence:

- Speak with your administrator first. School administrators will work with you to flex your schedule as necessary to ensure that you remain at work (telework) between now and the end of the school year.

- After speaking with your administrator and attempting to flex your work schedule around your life schedule, if you are still unable to perform as you normally would, please take the following steps:
 - You must apply for leave using PPS’s forms. All leave forms can be found at this weblink:
https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/56/FFCRA%20Leave%20Request%20Form_fillable2.pdf
 - Email your administrator and tell her/him that you will be applying for leave. Without disclosing medical information, you should tell your administrator how long you plan on being out on leave.
 - Actively communicate with the PPS H.R. Leave Department to ensure they are processing your leave request timely. Email will be the best way to document that you have actively been communicating with Human Resources.
leave@pps.com
 - You are not responsible for finding your work replacement. Under the federal leave laws it is your employer’s responsibility to find your replacement or provide coverage.
 - Under the Families First Coronavirus Response Act (FFCRA), you are not required to provide a certified letter proving you must take time off. However, if your employer suspects you are abusing the leave, your employer may require proof that you legitimately need the leave.
 - Under the Family Medical Leave Act, you are not required to wait for approval because you can receive a “provisional approval” from H.R. This provisional approval allows you to immediately take your leave while you are waiting for H.R. to approve your paperwork. If you are denied the leave, you must immediately return to work and that leave will not be considered a protected leave.
- It is important to comply with H.R.’s application requirements. We do not want you to put yourself in a situation where you are accused of abandoning your job.

What if I don’t have children and I don’t have Covid symptoms, but right now, I just can’t focus or perform as I normally would. What can I do?

We are all living under unusually difficult situations right now and you need to take care of yourself. First, make use of the PPS/PAT Employee Assistance Program (EAP) at <https://www.pps.net/Page/1730>. This is a confidential hotline that provides referral services from mental wellness programs, food assistance program information, and legal referrals. All insurance plans also provide EAPs. Please check the back of your insurance card to find the 1-800 number for your EAP.

Second, consider applying for Family Medical Leave (FMLA). This is the original medical leave that most employees take, but which has recently been expanded to cover Covid-related leaves. This leave allows you to take no more than 12 weeks of leave for a serious health condition that makes the employee unable to perform the essential functions of his or her job. Mental wellness issues are covered under the FMLA. Here is the link to the PPS H.R. leave form:

https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/56/Leave%20of%20Absence%20Request%20Form_fillable.pdf

Many psychologists and psychiatrists are providing consultations via video conferencing methods, so call your insurance company for a referral. See the discussion above regarding “**provisional approval**” especially if you need to stop working immediately while you are waiting to find a treating clinician who can consult with you. In this instance, immediately email your administrator to let them know you need emergency leave, that you will comply with HR’s leave provisions, and that documentation will be forthcoming. **Legally, you are not required to disclose your medical condition to your administrator.** Only H.R. will know why you are taking a medical leave once you submit your FMLA paperwork.

What if I am hospitalized?

If you are hospitalized, a relative may communicate with H.R. on your behalf (power of attorney is not needed) to explain that you are not abandoning your job but rather, you have been required to self quarantine or are hospitalized. **Email is the best way for your relative to document that they have been in communication on your behalf with PPS H.R.** Your relative should promptly email leave@pps.com.

Since it’s impossible to see a medical provider, how do I prove that I am sick or that I must care for a dependent or spouse who is sick?

Under the Family Medical Leave Act, you are not required to wait for approval because you can receive a “**provisional approval**” from H.R. This provisional approval allows you to immediately take your leave while you are waiting for H.R. to approve your paperwork. If you are denied the leave, you must immediately return to work and that leave will not be considered a protected leave.

It’s a precarious time for our health care infrastructure. Later, if you are required to provide proof that you were “treated”, even if that treatment was over the phone (e.g. nurse phone line) or video conference with a medical provider, ask that provider to e-mail or fax you a doctor’s note. If that is not an option, you can always show a medical bill that shows you were treated and that bill will have a medical code that you can use to prove you were virtually “treated.”

Especially since we are now fully functioning with telemedicine services, to protect yourself, you must ask the medical provider, “if I can’t get a note or I won’t get a bill for this service, please tell me if there is an administrative or business office I should call to get documentation that I am using telemedicine services.”

How do I get medical proof that I am caring for a parent, child, or spouse?

If providing care for a dependent, do your best to ask that dependent (e.g. senior citizen parent) who they called to get their diagnosis. Although you cannot get medical information for your parent, you can get that medical provider’s administrative office to fill out FMLA certification paperwork for your parent. The provider’s administrative office is legally permitted to fax or email the certification form back to you. Please note that some medical providers MAY charge you a service fee for filling out the medical certification form.

How do I get paid if I take a leave?

Under the **Emergency Paid Sick Leave** this is how you would get paid:

- For leave related to the employee’s own quarantine or illness, compensation is their full rate of pay, up to a maximum of \$511 per day and \$5,110 total.
- For leave related to caring for another individual, compensation is at 2/3 of the employee’s regular pay, with a cap of \$200 per day and \$2,000 total.
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