

Emergency Paid Sick Leave Act & FML Expansion – Updated 2/2/2021

Guidelines for Employees Effective July 1, 2020

The federal government has recently passed legislation to further assist workers during this global health emergency, as many employees are dealing directly with COVID-19, or their ability to work is impacted by childcare centers and schools closing. Northern Kentucky University is an eligible employer for two of these emergency programs, the **Emergency Paid Sick Leave Act (EPSLA)** and the **Family and Medical Leave Expansion Act (FMLA Expansion)**.

Emergency Paid Sick Leave Act (EPSLA)

Using emergency sick leave at regular rate of pay

If an employee meets any of the following **three** criteria for themselves, they are eligible for emergency sick leave at **their regular rate of pay**. For reasons 2 and 3, medical documentation must be provided from a healthcare provider or official.

- 1) A government issued quarantine or isolation order (i.e. governor stay-at-home mandate)
- 2) Advised to self-quarantine by a healthcare provider
- 3) Is seeking a medical diagnosis after experiencing symptoms of COVID-19

How much sick leave is available?

- **Full-time employees** are eligible for up to 80 hours (10 days) of emergency sick leave.
- **Part-time employees** are eligible for **the average number of hours** they worked over a two-week period.

Using emergency sick time at two-thirds regular rate of pay

Both full-time and part-time employees are eligible for emergency paid leave at **two-thirds their regular rate of pay** for a two-week period for the following reasons:

- 1) To care for an individual that is subject to a government quarantine or isolation order or has been advised by a health care provider to self-quarantine (*must provide medical documentation from healthcare professional for the second reason*)
- 2) To care for a child subject to a school or daycare closure (*does not require documentation*)
- 3) Is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services

Option to supplement with accrued leave for two-thirds regular rate of pay:

For the cases above that will provide pay at two-thirds your annual salary, employees have the option to supplement the additional third of their pay with their accrued leave in order to receive their full salary during that time. Employees may use either vacation or sick accruals (no restrictions apply on which leave is used first). **Employees must notify their supervisor if they wish to do this.** However, employees are not required to supplement their pay. They can choose to only be paid for two-thirds of their salary.

Important guidelines and payment thresholds:

- There is no length of service requirement
- Employees may not be required to use any other type of leave prior to emergency sick leave
- Whatever the reason, the emergency leave may not exceed 80 hours, however the 80 hours can be used in hour increments
- Unused emergency sick leave hours will **expire on March 31, 2021**
- Paid leave may not exceed \$511 per day or \$5110 in aggregate when paying at regular rate

Emergency Family and Medical Leave Expansion Act (FMLA Expansion)

To be eligible according to the FMLA expansion act, an employee must be employed for at least 30 calendar days. However, Northern Kentucky University has temporarily waived any service requirements. It is available to any current employee, regardless of their start date.

Who can apply for FMLA expansion for up to 12 weeks?

An employee who must **care for a son or daughter under the age of 18** if their school or place of care has been closed or the child care provider is unavailable due to a COVID-19 related emergency.

How it works:

- **The first 10 days are not paid**, but the employee can use the 10 days provided under the emergency paid sick leave act highlighted above if they still have the time available. If they have used the emergency paid sick leave, they may use their own accrued time to supplement this two-week period.
- **After 10 days, the employee would receive two-thirds of their regular rate of pay** for the number of hours they would normally work for up to 10 additional weeks.
- **Option to supplement with accrued leave:** The employee has the option to supplement the additional third of their pay with their accrued leave to receive their full salary during that time. Employees are not required to supplement their pay. They can choose to only be paid for two-thirds of their salary.

Thresholds and guidelines

- Employees with varied schedules should be paid the average number of hours scheduled to work in the last six months or the number of hours they were expected to work when hired.

- Paid leave may not exceed \$200 per day or \$10,000 in aggregate.

For any other questions about using FMLA, please contact hr@nku.edu.

Additional Clarification on FMLA Expansion

Please note that this expansion only includes expanded **eligibility due to COVID-19 related child care** (that includes 2/3 pay). This is not an additional 12 weeks of FMLA coverage in a 12-month period. Therefore, if you have used FMLA for any reason over the past 12 months, you may only have some time available, or none, depending on how much you have used. Please reach out to Human Resources at hr@nku.edu if you have any questions, or to see if you have any available FMLA balance.

Request Form

The employee must submit an Emergency Paid Sick Leave Act & FML Expansion Request Form to their supervisor to start the process.

Faculty

Faculty are eligible for the FMLA Expansion and EPSLA. Please contact Human Resources at hr@nku.edu for more information