



STATE OF HAWAII
DEPARTMENT OF EDUCATION

P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF TALENT MANAGEMENT

April 1, 2020

TO: Assistant Superintendents
Complex Area Superintendents
Principals (All)
School Administrative Services Assistants
Secretaries

FROM: Cynthia A. Covell *Cynthia A. Covell*
Assistant Superintendent

SUBJECT: **Families First Coronavirus Response Act Leave**

The Families First Coronavirus Response Act (FFCRA), which includes the Emergency Paid Sick Leave Act (EPSLA) and the Emergency Family and Medical Leave Expansion Act (EFMLEA) was signed into law by President Donald J. Trump on March 18, 2020. The FFCRA provides employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. The provisions are effective April 1, 2020, and apply to leave taken from April 1, 2020 through December 31, 2020.

Emergency Paid Sick Leave Act (EPSLA)

Provides employees who **cannot work or telework** with paid sick time off if the employee is:

1. An employee subject to a coronavirus quarantine or isolation order (eligible for full pay);
2. An employee who has been advised by a health care provider to self-quarantine due to coronavirus concerns (eligible for full pay);
3. An employee who is experiencing symptoms of coronavirus and is seeking a medical diagnosis (eligible for full pay);
4. An employee caring for an individual described in one (1) or two (2) above (eligible for 2/3 pay);
5. An employee caring for a child whose school or place of care is closed, or the child care provider of the child is unavailable, due to coronavirus precautions (eligible for 2/3 pay); or

6. An employee who is experiencing any other substantially similar condition specified by the Department of Health and Human Services in consultation with the Treasury and Labor Departments (eligible for 2/3 pay).

Full-time employees will be able to receive 80 hours of sick leave, and part-time workers are granted leave equivalent to their normally scheduled hours worked in a two-week period.

Employees who would like to supplement the 1/3 balance with vacation leave, sick leave, or compensatory time may do so by filling out the appropriate leave request form.

Emergency Family Leave Expanded Family and Medical Leave (EFMLEA)

The EFMLEA allows covered employees to use up to 12 weeks of Family Medical Leave Act (“FMLA”) leave to be used concurrently with regular FMLA qualifying reasons for employees who **cannot work or telework**.

1. Provides up to 12 weeks of leave for employees who have been on the job for at least 30 calendar days immediately prior to the day your leave would begin, and who are unable to work or telework because they have to care for their child under 18 years of age if the child’s school or place of care has been closed, or if the child care provider of that child is unavailable due to a coronavirus emergency.
2. Of the 12 weeks, the first ten (10) days of EFMLEA leave may be unpaid. However, EFMLEA provides employees the choice to use "any accrued vacation leave, personal leave, or medical or sick leave" during the initial ten (10) day period. After the ten (10) day period has passed, employers must provide paid leave in an amount not less than 2/3 of an employee's regular rate. (Note: Employees who would like to supplement the 1/3 balance with vacation leave, sick leave, or compensatory time may do so by filling out the appropriate leave request form.
3. Provides up to 10 additional weeks of paid Emergency Family Leave Expanded Family and Medical Leave paid at 2/3 (66.7%) for qualifying reasons related to caring for their child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons.

How to request Leave

If requesting leave, please complete the appropriate leave request form indicating the type of leave, *EPSLA - 100 (100%) or 66.7 (2/3) /EFMLEA - 66.7 (2/3)*. Please use the following leave codes in Time and Attendance:

Type of Leave on Leave Request Form	Time & Attendance
EPSLA - 100	“EPSLA-100”
EPSLA - 66.7	" EPSLA-66.7”
EFMLEA-66.7	"EFMLEA-66.7”

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In addition to completing the appropriate leave request form, please complete and submit the attached new form, *DOE OTM 300-030, COVID-19 Emergency Paid Leave Form*, to the Office of Talent Management (OTM), Employee Records and Transaction Section.

References

- *Employer Paid Leave Requirements:*
<https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>
- *Employee Paid Leave Rights:* <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>
- *Employee Paid Leave and Extended Family and Medical Leave Rights Poster:*
https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf

Should you have any questions, please contact Glenn Kunitake by email at glenn.kunitake@k12.hi.us.

CAC:gk

Attachments

c: Deputy Superintendent
Office of Fiscal Services - Operations Section, Leave Management Unit
OTM - Personnel Regional Officers, Labor Relations Section, Employee Records
and Transactions Section