



City of Eugene Emergency Paid Sick Leave FAQ

Implementation of the Families First Coronavirus Response Act

Last updated: 4/24/20 12:03 PM

In March of 2020 the Federal Government passed the Families First Coronavirus Response Act. This act establishes Emergency Paid Sick Leave and the Emergency Family and Medical Leave Expansion Act. This FAQ is intended to serve as a supporting guide to help employees at the City of Eugene understand Emergency Paid Sick Leave and the City's plan to implement these programs. This is a living document and will be updated as necessary. If after you review this document you still have questions or need clarification please contact Employee Resource Center staff, Shelli Kirkpatrick, Bonnie Windham and Tracy Bridge for more information.

Q1: What is Emergency Paid Sick Leave?

A1: Emergency Paid Sick Leave allows employees who are not able to perform available work or telework due to a COVID-19 related qualifying reason the ability to access up to 80 hours of paid sick leave (prorated for employees who do not typically work a 40 hour week).

Qualifying reasons include:

1. Quarantine – to comply with Federal, State or Local quarantine or isolation order related to COVID-19.
2. Self-Quarantine – to self-quarantine, if the employee has been advised to do so by a local healthcare provider.
3. Diagnosis or Treatment – to obtain a medical diagnosis or treatment if the employee is experiencing symptoms of COVID-19.
4. Care for a Quarantined Individual – to care for an individual required to be quarantined or advised to be quarantined.
5. Child Care – to care for an employee's child if the child's school or child care provider has been closed or is unavailable due to COVID-19- related issues.
6. Substantially Similar Care – to care for a substantially similar condition, as determined by the Secretary of Health and Human Services.

Q2: How much will I be paid while coding time to Emergency Paid Sick Leave?

A2: The City of Eugene has decided to compensate people at their full rate of pay while coding Emergency Paid Sick Leave.

Q3: Can this leave be used intermittently? *(Updated 4/24/20)*

A3: Maybe. With supervisor approval, Emergency Paid Sick Leave can be used intermittently in any agreed upon increment if you are teleworking, or if you are working onsite and need to care for a child whose school or childcare provider has been closed or is unavailable due to COVID-19-related issues. You should work with your supervisor to determine a schedule for intermittent leave.

If you are working at a worksite, leave for COVID-19 related reasons other than qualifying childcare due to school/childcare provider closures must be used consecutively until either the EPSL is exhausted or the reason for leave no longer applies.

Q4: What if I am technically able to telework (I have been assigned work and have the tools to do it) but am not able to successfully manage telework because I need to be caring for myself or someone else due to a qualifying reason?

A4: Yes, you can use EPSL for qualifying reasons under the law even if you have assignments and the resources to perform work, so long as you are not able to work in order to meet the needs of yourself or another individual for one of the qualifying reasons above.

Our top priority is employees feeling safe and capable of caring for themselves and others. We strongly believe that you should prioritize that in this moment. As a reminder, the Exec Team encourages all staff to be creative about how they “show up” for work by accessing remote work, alternative schedules and reduced hours.

Q5: What is my regular rate of pay for the purposes of Emergency Paid Sick Leave?

A5: Your regular rate of pay will be the average of your regular rate over a period of up to six months prior to the date in which you take leave. If you have not been with the City of Eugene for 6 months your regular rate of pay will be calculated based on your average regular rate of pay for each week you have been employed by the City of Eugene.

Q6: Can I take two weeks of Emergency Paid Sick Leave for a qualifying reason for myself and then another two weeks of Emergency Paid Sick Leave for a different qualifying reason?

A6: No, each employee is eligible to take a total of up to two weeks of Emergency Paid Sick Leave for any combination of qualifying reasons but may not exceed 80 total hours or the average number of hours they work in a two-week period.

Q7: Does Oregon’s Stay Home Executive Order count as a State order to isolate as a qualifying reason for Emergency Paid Sick Leave?

A7: No, the Stay Home Executive Order does not count as a quarantine or isolation order under FFCRA.

Q8: How do I apply for Emergency Paid Sick Leave and what documentation will be required?

A8: You should first talk to your supervisor to explore flexible work options that may relieve or reduce the need for Emergency Paid Sick Leave. If EPSL is still needed, you should complete an EPSL Request Form available on the Employee Benefits website and submit it to BenefitsStaff@eugene-or.gov. Please contact the ERC or your supervisor if you are unable to complete the form. Documentation to support your need for leave will be required depending on the reason for the leave requested, and could include doctor’s notes, quarantine or isolation orders, and/or notice of school or childcare closures due to the COVID-19 outbreak.

Q9: When is Emergency Paid Sick Leave effective?

A9: It is effective from April 1, 2020 to December 31, 2020. This program is not available retroactively.

Q10: Which city employees are eligible to access this type of leave?

A10: All City employees (Regular, Limited Duration and Temporary) can access these leave options so long as they meet other eligibility requirements.

Q11: While taking Emergency Paid Sick Leave, will I still be covered by my City of Eugene health insurance plan? Will my contributions change?

A11: You will remain enrolled in your current City of Eugene Health Insurance Plan while taking Emergency Paid Sick Leave. Your contributions will remain the same as they would be if you were not taking EPSL.

Q12: While taking Emergency Paid Sick Leave, will I still accrue leave?

A12: Yes, you will continue to accrue applicable leave on any paid leave taken.

Q13: Who qualifies as “my child” for this leave options?

A13: 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—someone with day-to-day responsibilities to care for or financially support a child. For additional information about in loco parentis, see Fact Sheet #28B: Family and Medical Leave Act (FMLA) leave for birth, placement, bonding or to care for a child with a serious health condition on the basis of an “in loco parentis” relationship.

In light of Congressional direction to interpret definitions consistently, the U.S. Wage and Hours Division clarifies that under the FFCRA 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. For additional information on requirements relating to an adult son or daughter, see Fact Sheet #28K and/or call the WHD toll free information and help line available 8 am–5 pm in your time zone, 1-866-4US-WAGE (1-866-487-9243).