

## **Frequently Asked Questions – Employment**

### ***Who qualifies for Emergency Paid Sick Leave (EPSL)?***

Private employers with fewer than 500 employees must provide for an employee's immediate use 80 hours of paid sick leave for full-time employees (for part-time employees, an amount equal to the average number of hours worked over a 2-week period) regardless of how long the employee has been employed.

### ***What reasons qualify for EPSL? How much are they paid during for that time?***

<b>Reason</b>	<b>Rate</b>	<b>Maximum</b>
1. Employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19	Regular pay	\$511/day with an aggregate max of \$5,110
2. Employee has been advised by a health provider to self-quarantine due to concerns related to COVID-19	Regular pay	\$511/day with an aggregate max of \$5,110
3. Employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis	Regular pay	\$511/day with an aggregate max of \$5,110
4. Employee is caring for an individual who is under quarantine, isolation or self-quarantine as described in 1 and 2 above	2/3 of regular pay	\$200/day with an aggregate max of \$2,000
5. Employee is caring for a child whose school or daycare has closed (or regular paid childcare provider is unavailable) due to COVID-19	2/3 of regular pay	\$200/day with an aggregate max of \$2,000
6. Employee is experiencing a substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretaries of Treasury and Labor <sup>1</sup>	2/3 of regular pay	\$200/day with an aggregate max of \$2,000

### ***What do I do if I can't work because my child's school is closed?***

Employees that have been employed for at least 30 days are entitled to a total of 12 weeks of leave effective April 1, 2020, through December 31, 2020 if needed to care for the employee's child (who is under 18 years of age) if the child's school or childcare provider is closed or unavailable due to COVID-19 issues.

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<sup>1</sup> So far, no such designations have been made

The first 10 days of leave may consist of unpaid leave, but an employee may substitute any accrued paid leave for unpaid leave. An employer must thereafter provide paid leave of at least two-thirds of the employee's regular rate of pay for the remainder of the leave period, subject to a \$200/day cap and a \$10,000 cap over the entirety of the FMLA leave period, but only if the leave is taken for this new qualifying reason.

***What do I do if I've been laid off or if my employer has shut down operations because of the local orders?***

Currently, employees that have been laid off/furloughed or otherwise sent home due to either a lack of available work or due to one of the local stay-at-home orders are not entitled to either the EPSL or the expanded (paid) FMLA benefits. "Currently," because there is a push by some in Congress to make those benefits available to persons caught in that situation. You may, however, be entitled to unemployment benefits through the Texas Workforce Commission (augmented by a new federal program under the CARES Act).

***What records do I need to show I'm entitled to these benefits?***

When requesting paid sick leave or expanded family and medical leave, you must provide your employer either orally or in writing the following information:

- Your name;
- The date(s) for which you request leave;
- The reason for leave; and
- A statement that you are unable to work because of the above reason.

If you request leave because you are subject to a quarantine or isolation order or to care for an individual subject to such an order, you should additionally provide the name of the government entity that issued the order. If you request leave to self-quarantine based on the advice of a health care provider or to care for an individual who is self-quarantining based on such advice, you should additionally provide the name of the health care provider who gave advice.

If you request leave to care for your child whose school or place of care is closed, or child care provider is unavailable, you must also provide:

- The name of your child;
- The name of the school, place of care, or child care provider that has closed or become unavailable; and
- A statement that no other suitable person is available to care for your child.