

Federal Emergency Leaves FAQ

Emergency Family and Medical Leave Expansion Act

Who is eligible for Emergency Family and Medical Leave?

- Employees who have been employed for at least 30 calendar days are eligible for Emergency Family and Medical leave. This includes any employee of the University (i.e., student workers, temporary employees, part-time employees, etc.)

When should Emergency Family and Medical Leave be used?

- When an employee is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age (or 18 years of age or older and incapable of self-care due to a mental or physical disability) of such employee if the school (elementary or secondary) or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19.

How long can I take Emergency Family and Medical Leave?

- Employees may take up to 12 weeks of FMLA leave. Employees may take this leave intermittently. Please note that the employee is only eligible for a combined 12 weeks of FMLA leave in a 12-month period which includes any leave taken under this Act. Depending on how much FMLA leave has already been taken by the employee, they may have already exhausted their FMLA leave for the period or may only be entitled to a portion of leave under this Act.

Will I be paid while I am on Emergency Family and Medical Leave?

- The first 10 days are unpaid, but an employee may substitute and use accrued vacation leave, personal leave, or medical or sick leave during this period. Employees can also use the paid sick leave under the Emergency Paid Sick Leave Act to cover these first 10 days. The remaining period of the 12 weeks after the first 10 days is paid at 2/3 regular rate of pay, but is subject to limits depending on the specific reason for leave.

When can I use Emergency Family and Medical Leave?

- Emergency Family and Medical Leave will be available beginning on April 1, 2020 through December 31, 2020.

Are employers required to notify employees about Emergency Family and Medical Leave?

- Yes, employers must post notice of the Emergency Family and Medical Leave Expansion Act requirements.

How much notice do I have to give my employer to take Emergency Family and Medical Leave?

- Employees must provide as much notice of leave as is practicable when the need for leave is foreseeable.

Are there any consequences for taking Emergency Family and Medical Leave?

- No, employers may not take action against an employee for taking leave under, or engaging in protected activity related to, the Act.

Will I be able to return to my position after taking Emergency Family and Medical Leave?

- Employers must restore employees to the same or equivalent position after their return from leave.

How do I apply for Emergency Family and Medical Leave?

- Employees should apply via the FML page on the HR website:

<https://uh.edu/human-resources/hr-service-center/fml/>

Emergency Paid Sick Leave Act

Who is eligible for Emergency Paid Sick Leave?

- All employees are eligible from their first day of employment. This includes any employee of the University (i.e., student workers, temporary employees, part-time employees, etc.). Employers may not require employees to use other paid leave before using this leave.

When can Emergency Paid Sick Leave be used?

- Employees may take Emergency Paid Sick Leave when the employee is unable to work (or telework) due to a need for leave because:
 - (a) employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
 - (b) employee has been advised by a health care provider to self-quarantine due to COVID-19;
 - (c) employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
 - (d) employee is caring for an individual who is subject to an order under (a) above or being advised under (b) above;
 - (e) employee is caring for a son or daughter under 18 years of age (or 18 years of age or older and incapable of self-care due to a mental or physical disability) of such employee if the school (elementary or secondary) or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable due to COVID-19;
 - (f) employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

How long can I take Emergency Paid Sick Leave?

- Full-time employees may take up to 80 hours of Emergency Paid Sick Leave. Part-time employees may take a number of hours equal to the number of hours the employee

works on average over a 2-week period. Employees may take this leave intermittently if teleworking or caring for a son or daughter as noted in (e) above.

When can I use Emergency Paid Sick Leave?

- Emergency Paid Sick Leave will be available beginning on April 1, 2020 through December 31, 2020.

Are employers required to notify employees about Emergency Paid Sick Leave?

- Yes, employers must post notice of the Emergency Paid Sick Leave Act requirements.

How much notice do I have to give my employer to take Emergency Paid Sick Leave?

- Employees may be required to follow reasonable notice procedures after the employee's first workday receiving the leave.

Are there any consequences for taking Emergency Paid Sick Leave?

- No, employers may not take action against an employee for taking leave under, or engaging in protected activity related to, the Act.

How do I apply for Emergency Paid Sick Leave?

- Employees should apply via the FML page on the HR website:

<https://uh.edu/human-resources/hr-service-center/fml/>