

Attachment A

Emergency Family and Medical Leave Act (EFMLEA):

Emergency Family and Medical Leave Act (EFMLEA) benefits that were included in the Families First Coronavirus Response Act (FFCRA) expired on December 31, 2020. EFMLEA provided up to 10 weeks of **paid expanded family and medical leave** at two-thirds the employee's regular rate of pay. The County extended the use of EFMLEA for employees with remaining hours until March 31, 2021.

Qualifying reasons for EFMLEA include situations where the employee:

Is unable to work due to a bona fide need for leave to care for a child whose school or childcare provider is closed or unavailable for reasons related to COVID-19.

Beginning April 1, pursuant to the voluntary American Rescue Plan Act, EFMLEA will be extended and expanded to include:

- Increase the available paid leave period by 2 weeks for a total of 12 weeks of partial (two-thirds) paid leave. Leave entitlement will continue to be pro-rated for part-time employees.
- For employees newly enrolling EFMLEA, the 10-day waiting period will be eliminated. Below is the list of qualifying reasons EFMLEA may be used:
 1. Employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
 2. Employee has been advised by a health care provider to self-quarantine related to COVID-19;
 3. Employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
 4. Employee is seeking or awaiting the results of a COVID test or medical diagnosis, if the employee has been exposed or the employee's employer has requested the test or diagnosis;
 5. Employee is obtaining COVID immunization;
 6. Employee is recovering from an injury, disability, illness, or condition related to such immunization;
 7. Employee is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
 8. Employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
 9. Employee is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

EPSL benefits will expire on March 31, 2021:

Also provided under the FFCRA is Emergency Paid Sick Leave (EPSL), which provided up to 80 hours of paid sick leave for COVID-19 related reasons, through December 31, 2020. On January 5, 2021, the County extended the use period for EPSL through March 31, 2021. Qualifying uses for EPSL are:

1. Employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. Employee has been advised by a health care provider to self-quarantine related to COVID-19;
3. Employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. Employee is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. Employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. Employee is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Senate Bill 95 (SB 95) and SPSL (Supplemental Paid Sick Leave):

On March 19, governor Newsom signed SB 95, mandating employers, including government employers, to provide up to 80 hours of Supplemental Paid Sick Leave (SPSL), retroactively, beginning January 1, 2021 through September 30, 2021, to be used as follows:

An employer shall provide COVID-19 supplemental paid sick leave to each covered employee if that covered employee is unable to work or telework due to any of the following reasons:

1. The covered employee is subject to a quarantine or isolation period related to COVID-19 as defined by an order or guidelines of the State Department of Public Health, the federal Centers for Disease Control and Prevention, or a local health officer who has jurisdiction over the workplace. If the covered employee is subject to more than one of the foregoing, the covered employee shall be permitted to use COVID-19 supplemental paid sick leave for the minimum quarantine or isolation period under the order or guidelines that provides for the longest such minimum period;
2. The covered employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. The covered employee is attending an appointment to receive a vaccine for protection against contracting COVID-19;
4. The covered employee is experiencing symptoms related to a COVID-19 vaccine that prevent the employee from being able to work or telework;
5. The covered employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
6. The covered employee is caring for a family member, as defined in subdivision (c) of Section 245.5, who is subject to an order or guidelines described in subparagraph (A) or who has been advised to self-quarantine, as described in subparagraph (B); or
7. The covered employee is caring for a child, as defined in subdivision (c) of Section 245.5, whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.

In addition to implementing the above:

- (1) In order to honor the prior EPSL extension, EPSL benefits paid to employees from January 1, 2021 through March 31, 2021 will not be replaced with SPSL, unless the employee requests it.
- (2) Consistent with the application of EPSL benefits, payments to employees utilizing SPSL will not be capped at \$511 per day.