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**Section 1. Emergency Family & Medical Leave Expansion Act (EFMLA) FAQ:**

1. When can CBJ employees begin using this type of leave?

The Emergency Family Medical Leave Expansion Act (EFMLA) is effective April 1, 2020; however, the CBJ will allow use, upon employee request, prior to April 1, 2020. If an employee elects to use emergency leave prior to April 1, 2020, they will not be eligible for an additional entitlement after April 1, 2020.

2. Who is eligible?

All CBJ employees who have been “employed for at least 30 calendar days” may be eligible. “Employed by the CBJ” means active employees who have been on the payroll in the last 30 days prior to their leave request. For example, if you want to take leave on April 1, 2020 you would need to have been on your employer’s payroll as of March 2, 2020. The CBJ will rely on US Department of Labor guidance on employee eligibility as it is released.

Please refer to Definitions on FAQ page 7-8 to assist you in understanding if you are a “first responder”. The definition is broad and extends to include positions/tasks that may contribute to critical infrastructure work. Director’s approval is required for those positions designated as a “first responders”. HRRM will not process these requests without Director or Director Designee Approval.

3. How do I request this type of leave?

Complete the COVID-19 Emergency Leave Request Form and email to Payroll at [payroll.office@juneau.org](mailto:payroll.office@juneau.org)

In addition, employees requesting this type of leave must also enter a leave case in TimeConnect (Kronos) the same way Family Medical Leave is requested using “My FMLA Case”.

Employees must notify their supervisor and follow established leave protocols for their Department/Division as soon as the need for leave becomes known. Employees should discuss with their supervisor/Director whether their position or the work they have been assigned defines them as a “first responder” according to the CBJ definition in our policy and on page 7-8 of this FAQ.

4. Is the COVID -19 Emergency Leave Request form required?

Yes, the form is required to verify eligibility. Director approval is required for those positions defined as “first responder”. Payroll and Human Resources will make the final determination regarding eligibility approval and upon receipt of the form.

5. What other documentation is required to support my need for EFMLA?

Employees are required to provide additional information as noted in the COVID-19 Leave Request Form. In particular, you are to provide:

1. The name(s) and age(s) of the children;
2. The name of school(s), care center(s) and/or care provider(s) that have physically closed or are unavailable due to COVID-19 reasons; and
3. Copy of the notice of closure or unavailability for the school(s), care center(s) and/or care provider that has been posted on a website, published in a newspaper, or emailed to the employee.
4. To care for children between the ages of 14-17, upon signing the COVID-19 Leave Request form, the employee attests that there are special circumstance(s) requiring the employee provide care.
5. Upon signing the COVID-19 Leave Request form the employee also attests that no other person will be providing care for the child(ren) during the period of EFMLA.

6. What if I am currently using Family Medical Leave for another reason or I have used it within the last year?

The CBJ provides employees with 18 weeks of protected time off for qualifying Family Medical Leave reasons. Employees who have a current Family Medical Leave entitlement are eligible for any remaining amount of time, not to exceed 12 weeks, if they qualify under the EFMLA. Employees do not get another 12 week entitlement in addition to the 18 week entitlement.

7. Can I use my own accrued leave to supplement leave paid at a reduced pay rate?

Employees will be paid for all hours they are normally scheduled to work at a reduced rate of pay when applicable. Submitting additional leave to make up the difference between the reduced leave rate and the regular rate of pay is not permitted in our system at this time. However, employees may request a leave cash-in to make up the difference in pay. This leave cash in process is outside of the normal leave cash in process. The minimum leave balance and maximum cash in provisions under the normal leave cash in rules do not apply.

There is a place in Section IV on the COVID-19 Emergency Family and Emergency Paid Sick Leave form for employees to request to use leave to make up the difference in pay. No additional forms are required.

8. Can I use Emergency Paid Sick Leave for the unpaid portion (first two weeks) of my EFMLA entitlement?

Yes, employees can use the Emergency Paid Sick Leave for the unpaid portion. If you have used up all the Emergency Paid Sick Leave available to you, other leave types you can choose to use Compensatory Time Leave, Personal Leave, or Donated Leave (if no other leave available). If an employee does not indicate otherwise, leave will be used in the following order: Compensatory Time Leave, Personal Leave, and Donated Leave.

9. Can employees use the same form to request both benefits (EPSLA) and (EFMLA)?

Yes, the COVID-19 Leave Request Form is used for both types of leave.

10. Do employees and supervisors have to wait for EFMLA leave to be approved prior to approving timesheets?

No, all timesheets must be approved and submitted according to normal payroll processing deadlines. If an employee is determined to be ineligible for the leave they will be notified.

11. If I am on an approved telecommuting agreement can I still be eligible for leave under the EFMLA?

Yes, if you are telecommuting and need to take intermittent leave or discontinue your telecommuting agreement for a qualifying reason, you may still be eligible for leave under the EFMLA. Employees who are working intermittent hours will need to work with their supervisor on developing a set schedule for hours worked each day & hours used through EFMLA each day. Intermittent hours will need to be added to time cards in the same way as regular FMLA. Administrative staff or supervisors can enter intermittent hours through the Quick Leave Editor in Kronos.

12. What does it mean to be unable to work, including telecommuting?

You are unable to work if your employer has work for you, and due to a need to care for a child when school or place of care has been closed, or the regular childcare provider is unavailable due to a public health emergency with respect to COVID-19 prevents you from being able to perform that work, either under normal circumstances at your normal worksite or by means of telecommuting.

If you and your supervisor/Director agree that you will work your normal number of hours, but outside of your normally scheduled hours (for instance early in the morning or late at night), then you are able to work and leave may not be necessary.

Similarly, if you are unable to perform those telecommuting tasks, or work the required telecommuting hours because you need to care for your child whose school or place of care is closed, or child care provider is unavailable, because of COVID-19 related reasons, then you are entitled to take EPSLA and/or EFMLA. Of course, to the extent you are able to telework while caring for your child, paid sick leave and EPSLA and/or EFMLA leave is not available.

To the extent possible, and to meet the mutual needs of both the employee and the CBJ; Human Resources is encouraging supervisors to be supportive of any combination of telecommuting and intermittent leave to ensure the work of the CBJ is continued.

## **Section 2. Emergency Paid Sick Leave Act (EPSLA) FAQ:**

### **1. When can CBJ employees begin using this type of leave?**

The Act is effective April 1, 2020, however, the CBJ will allow employees to request to use emergency sick leave for qualifying reasons prior to April 1, 2020. If an employee elects to use emergency leave prior to April 1, 2020, they will not be eligible for an additional entitlement after April 1, 2020.

### **2. Who is eligible?**

Full time, part time, part time limited, seasonal, emergency and temporary benefitted and non-benefitted employees who meet the criteria below may be eligible for this leave. The leave is available to any employee, regardless of how long they have been employed by the CBJ. Employees who work less than full time hours are eligible on a prorated or reduced basis depending on scheduled hours.

Seasonal and Part time limited employees who are not active, or not working due to the closure of a facility are not eligible for Emergency Paid Sick Leave.

### **3. What are the reasons for which I can request the leave under the FFCRA?**

1. The employee is subject to federal, state, or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking medical diagnosis.
4. The employee is “caring for” an individual who is subject to either 1 or 2 above.
5. The employee is “caring for” his or her child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with Secretary of the Treasury and the Secretary of Labor.

### **4. Can I request Emergency Sick Leave for any other reason?**

On August 20, 2020 the CBJ published [COVID-19 Risk Level Operational Mitigation Measures](#) that apply to CBJ Employees. After August 20, 2020, employees who travel in state to areas that are at a Moderate to High COVID risk (at any point during the employee’s travel to the area) according to the State of Alaska COVID dashboard are required to follow out of state travel directives. If an employee is unable to telecommute and must quarantine while awaiting test results in accordance

with this CBJ guidance, the employee may request to use Emergency Sick Leave under #7 on the Emergency Leave request form.

5. [How do I request this type of leave?](#)

Complete the COVID-19 Emergency Leave Request Form and email to Payroll at [payroll.office@juneau.org](mailto:payroll.office@juneau.org)

In addition, after approval and if employee is able, they must submit a Time Off Request in KRONOS using the normal “request time off” process. The process is very similar to the way “Jury Duty” and “Parent Teacher Conference” leave is requested. The drop down menu will have an Emergency Paid Sick Leave option available for employees to choose.

Employees must notify their supervisor and follow established leave protocols for their Department/Division as soon as the need for leave becomes known.

6. [Is the COVID-19 Emergency Family Leave and Emergency Paid Sick Leave Request Form required?](#)

Yes, the form is required to verify eligibility. Director approval is required for those positions defined as “first responder”. Payroll and Human Resources will make the final determination regarding eligibility approval and upon receipt of the form.

7. [What other documentation is required to support my need for EPSLA?](#)

The DOL has issued new guidance regarding the information required to approve Emergency Paid Sick leave. Employees should select the single reason they are requesting the leave, and provide the additional information in the space provided on the form. Employees are required to attest to the accuracy of the submitted information by signing the leave request form. Incomplete forms may be denied. In particular, you are to provide:

1. I am subject to a federal, state, or local quarantine or isolation order related to COVID-19  
*Name of the government entity that issued the order*
  
2. I have been advised by a health care provider to self-quarantine due to concerns related to COVID-19  
*Name of the healthcare provider who advised that you self-quarantine*
  
3. I am experiencing symptoms of COVID-19 and seeking a medical diagnosis  
*No additional documentation needed*
  
4. I am “caring for” an individual who is subject to an order as described in (1) or self-quarantine as described in (2)
  1. *Name of the individual for whom you are caring*
  2. *Your relationship to this individual*
  3. *Name of the government entity or healthcare provider that required the quarantine*
  
5. I am “caring” for my child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons

1. *The name(s) and age(s) of the children;*
  2. *The name of school(s), care center(s) and/or care provider(s) that have physically closed or are unavailable due to COVID-19 reasons; and*
  3. *Copy of the notice of closure or unavailability for the school(s), care center(s) and/or care provider that has been posted on a website, published in a newspaper, or emailed to the employee.*
  4. *To care for children between the ages of 14-17, upon signing the COVID-19 Leave Request form, the employee attests that there are special circumstance(s) requiring the employee provide care.*
  5. *Upon signing the COVID-19 Leave Request form the employee also attests that no other person will be providing care for the child(ren) during the period of EFMLA.*
6. I am experiencing another 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. *This is a placeholder reason included by the DOL. Employees are not currently able to qualify under this reason.*
7. [Do employees and supervisors have to wait for leave to be approved prior to approving timesheets?](#)  
No, employees and supervisors do not need to wait for notification from payroll prior to approving timesheets. All timesheets must be approved and submitted according to normal payroll processing deadlines. If an employee is determined to be ineligible for the leave they will be notified.
8. [Can employees use this Emergency Paid Sick Leave \(EPSL\) before using other CBJ accrued paid leaves?](#)  
Yes, employees can choose to use Emergency Paid Sick Leave immediately upon a qualifying absence and prior to using other types of paid accrued leave available. If the employee exhausts Emergency Paid Sick Leave, another request would need to be submitted for any other type of leave. If the employee does not select another type of leave and exhausts Emergency Paid Sick Leave, then leave will be used in the following order: Compensatory Time, Personal Leave, Donated Leave.
9. [Can I use my own accrued leaves to supplement the leave paid at a reduced pay rate under reasons 4 through 6 listed in question #2 above?](#)  
Employees will be paid for all hours they are normally scheduled to work at a reduced rate of pay when they take leave for reasons 4-6. Submitting additional leave to make up the difference between the reduced leave rate and the regular rate of pay is not permitted in our system at this time. However, employees may request a leave cash-in to make up the difference in pay. This leave cash in process is outside of the normal leave cash in process. The minimum leave balance and maximum cash in provisions under the normal leave cash in rules do not apply.
- There is a place in Section IV on the COVID-19 Emergency Family and Emergency Paid Sick Leave form for employees to request to use leave to make up the difference in pay. No additional forms are required.
10. [If I am on an approved telecommuting agreement am I still be eligible for this type of leave?](#)

Yes, if you are telecommuting and need to take intermittent leave for reason #5 or discontinue your telecommuting agreement for one of the reasons, you may use Emergency Paid Sick Leave.

11. [Can I use Emergency Paid Sick Leave \(EPSL\) intermittently?](#)

It depends on why the employee is requesting the leave.

An employees may not use EPSL intermittently for reasons 1-4 and 7, unless they are telecommuting. The intent of EPSL is to allow sick and/or quarantined employees to stay home so they do not spread the virus.

An employee may use EPSL intermittently if they are requesting the leave to “care for” a child whose school or day care provider is unavailable or closed.

12. [What does it mean to be unable to work, including telecommute for COVID-19 related reasons?](#)

You are unable to work if your employer has work for you and one of the COVID-19 qualifying reasons prevents you from being able to perform that work, either under normal circumstances at your normal worksite or by means of telecommute.

If you and your supervisor/Director agree that you will work your normal number of hours, but outside of your normally scheduled hours (for instance early in the morning or late at night), then you are able to work and leave is not necessary unless a COVID-19 reason prevents you from working that schedule.

Similarly, if you are unable to perform those telecommuting tasks, or work the required telecommuting hours because you need to care for your child whose school or place of care is closed, or child care provider is unavailable, because of COVID-19 related reasons, then you are entitled to take EPSLA and/or EFMLA. Of course, to the extent you are able to telework while caring for your child, paid sick leave and EPSLA and/or EFMLA leave is not available.

To the extent possible, and to meet the mutual needs of both the employee and the CBJ; Human Resources is encouraging supervisors to be supportive of any combination of telecommuting and intermittent leave to ensure the work of the CBJ is continued.

### **Section 3. Definitions:**

- Childcare Provider – A child care provider is someone who cares for your child. This includes individuals paid to provide child care, like nannies, au pairs, and babysitters. It also includes individuals who provide child care at no cost and without a license on a regular basis, for example, grandparents, aunts, uncles, or neighbors.
- Child - "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis (SHRM)

- **First Responder Information and Definition:**  
The FFCRA allows employers to exclude health care practitioners and first responders from the emergency leave benefits of the Act. The CBJ will extend EFMLA leave to first responders, as defined in the US Department of Labor FAQs (see below). However, in accordance with the US Department of Labor Guidance (FAQ 38), the employee’s supervisor may deny the request for EFMLA for first responders on a case-by-case basis. A supervisor may deny a first responder’s request for EFMLA leave, after consultation with Human Resources, for any of the following reasons:
  1. It is necessary for the employee to work to respond COVID-19 emergency;
  2. There are childcare or schooling options available to the employee; or
  3. Any other reason necessary for the employee to work to protect the safety and health of the public during the COVID-19 emergency.

Definition of “first responder” (from <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>):

For the purposes of employees who may be excluded from paid sick leave or expanded family and medical leave by their employer under the FFCRA, an emergency responder is an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. This also includes any individual that the highest official of a state or territory, including the District of Columbia, determines is an emergency responder necessary for that state’s or territory’s or the District of Columbia’s response to COVID-19.

- **Health Care Provider** – A licensed doctor of medicine, nurse practitioner, or other health care provider permitted to issue a certification for purposes of FMLA.
- **Individual** – Someone who genuinely needs your care. Such an individual may be an immediate family member or someone who regularly resides in your home. An individual may also be someone with whom you have a relationship and within the context of that relationship there is an expectation or dependency for care during his or her quarantine or self quarantine.

- Isolation - Isolation is used to separate **ill** persons who have a communicable disease from those who are healthy.
- Kronos – the CBJ Time & Attendance system also known as TimeConnect.
- Place of Care – A “place of care” is a physical location in which care is provided for your child. The physical location does not have to be solely dedicated to such care. Examples include day care facilities, preschools, before and after school care programs, schools, homes, summer camps, summer enrichment programs, and respite care programs.
- Quarantine - Quarantine is used to separate and restrict the movement of **well** persons who may have been exposed to COVID-19 to see if they become ill and to limit the spread of communicable disease.
- Federal, State, or local quarantine or isolation order – For purposes of EFMLA and EPSLA this includes quarantine or isolation orders, as well as shelter-in-place or stay-at home orders, issued by any Federal, State, or local government authority that cause you to be unable to work (or to telework) even though your employer has work that you could perform but for the order.

#### Changes to the Policy and FAQ

Regulatory guidance for this new law is not currently available. Once issued, the CBJ will review how we have implemented the FFCRA to ensure compliance with the law.

### **Section 4. Who do I call if I need help?**

Natasha Peterson, CBJ HRRM Benefits Specialist Contact Number 586-0321

[Natasha.peterson@juneau.org](mailto:Natasha.peterson@juneau.org)

Kelly Mercer, Payroll Manager Contact number 586-0351

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Jennifer Abbott, Sr. Payroll Technician Contact Number 586-0353

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Shannon McCain, CBJ HR Manager 586-0227 or 209-2714

[Shannon.mccain@juneau.org](mailto:Shannon.mccain@juneau.org)

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