

COVID-19 Emergency Paid Sick Leave Act (EPSLA)

Employee Handout 1: EPSLA/EFMLEA FACT SHEET

Procedural Guidance

Issue Date: 04/23/2020

SECTION I: Policy Overview of COVID-19 FFCRA Sick Leave

The **Families First Coronavirus Response Act (FFCRA)** provided for two leave entitlements that may apply to Federal employees. Generally, the Federal government must provide its employees with a COVID-19 leave called the **Emergency Paid Sick Leave Act (EPSLA)**. Certain employees may also be entitled to additional leave under the **Emergency Family and Medical Leave Expansion Act (EFMLEA)**.

Eligibility	1) VA employees are entitled to up to 2 weeks (80 hours) of EPSLA leave ○ Part-time and intermittent employees EPSLA hours are prorated ○ Fee Basis employees are not eligible 2) Temporary employees (i.e., on an appointment with a time limitation of one year or less) and intermittent employees may also be entitled to additional leave under the Emergency Family and Medical Leave Expansion Act (EFMLEA) which provides up to 10 weeks of paid leave for Reason #5 NOTE: The Agency can exempt certain employees from using this leave; for questions on who may be exempted, contact your supervisor and/or local HR office
Qualifying Reasons for EPSLA	A Federal employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, for any of the reasons listed below: Reason # 1: Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 Reason # 2: Has been advised by a health care provider to self-quarantine related to COVID-19 Reason # 3: Is experiencing COVID-19 symptoms and is seeking a medical diagnosis Reason # 4: Is caring for an individual subject to an order described in Reason 1 or self-quarantine as described in Reason 2 Reason # 5: Is caring for his or her child whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19 related reasons Reason # 6: Is experiencing any other substantially similar condition¹ specified by the U.S. Department of Health and Human Services
Qualifying Reason for EFMLEA	EFMLEA (Reason # 5): Is caring for his or her child whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19 related reasons
Timeframe	April 1, 2020 through December 31, 2020
Impact on Pay	Pay under this authority is based on the higher of the employee's FLSA regular (hourly) rate of pay, or the applicable Federal, state or local minimum wage 1) For Reasons # 1, 2, & 3, the employee will receive: 100% of the FLSA regular rate of pay, up to a maximum of \$511 daily – not to exceed a total of \$5,110 for 10 days (80 hours) 2) For Reasons # 4, 5, & 6, the employee will receive: 2/3 (66.67%) of the FLSA regular rate of pay up to a maximum of \$200 daily – not to exceed a total of \$2,000 for 10 days (80 hours) 3) For EFMLEA (Reason # 5 only), the employee will receive: 2/3 (66.67%) of the FLSA regular rate of pay, up to a maximum of \$200 daily – not to exceed a total of \$10,000 for 10 weeks (400 hours)
Policy Ref.	OCHCO Bulletin (4-23-2020): https://vaww.va.gov/OHRM/HRLibrary/Bulletins/2020/ochco-bulletin-20200423-01.pdf

¹ For a definition of "substantially similar condition", contact your local HR office and/or refer to guidance issued by OCHCO

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SECTION 2: FLSA Regular Rate of Pay vs. VA Hourly Pay Comparison

This section reflects examples of the pay differences between your FLSA regular (hourly) rate of pay and your VA regular hourly rate of pay

- The FLSA regular rate of pay is a weighted average of pay for hours worked each week over the prior six (6) months ending on the day on which EPSLA or EFMLEA leave is first used
- The FLSA regular rate of pay calculation may vary (may be more or less than your VA hourly pay rate) as it is dependent upon any pay changes that were processed during the 6-month timeframe

			Paid at 100% of FLSA Reg. Rate of Pay			
			For Reasons 1, 2 & 3			
			Maximum: \$511/day; \$5,111 Total			
VA Hourly Rate	Estimated FLSA (Hourly) Rate	# of EPSLA hours used	VA Pay	Estimated FLSA pay	EPSLA Pay Owed to Empl.	Overpayment to Employee (Estimated Debt Owed)
\$78.56	\$77.76	8.00	\$628.48	\$622.08	\$511.00	-\$117.48
\$78.56	\$77.76	80.00	\$6,284.80	\$6,220.80	\$5,110.00	-\$1,174.80
\$28.01	\$27.73	8.00	\$224.08	\$221.84	\$221.84	-\$2.24
\$28.01	\$27.73	80.00	\$2,240.80	\$2,218.40	\$2,218.40	-\$22.40

			Paid at 2/3 (66.67%) of FLSA Reg. Rate of Pay			
			For Reasons 4, 5, 6 & EFMLEA			
			Maximum Pay: \$200/day; \$2,000 Total*			
VA Hourly Rate	Estimated FLSA (Hourly) Rate	# of EPSLA hours used	VA Pay if 2/3 hours are requested	Estimated FLSA pay	EPSLA/EFMLEA Pay Owed to Empl.	Overpayment to Employee (Estimated Debt Owed)
\$78.56	\$77.76	8.00	\$419.01	\$414.74	\$200.00	-\$219.01
\$78.56	\$77.76	80.00	\$4,190.08	\$4,147.41	\$2,000.00	-\$2,190.08
\$28.01	\$27.73	8.00	\$149.39	\$147.90	\$147.90	-\$1.49
\$28.01	\$27.73	80.00	\$1,493.94	\$1,479.01	\$1,479.01	-\$14.93

The assumption for VA pay is that only 2/3 of the hours used were requested; if whole hours were requested, the debt owed will increase

*For EFMLEA the maximum total is \$10,000

Disclaimers:

- The actual amount of the FLSA regular rate of pay and debt owed in these examples are for example purposes only
- Until VA's payroll provider is updated for EPSLA and EFMLEA leave, you will receive your VA regular hourly rate of pay and may incur a debt for this leave