

Comparison of Types of Leaves: Options in the time of COVID-19

	EPSLA (FFCRA) Emergency Paid Sick Leave Act (<i>Families First Coronavirus Response Act</i>)	EFMLEA (FFCRA) Emergency Family and Medical Leave Expansion Act (<i>Families First Coronavirus Response Act</i>)	FMLA Family and Medical Leave Act	ADA Americans with Disabilities Act	CBA Contractual Agreement between the Belmont School Committee and the Belmont Education Association Unit A
Purpose	To provide employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19.	To care for the employee’s “son or daughter” in the event the child’s school is closed or child care provider is unavailable due to COVID-19-related reasons.	For employee’s or close family member (i.e. spouse, child, or parent) “serious medical condition.”	Qualified individual with disability who requires reasonable accommodations to perform the essential job functions, as long as such accommodations would not pose an undue hardship to the employer’s business operations.	For absence due to illness of employee or a member of the employee’s immediate family or household; requires employees to actually be sick.
Eligibility	For employees unable to work or telework because the employee: 1. is subject to quarantine or isolation order related to COVID-19 2. has been advised by a health care provider to self-quarantine related to COVID-19 3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis 4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2) 5. is caring for a child	Employee must have worked for the employer for at least 30 calendar days prior to the leave request to be eligible for this leave.	Employee must have worked for the employer for at least 12 months and for at least 1250 hours in the prior 12 months.	Eligibility for leave as a reasonable accommodation may be determined through interactive process.	See ARTICLE 6 – SICK LEAVE (6.1 and 6.2)

	EPSLA (FFCRA)	EFMLEA (FFCRA)	FMLA	ADA	CBA
Eligibility (cont'd)	whose school or child care provider is unavailable for reasons related to COVID-19, or 6. is experiencing any other substantially similar condition specified by federal government				
Date limits for leave type	From April 1, 2020 through December 31, 2020.	From April 1, 2020 through December 31, 2020.	N/A	N/A	N/A
Pay	<p>General: Offers up to 80 hours (less for part time) of partially-paid leave @ 2/3 pay rate</p> <p>For 2-week leave for employees under quarantine or experiencing COVID-19 symptoms and seeking diagnosis (reasons 1-3) pay at average regular rate, up to \$511 per day and \$5,110 in the aggregate.</p> <p>For 2-week leave to care for others under quarantine (reason 4) or for employee experiencing "substantially similar" conditions (reason 6) pay is at 2/3 average regular rate, up to \$200 per day and \$2000 in the aggregate.</p>	<p>General: Offers up to 12 weeks of partially-paid leave @ 2/3 pay rate</p> <p>For 12-weeks of leave for child care reasons (combining EPSLA reason 5 and EFMLEA) pay is at 2/3 average regular rate, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period)</p> <p>First two weeks are paid under EPSLA, last ten weeks are paid under EFMLEA.</p>		Any leave provided as a reasonable accommodation is generally unpaid and for a limited duration depending upon the particular circumstances.	See contract for specifics

	EPSLA (FFCRA)	EFMLEA (FFCRA)	FMLA	ADA	CBA
Note(s)	<p>Educators can use personal days, then vacation days (if they have them) in that order, but not sick days; sick days may not be used in order to be paid fully.</p> <p>EPSLA applies only if an employee is unable to work or telework.</p>	<p>Educators can use personal days, then vacation days (if they have them) in that order, but not sick days; sick days may not be used in order to be paid fully.</p> <p>EFMLEA start date is the same as EPSLA start date; first two weeks run concurrently.</p>	<p>Any time taken under FMLA within the past 12 months will reduce the amount of time available under the EFMLEA.</p>		<p>See ARTICLE 9 –LEAVES (9.2)</p>

**Note:* This table is intended to provide a broad overview of the main laws that may provide an employee with a basis for leave during the COVID-19 pandemic. Other laws may provide employees with a basis for leave, such as certain pregnant worker protection laws. This table should be used as a general reference only; specific questions should be discussed with the BPS Office of Human Capital. Please note that any BPS employee may be accompanied by a BEA representative to meetings regarding leaves.

Frequently Asked Questions

Q: Who is eligible for leave?

A: Generally, employees with a medical condition or disability are entitled to leave (there is a clear eligibility criteria for each). Generally, employees with legitimate child care concerns caused by COVID-19 or who need to care for someone with a serious medical condition may be entitled to leave (again, assuming they meet the eligibility requirements). The latter is dwindling as the Commonwealth begins to reopen. Generally, employees are not entitled to leave because of general concerns for themselves or their family members (i.e. lives with elderly parents, does not want to take public transportation to work, etc).

Q: How does an employee demonstrate eligibility?

A: Documentation from a medical provider is essential for all medical-related leaves sought. Other documentation and information is required for other types of leave, such as the need for child care caused by COVID-19-related reasons.

Q: When determining illness, does mental illness count?

A: Yes.

Q: I am nervous about returning. Am I eligible for leave?

A: Generalized concerns or fear, alone, are not enough to qualify for leave.

Q: I am concerned about my own health. Am I eligible for leave?

A: An employee may be eligible for FFCRA (up to 80 hours) if you are under a quarantine order or have been advised by a medical professional to isolate or if you are experiencing COVID-19 symptoms and seeking a medical diagnosis. This only applies if “telework” is not an option.

An employee may be eligible for FMLA (12 weeks) if s/he has a serious medical condition.

An employee may be eligible under the ADA for a reasonable accommodation for a disability (i.e. telework).

Q: I am concerned about infecting others. Am I eligible for leave?

A: An employee may be eligible for FFCRA (up to 80 hours) to care for an individual under quarantine or advised by a medical professional to stay home. The individual must require medical care, not simply supervision.

An employee may be eligible for FMLA (12 weeks) to care for a parent, spouse, or a child with a serious medical condition. A medical certification is required.

An employee may be eligible for EFMLEA (12 weeks, same as FMLA) if childcare is unavailable and no one else can care for a child.

Q: Am I eligible for leave if I self-quarantine?

A: No. Quarantine orders can only be made by medical professionals or authorized federal, state, or local officials.

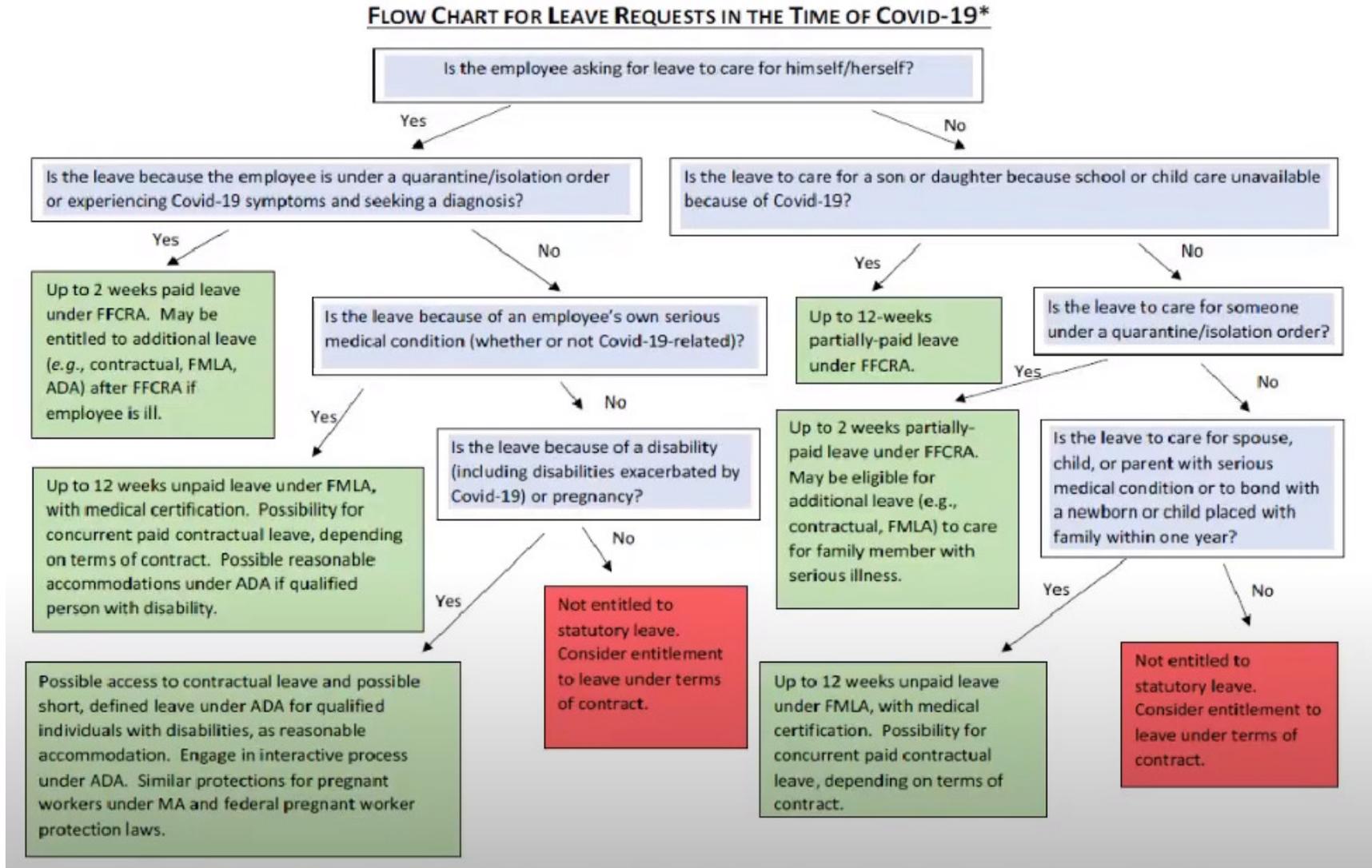
Q: My parent (child's grandparent) is our usual childcare provider. They are unavailable because their age puts them in a "high risk" category. Is this an acceptable qualifying factor for a leave?

A: Possibly, if an employee can certify that no one else can care for a child.

Q: I am ready to request a leave. What is my next step?

A: A letter or email to the Superintendent (CC'ing Director of Human Capital and School Principal) formally requesting a leave, accompanied by any supporting medical documentation, is the first step in the process of requesting a leave.

Eligibility Flowchart
(Courtesy of M. Long, M.A.S.S.)



**Note:* This chart is intended to be a graphical overview. It does not address specific situations or situations where employees may be entitled to leave for multiple reasons; specific questions should be discussed with the BPS Office of Human Capital. Please note that any BPS employee may be accompanied by a BEA representative to meetings regarding leaves.