

STATE OF ARIZONA

Guidance for Employees Seeking Emergency Paid Sick Leave and Emergency Family Medical Leave for Child Care

With school districts in Arizona providing variations on how classes are offered, it's important for parents to understand how the Emergency Paid Sick Leave (EPSL) and Emergency Family Medical Leave (EFML) may apply. These benefits are part of the **Families First Coronavirus Response Act**, which is in effect from April 1 - December 31, 2020.

EPSL: Employees may take up to a maximum of 80 hours through December 31, 2020 because they are unable to work or telework in order to care for their son or daughter (including a foster child or stepchild) **due to their school or childcare facility or provider being closed*** or unavailable, due to the public health emergency relating to COVID-19.

EFML: Employees with at least 30 days of employment may take up to 12 weeks of EFML through December 31, 2020 because they are unable to work or telework in order to care for their son or daughter (including a foster child or stepchild) **due to their school or childcare facility or provider being closed*** or unavailable, due to the public health emergency relating to COVID-19.

Note: Time taken for EFML time counts against an employee's 12-week leave benefit under the regular Family Medical Leave Act (FMLA), meaning that if an employee has already exhausted six weeks of FMLA leave, he/she would be eligible for up to six weeks of EFML, because the total Family Medical Leave benefit is 12 weeks within the 12-month period.

The U.S. Department of Labor enforces these laws and has published guidance on school closures for the purpose of determining eligibility.

*** According to the Department of Labor, schools are considered closed when:**

- 1) They offer only virtual/online classes. They are considered closed because they are not offering any in-person classes.
- 2) They offer some days of virtual/online classes to reduce the number of days students must attend in-person. On the days when only virtual/online classes are offered, the school is considered closed. Employees may use EPSL or intermittent EFML on these days.

Schools that offer parents the option of allowing their child(ren) to attend in-person OR complete virtual classes at home are **NOT considered closed, so in these situations, parents who elect the option of keeping children at home are not eligible for EPSL and EFML.**

More information can be found on the Department of Labor website at:

<https://www.dol.gov/agencies/whd/pandemic/ffcra-questions> (See Questions 19 and 70)