

## **Questions regarding COVID-19, EPSL and EFMLA**

*Note: The responses in this document are based on guidance provided as of May 5, 2020. The COVID-19 situation is ever-changing, so guidance is subject to change as needed. This document will be updated accordingly.*

### **Does the Governor's Executive order constitute a quarantine and is it covered under EPSL #1?**

EPSL Reason #1: The Governor's Executive Order (2020-18) says that citizens are to limit their time away from home except for essential services. The order expressly includes employment and volunteering as exceptions. This is not a quarantine or isolation order keeping people from work, and therefore, this order would *not* qualify under EPSL reason #1.

### **If an office is closed or there is a drop in workload, and there are employees that are in positions that would not be eligible for telework, how are they paid?**

Administrative leave has been authorized for employees who need to stay home due to a COVID-19 related reason, typically after exhausting their accruals. However, a drop in workload related to COVID-19 would be similar to an office being closed. In these situations, employees are not required to use their own paid leave balances.. Agency heads have been given guidance from the Governor's Office regarding their ability to designate administrative leave for this purpose, and this would be appropriate while we are still under a public health emergency.

### **Will employees on Administrative leave still earn sick and annual accruals?**

Yes. While on Administrative leave, employees still earn sick and annual leave. If they are on leave for a reason that would justify using sick and annual before admin leave, they should be utilizing the accruals that they receive each week while on admin before using the admin leave. If they are on admin leave because their office is closed and telework is not an option, they will continue to earn leave and will only need to utilize the admin leave.

### **Can the 2/3 pay for childcare related issues be supplemented with admin leave?**

Yes. If an employee is on the EPSL/EFMLA leave and is getting compensated at 2/3 pay, he/she can supplement with his/her own sick and annual leaves. Once those are depleted, the employee can supplement with admin leave, in conjunction with the agency head's guidance.

## **Can employees stop payroll contributions to Dependent Care Accounts?**

Per the Benefits Services Division, employees are currently being allowed to submit qualifying life events to stop dependent care contributions if an employee no longer has a need for it. Once the documentation for a qualifying life event is received and approved, deductions may be stopped. Below is the link to the form.

[https://benefitoptions.az.gov/sites/default/files/media/FORM\\_DECLARATION\\_FOR\\_CHANGE\\_2020.pdf](https://benefitoptions.az.gov/sites/default/files/media/FORM_DECLARATION_FOR_CHANGE_2020.pdf)

## **What do we do about MAPs or Performance Appraisals?**

As stated in the regularly-updated [COVID-19 State HR guidance](#), agencies have the latitude to postpone their annual employee performance appraisals (using either MAP or AZPerforms). *This notification was included in the March 25 update.* If your agency is currently in the process of completing annual evaluations or is about to begin, it's left to the agency director's discretion how to proceed. However, if your agency has not yet initiated the process, our recommendation is to hold off for now.

## **Will the excess annual leave forfeiture date be extended given the fact that employees may have changed or canceled travel plans due to COVID-19?**

It is premature to address excess annual leave at this point in time. Employees are still encouraged to take some time away from work to rest and recharge, even if they are unable to travel.

## **If an employee is approved and uses 80 hours of EPSL and has a second COVID-related event, is the employee entitled to an additional 80 hours of EPSL?**

No. The total number of hours paid under the Emergency Paid Sick Leave Act is capped at 80 hours for any combination of qualifying reasons.

## **Does the EFMLA provide additional Family Medical Leave time beyond the standard 12 weeks of regular FMLA?**

No. An employee may take a total of 12 workweeks for FMLA or EFML reasons during a 12-month period.

## **If the employee is unable to work due to a COVID-19 reason, and telework is not feasible, what is the appropriate order of leave to be taken?**

Employees should use sick leave, then annual leave and when those leaves are exhausted, the agency may approve administrative leave with pay.

**If an employee has approved annual leave scheduled but they are on admin leave because they are unable to work due to a closure or because telework is not available, should they still be using their annual leave?**

Employees on paid Administrative Leave for COVID-related reasons are expected to be available by phone and/or email during business hours and should be responding promptly. If an employee wishes to be completely relieved of duty, he/she should be using annual leave. So, in this situation, the employee would move from admin leave to annual leave for the time that annual leave was approved. As noted above, employees are encouraged to take their annual leave to rest and recharge, just as if they were working under regular circumstances.

**Can an employee change their accrual selection when supplementing their pay?**

Employees *are* able to change their accrual selection for EFMLA/EPSL. However, if a change is requested, it will not be effective until the following pay period, similar to the Cash/Comp time election forms related to overtime pay.

**What reason code should be used when opening an FMLA case in HRIS?**

If the employee will be out due to purposes of child care, they can use the newly created reason code listed as 'FMLA - CHILD CARE EXPANS'. Otherwise, if they will be out for their own illness or a family member's, then they should be using the regular FMLA reason code.

**How do I know which payroll codes to use for EPSL and EFMLA?**

Central Payroll has provided a matrix to provide guidance on the appropriate pay codes for EPSL and EFMLA. It can be found [here](#).

**Are contractors and/or temporary employees eligible for EPSL and EFMLA?**

Independent contractors are not covered under the FFCRA. Temporary employees, such as those secured through Knowledge Services, would be eligible. For EPSL, they are eligible immediately, while for EFMLA, they must have at least 30 days of employment with the state. Specific questions about what the notification/reporting process is, who pays for the cost, whether replacements will be provided for these workers on leave, etc., should be referred to the State Procurement Office for contract and agreement details.

\*Please contact your agency CHRO or Shared Services representative for additional guidance.\*