

## **Emergency Paid Sick Leave & Emergency Public Health Leave Technical Guidance**

Full-time Faculty, Administrators and Classified Staff

### **I. Background**

Signed into law March 18, 2020, the [Families First Coronavirus Response Act](#) (FFCRA) requires MSU Denver to provide eligible employees with job-protected, paid leave under the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act for specific reasons related to the pandemic. The Acts create two paid leave types:

- Emergency Paid Sick Leave Act: Emergency Paid Sick Leave (EPSL)
- Emergency Family and Medical Leave Expansion Act: Emergency Public Health Leave (EPHL)

This technical guidance provides an overview of the paid leave provisions of the FFCRA including MSU Denver's approach to implementing the two new paid leave types for eligible employees. Due to the complexity of the law, and the differing eligibility requirements and differing entitlement provisions, it is necessary that each request for leave be individually evaluated, and guidance provided on a case-by-case basis.

Note: Due to the complexity of the FFCRA and the evolving nature of the COVID-19 crisis, the Department of Labor has declared a temporary non-enforcement period until April 17, 2020; employers making reasonable, good faith efforts to comply with the FFCRA will not be subject to fines or enforcement for violations of the Act.

### **II. Emergency Paid Sick Leave (EPSL):**

- *Eligible Employees*  
All full-time faculty, classified and administrative staff is immediately eligible for EPSL. There is no employment requirement. Part-time employees are eligible to take the number of hours they would normally work during a two-week period.
- *Leave Entitlement*

Full-time employees who are unable to work or telework are eligible for up to eighty (80) hours of EPSL at their regular rate of pay for the following COVID-19-related reasons:

- Subject to federal, state or local quarantine or isolation order;
- Advised by a health care provider to self-quarantine; or
- Experiencing symptoms and seeking a medical diagnosis.

Full-time employees who are unable to telework are eligible for up to eighty (80) hours of EPSL at their regular rate of pay when caring for an immediate family member for the following reasons:

- Individual is subject or advised to quarantine or isolation;
- Son or daughter whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 precautions; or
- The employee is experiencing substantially similar conditions as specified by the Secretary of the Department of Health and Human Services.

- *Intermittent Leave*
  - An employee may take intermittent EPSL for the reasons above.
  - Supervisors are highly encouraged to work collaboratively with employees to achieve maximum flexibility to meet mutual needs.

### **III. Emergency Public Health Leave (EPHL)**

- *Eligible Employees*
  - Any full-time or part-time employee that has been on the employer's payroll for 30 calendar days.
- *Leave Entitlement*
  - Eligible employees are entitled to take up to twelve (12) weeks of EPHL for "a qualifying need related to a public health emergency."
  - Eligibility is limited to circumstances where an employee is unable to work (**or unable to telework**) to care for a minor child if the child's school or place of child care has been closed or is unavailable due to a public health emergency.
  - Eligible employees may take emergency paid sick leave (EPSL) during the first ten (10) days (80 hours) of leave at

the employees' regular rate of pay. The maximum pay is \$200 daily and \$2,000 total in aggregate for the ten (10) days (80 hours).

- The remaining ten (10) weeks are paid at two-thirds of the employee's regular rate of pay for the number of hours the employee would otherwise be scheduled to work. The maximum payment is \$200 a day and a \$10,000 total. Employees may supplement pay with any accrued leave.
- An eligible employee is entitled to twelve (12) weeks (480 hours) of EPHL. The first two weeks are compensated at the employee regular rate of pay under EPSL, and the remaining 10 weeks are paid at two-thirds of the employees' regular rate of pay. Employees may supplement EPHL with any accrued leave.
- Employees must notify their supervisor and Amanda Berry, [aberry11@msudenver.edu](mailto:aberry11@msudenver.edu), of the necessity of the leave as soon as practicable.
- EPHL provides job-protection which means the employee is restored to the same or equivalent position upon their return to work.
- *Intermittent Leave*
  - While teleworking or not teleworking, employees may take public health emergency leave intermittently if the employee is taking leave to care for their child whose school or place of care is closed, or whose child care provider is unavailable because of COVID-19 related reasons.
  - Departments and supervisors are highly encouraged to work collaboratively with employees to achieve maximum flexibility to meet mutual needs.

#### **IV. Leave Tracking and Reporting**

MSU Denver is required by the Governor's Office and the State Personnel Director to assist the State of Colorado in the collection of COVID-19 related remote work and administrative leave utilization data. Any leave taken must be reported to Amanda Berry in the Office of Human Resources to assist in our reporting requirements.

**V. Forms, Samples, and Other Helpful Materials**

The following forms are to be used to request leave and certify illness.

- [Leave Request Form under the FFCRA](#)
- [State of Colorado Self-Certification For COVID-19-Like Symptoms](#)

**VI. Disclaimer**

Subsequent revisions to rule or law could cause conflicts in this information. If a rule or law conflict with the technical guidance information, the law and rules are the official source upon which to base a ruling or interpretation.