



Administrative Office of the Courts

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Emergency Paid Sick Leave Act Frequently Asked Questions

- 1. How much Emergency Paid Sick Leave do full-time and part-time employees receive?**
 - a. Full-time workers receive up to 10 work days and part-time workers receive up to the average number of hours that the employee works over a 2-week period.
- 2. Are temporary and on-call employees eligible for this leave?**
 - a. Yes
- 3. Are all employees eligible for Emergency Paid Sick Leave, regardless of how long they have worked for the KCOJ?**
 - a. Yes
- 4. If an employee can work remotely, can the employee still receive Emergency Paid Sick Leave?**
 - a. Yes, but only for the time that they are unable to work.
- 5. Does Emergency Paid Sick Leave count against an employee's existing sick, vacation or personal leave balances?**
 - a. No.
- 6. Can Emergency Paid Sick Leave be used on an intermittent schedule?**
 - a. Yes, but only if the employee is able to work remotely or if unable to work remotely, the basis for the Emergency Paid Sick Leave is to care for a child whose school or place of care is closed (or child care provider is unavailable).
- 7. If an employee takes all 10 days of Emergency Paid Sick Leave for their self-quarantine and then later needs to be off to care for someone who has been ordered to quarantine, will that employee receive another 10 days of Emergency Paid Sick Leave?**
 - a. No. A full-time employee will receive ten work days of Emergency Paid Sick Leave for any combination of qualifying reasons to be used, if at all, between April 1, 2020 and December 31, 2020. A part-time employee will receive the average number of hours he or she works over a 2-week period of Emergency Paid Sick Leave for any combination of qualifying reasons to be used, if at all, between April 1, 2020 and December 31, 2020.
- 8. What pay code is input into the time sheet program once approved?**
 - a. FPSL for either all or 2/3 of the employee's regularly-scheduled hours (up to 7.5 hours).
- 9. How much will an employee be paid while taking Emergency Paid Sick Leave?**
 - a. It depends on the employee's normal schedule as well as why he or she is taking leave. If an employee is taking Emergency Paid Sick Leave because he or she is unable to work or telework because he or she (1) is subject to a Federal, State, or local quarantine or isolation order related to COVID-19; (2) has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or (3) is experiencing symptoms of COVID-19 and is seeking medical diagnosis, then the employee will receive his or her regular rate of pay.

If the employee is taking Emergency Paid Sick Leave because he or she is: (4) caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or is caring for an individual who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; (5) caring for his or her own child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons; or (6) experiencing any other substantially-similar condition that may arise, as specified by the Secretary of Health and Human Services, then the employee is entitled to compensation at 2/3 of his or her regular rate of pay. However, the employee may use any other authorized leave to cover the remaining unpaid leave time to ensure he or she receives his or her full rate of pay.

If you wish to request Emergency Paid Sick Leave, please notify your appointing authority and send an email to the AOC's Human Resources Department at HRGroup@kcoj.onmicrosoft.com.

Emergency FMLA Frequently Asked Questions

1. **Is Emergency FMLA paid or unpaid leave?**
 - a. The first two weeks (10 work days) of Emergency FMLA are unpaid but an employee may utilize (a) the Emergency Paid Sick Leave hours to cover the leave time or (b) any other applicable accumulated or available leave to cover the leave time.
 - b. After first two weeks (10 work days) of Emergency FMLA, the remaining FMLA leave (up to 10 weeks) will be paid, but only at 2/3 of the employee's regular rate of pay, for the number of hours the employee would otherwise be scheduled to work (but no more than 7.5 hours per day) if the person is unable to work (or telework) because they need to care for their child when the school or daycare has closed, or the childcare provider is unavailable, due to a declared COVID-19 emergency. The employee may use any other authorized leave to cover the remaining unpaid leave time to ensure he or she receives his or her full rate of pay.

2. **Does the 2/3 paid leave count against an employee's sick, annual, or comp time leave balances?**
 - a. No. However, if the employee wants to receive full pay while on Emergency FMLA, he or she may use any authorized leave to cover the remaining unpaid leave time to ensure he or she receives his or her full rate of pay.

3. **Can an employee use Emergency FMLA for his or her illness related to COVID-19?**
 - a. No, this category of FMLA is only available to those who are unable to work due to a lack of child care. An employee suffering from COVID-19 may use "standard FMLA" leave or any other applicable or available leave authorized by the KCOJ.

4. **Are temporary and on-call workers eligible for this leave?**
 - a. Yes.

5. **Can the employee use Emergency FMLA intermittently?**
 - a. Yes.

6. **Are all employees eligible for this leave, regardless of how long they have worked for the KCOJ?**
 - a. No, employees must be employed by the KCOJ for at least 30 calendar days before he or she can qualify for Emergency FMLA. For example, if an employee is hired on April 1, 2020, then he or she can qualify for Emergency FMLA on May 1, 2020.

7. **If an employee has already used hours under standard FMLA during the preceding 12-month period, are the available Emergency FMLA hours reduced?**
 - a. Yes, the 12 weeks will be reduced by the hours the employee has used for other FMLA qualifying events.

8. **What pay code is input into the time sheet program once approved**
 - a. EFMLA for 2/3 of the employee's regularly-scheduled hours (up to 5 hours).

If you wish to request Emergency FMLA, please notify your appointing authority and submit the EFMLA request via email to the AOC's Human Resources Department at HRGroup@kcoj.onmicrosoft.com. You should indicate any other paid leave you wish to use in addition to the EFMLA and the amount of time you are requesting.

If you have any additional questions related to the Families First Coronavirus Response Act, please submit those by email to the AOC's Human Resources Department.