

# COVID-19 Q&A



## Zoom Sessions Forums #1-8

Questions & Answers for 1 through 91

1. **Q:** Are the emergency sick hours (80), separate from the Natural Disaster Attestation hours (160 + 40)? Could an employee use a total of 280 hours? Or is the 80 hours provided under the NDA?

The guide states “or” but I have someone who utilized the initial 160 and once the last 40 is approved tomorrow will likely use those too. And he has been asking about the emergency sick hours. I wanted to make sure I understood it correctly.

**A:** Unfortunately, there's no easy answer. Each leave will need to be assessed individually. If a leave began before April 1st (before EPSL and FMLA Expansion were in place), the employee could theoretically get 80 hours of Natural Disaster Pay plus 80 hours of EPSL. But if a leave starts April 1 or beyond, the 80 hours of Natural Disaster Pay runs concurrently with their 80 hours of EPSL and any FMLA Expansion Pay.

2. **Q:** Once County Natural Disaster Pay is no longer offered, can employees switch over and receive paid leave benefits as provided under FFCRA (Emergency Family & Medical Leave Expansion) on an intermittent basis due to COVID 19 child care/school closure?

**A:** Yes, however, updates in VCHRP and in Presagia for leave type will need to be changed.

3. **Q:** For the Non-Essential employees who are completely not currently working and are ordered by the department to stay home due to COVID19 (attestation form). Do they need to be on leave of absence? Are they protected under FFCRA and continually use NDISH? Or if the attestation form extra 40 hours is exhausted, will they be using their vacation hours? Do they have to exhaust their vacation hours before they can file unemployment? Do they have a choice to go to unemployment without using their vacation? Lastly, if they will be reporting LWOP and filing with unemployment, will this affect their benefits, insurance, retirement benefits, and anniversary dates?

**A:** If an employee will be out of work for more than three scheduled work days, they must complete leave paperwork to ensure that they are offered all legal protections and entitlements that they are eligible for (and to protect the County, as we may need to prove that we notified the employee of their rights). As far as being protected under FFCRA, this would only apply if they fit one of the qualifying reasons under FFCRA. If not, they would need to file for unemployment benefits and/or use their leave accruals (do not need to exhaust accruals before filing). If an employee is not receiving pay from the County (any compensable time, including use of accruals), they will not be accruing service hours and therefore their benefits, retirement service credit, and anniversary dates will be affected.

4. **Q:** Will the PIF be updated? Can we get it in a fillable format?

**A:** Presagia can't generate a fillable format. We have sent them fillable forms and the system can't generate them. It generates them non-fillable. We will email all leave case managers a fillable PIF to use outside of the Presagia system.

5. **Q:** Further discussion on paid admin termination and transitioning to medical leave is requested.

**A:** If it's a self-medical COVID-19 leave, they will be placed under that category. If the leave is transitioning to a W/C case, depending on the date of the claim, the leave will either need to be restarted as a W/C leave or transitioned to a W/C leave with a second case. Please also refer to the Employee Work & Leave Options Flow Chart.

6. **Q:** On COVID-19 - NOT FMLA eligible – The manual states to make sure to get the Medical Certificate but it doesn't show that we need to add the CA Reasonable Accommodation policy. Do we not need to add this entitlement?

**A:** No, we are not using the CA Reasonable Accommodation policy for COVID-19. Remember that CA Reasonable Accommodation protects an EE that is disabled. COVID-19 is a virus, not a disability.

7. **Q:** How are we to track/document if someone is needing the EPSL (they've exhausted the 40 hours from the attestation form) but are only eligible for the 2/3 amount, since they're home with a child due to school closures? How are we differentiating/documenting if it is full pay or partial?

**A:** Tracking of leave pay integration is done at the agency's discretion. Each agency uses their own methods to do this. Probably the most popular method is a spreadsheet. Please contact us if you are seeking samples that other agency's are using.

8. **Q:** If an employee went out on leave 3/9/20 to take care of a child due to school closures and has continued to be out and has not yet returned back to work, what are the Action and Reason codes needed for VCHRP? The reason I am asking this is because from what I have seen Presagia and VCHRP are not lining up.

**A:** Please follow the VCHRP & Presagia entry guides, and keep in mind that VCHRP & Presagia will not always line up. This is because VCHRP is tracking the pay portion of the leave and Presagia is tracking the legal protections and entitlements of the leave.

9. **Q:** If an asymptomatic employee is exposed to a live-in family member pending COVID-19 test results, but our agency management has directed the employee to remain at home pending the family member's test results, how should the employee be paid? The employee wants to work but has been directed not to, so it doesn't seem fair to ask them to use their banks. Would admin leave or leave with pay be appropriate codes?

**A:** Pay options for this employee would include use of personal leave accruals and/or unemployment insurance.

10. **Q:** If an intermittent leave for school closure related family care is requested and approved with the employee only able to work only 2 days per week, and the employee starts to have issues with child care on those 2 days they had originally said that they could work, would we then include those days as part of the leave, despite the original agreement?

**A:** Yes, handle just as you would a normal intermittent leave. If circumstances change, you'll need to make adjustments.

11. **Q:** Without a medical note or any type of documentation from a doctor, despite any underlying health conditions or illness, is the only leave type option a personal leave?

**A:** Yes, but we should still attempt to get written documentation of some sort as this is what is required to receive any COVID pay (Natural Disaster Pay and EPSL).

<https://www.dol.gov/agencies/whd/pandemic/ffcra-questions#16>

12. **Q:** With the 2/3 pay limit of \$200 daily or \$10,000 aggregate, how does that work for an employee who works 12-hour shifts vs an employee in the same job classification/hourly rate that works 8-hour shifts? Is it averaged out so that we are paying them each the same amount over a week, or is it truly limited to \$200 daily?

**A:** See DOL FFCRA guidance on this question (answers 5, 6, and 7 on the following website): <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions#5>

13. **Q:** If we have an employee who has requested to be off pending illness and subsequent COVID-19 testing, can we request that the employee provide us copies of their test results, if their doctor will not provide a note? For example: the employee said their results were negative, but us asking to see them was a HIPPA violation.

**A:** Due to COVID-19 health crisis, we have the ability to ask for test results to ensure safety of employees and the public as reflected in the Exposure Flow charts.

14. **Q:** For those employees who have been using paid disaster leave hours sporadically each pay period and working or teleworking, should they submit leave paper? Or do they only do the paperwork if they are out more than three days in a row?

**A:** If an employee will be out of work for more than three scheduled work days, they must complete leave paperwork to ensure that they are offered all legal protections and entitlements that they are eligible for (and to protect the County, as we may need to prove that we notified the employee of their rights). If the leave hours are continuous and on a regular basis and the employee qualifies for FMLA, an intermittent leave may be appropriate.

15. **Q:** With no additional County Natural Disaster Pay approved and the employee is transitioned to receive paid leave benefits as provided under FFCRA (Emergency Family & Medical Leave Expansion) on an intermittent basis due to COVID 19 child care/school closure, can we use the TRC code NDISH/NDISS for the 10 weeks as referenced in attached leave guide?

**A:** Yes

16. **Q:** For those that have approved attestation forms and have been out, do they submit leave paperwork? If so, are we to back date to the first date they were out?

**A:** Yes, our leave policy has not changed. Any time away from work for more than 3 days requires leave paperwork. Leave paperwork should be completed back to day one of the leave.

17. **Q:** I have an employee that used the disaster pay for the last two pay periods intermittently and working half days. Since there has been no additional Natural Disaster Pay Leave approved, she's going to do leave paperwork for intermittent leave and the time she's not able to work is LWOP. Should the start date of her leave be this pay period? Or should it be back dated to when she started doing the intermittent hours? Also, with the compensable hours being half and if she qualifies for FMLA, would she get the full flex credit?

**A:** Leave paperwork should be completed back to day one of the leave. If on a paid leave and/or covered under FMLA, full flex credits are provided. Once the leave goes unpaid and the employee is no longer eligible for FMLA, you'll need to refer to the applicable MOA to determine number of pay periods that employee is entitled to flex credits.

18. **Q:** What type of proof is acceptable for school or child care closure? What should be done if none is provided?

**A:** Per recent DOL guidance, employee should submit a written statement that includes the following information: the name of the child, the name of the school, place of care, or child care provider that has closed or become unavailable, and a statement that no other suitable person is available to care for the child. <https://www.dol.gov/agencies/whd/pandemic/ffcr-questions#16>

19. **Q:** I received these questions in regards to FMLA - Emergency Family & Medical Leave Expansion due to a need to care for a minor due to school closure:

- a) While on the FMLA, can I come into work at least once a week or do I have to take them off consecutively?
- b) How can unemployment benefits be integrated with this option? Is there certain criteria to meet in order for both to be combined?

**A:** Emergency FMLA Expansion leave can be taken on an intermittent basis. As far as unemployment insurance, here is EDD's response to this question: "You may be eligible for unemployment benefits. Our EDD representatives will determine eligibility on a case-by-case basis by scheduling a phone interview with you. For example, you may be eligible for unemployment benefits if your employer has temporarily allowed you to work less than full-time hours due to your child care situation. In such case, you may be eligible for reduced benefits based on the amount of your weekly earnings, as long as you meet all other eligibility requirements. The EDD will contact you and your employer for information to determine your eligibility." [https://www.edd.ca.gov/about\\_edd/coronavirus-2019/faqs.htm](https://www.edd.ca.gov/about_edd/coronavirus-2019/faqs.htm)

20. **Q:** I understand if an employee is receiving UIB they need to complete a PIF, but if they completed an attestation and they are receiving the natural disaster pay, do they need to complete a PIF?

**A:** Yes, since they need to indicate if during an/or at the end of their NDP whether they wish to use their own bank accruals.

21. **Q:** This should be a simple question for you regarding Emergency Paid Sick Leave Act. We have an employee who is out this week and next week due to school closures. She would qualify for the 80-hours 2-weeks of full pay, correct? Or the Natural Disaster monies; one or the other correct? I think the 2 weeks of pay (**regular schedule**) and the bullet right under that which states 2/3 pay not to exceed \$200.00 a day is what is confusing. It makes it seem like the 2/3 pay pertains to the total of 12-weeks and that's not how I'm interpreting it.

**A:** Correct and correct

22. **Q:** We have employees who have been approved for paid disaster leave hours due to school/day care closure (< than or equal to 3 consecutive days in a row) but in more than one pay period since 04/01/20. Should these employees be placed on an irregular, intermittent leave? Or at what point, do you want us to place employees on irregular, intermittent leave?

**A:** If an EE is missing time due to school closure/day care whether its consecutively or intermittently they should be placed on a leave so that they are tracked.

23. **Q:** What is recommended for employees that have exhausted their disaster pay and are pending reassignment?

**A:** Their first course of action should be to contact their HR Rep who then should contact Emma Armstrong's team to identify a reassignment opportunity. If none are available, the employee may apply for unemployment benefits and/or use applicable personal leave accruals.

24. **Q:** Can sick banks be used for time off under expanded FMLA due to school/daycare closures? To coordinate with the 2/3 pay or for those employees who might be excluded from that benefit and would like to use it for full days.

**A:** No, only vacation and annual leave hours, floating holidays and comp time are acceptable accrual uses. Follow normal procedure, unless employee or family member is sick, then apply MOA calendar maximum limitations.

25. **Q:** If an employee had a work-related exposure (chart 1) and was placed on admin leave, but due to telecommuting and his 9/80 schedule only received Admin pay for 2 days. Since it was not more than 3 days and we directed the employee to remain at home until test results were received, should it be still documented as a PLA/ORG & PLA/ADM?

**A:** No, our leave policy applies to those out more than 3 days. Our leave policy has not changed.

26. **Q:** For intermittent family care leave, if the employee is able to work 5 hours per day, and takes the remaining 3 hours as leave time due to school closure issues, how would those 3 hours be paid with the 2/3 pay? Would they be paid for 2/3 of 3 hours or because the 3 hours are less than 2/3 of the entire work day, would they be able to receive full pay for those 3 hours?

**A:** It would be 2/3 based on the 3 hours not worked. Yes, if integrating with their own accrual banks.

27. **Q:** When an employee goes out/files a LOA based on COVID-19 attestation reason and simultaneously on Workers' Comp work restrictions that the department is unable to accommodate and ee found entitled to Paid Industrial Leave for the same period, what VCHRP Action/Action (codes) take precedence (e.g., industrial or COVID-19)? Is there a code hierarchy?

**A:** PLA ORG is always the first entry, the second entry would be a non-medical leave reason. Once approved by Workers Comp, the leave reason would be changed retroactively to the period approved by W/C and with an additional sequence, i.e. sequence 2.

28. **Q:** We have an employee who has underlying health conditions and is able to telework right now. When this is over and people are able to go back to work, she mentioned she would like to continue to telework. For now, we can accommodate but when things get back to normal, we will need the employee to come into the office. Can our agency require the employee to come into the office? Can the employee get a doctor's note for the accommodation?

**A:** Current telework status is due to the emergency shelter in place order associated with COVID-19 and is not an accommodation associated with a disability. When that order is lifted/loosened and employees are asked to return to work, an employee who feels they are unable to do so at that time due to a disability would need to go through the usual interactive and leave processes.

29. **Q:** Is there going to be any formal approval process required (similar to the County Natural Disaster Attestation Request form) for employee to be approved by the department to apply & receive 2/3rds of the pay provided under EPSL?

**A:** There is no formal approval process but keep in mind that EPSL is an employer-paid benefit. Please refer to the Leave & Pay Guides to determine how much the employee is eligible for, depending on the reason for the leave. The benefit amounts will need to be calculated by the agency and applied appropriately. The employee also should file for LOA and provide required documentation to support leave, if out for more than three work days or out intermittently.

**30. Q:** Once the Attestation time ends and staff begins to use vacation time, will we continue to use LOA time during that vacation time? Example: EE uses Attestation time through 04/24 and beginning on 04/27, begins using vacation time, is that going to be LOA time? Will we return the EE when we return to the offices or when the EE begins to telecommute, whichever occurs first?

**A:** If we are interpreting this correctly, LOA processes should continue as usual, followed by return to work/telework. Please keep in mind that the leave and how they are paid on the leave are two separate things.

**31. Q:** Can EPSL can be used intermittently for up to 80 hours?

**A:** It was previously reported that the hours could only be used for a two week period but after further research, it was confirmed that the 80 hours can be applied both consecutively and intermittently for up to 80 hours.

**32. Q:** What do we do if the leave paperwork is provided and the employee doesn't return them? By providing the forms/information, have we done our due diligence in helping the employee?

We have an employee with this type scenario:

- Out 3/17 through 3/20 (approved attestation form)
- Worked 3/23 through 3/26
- Out again 3/30 through 5/1 (approved attestation form)

Should two separate leave forms be done since she returned for a few days?

**A:** Yes. And if paperwork is not returned, the employee is absent without approval. Please follow your agency's policy on how to handle employees who are absent without approval.

**33. Q:** I have a scenario that I would like to get more guidance on to confirm how this employee will be compensated while out on a leave related to COVID-19. I will outline the scenario below:

- Employee covered under the Management Resolution out to care for a minor child due to a school closure because of COVID-19
- This employee is on a 5/40, and their first day out on leave was Friday, 4/10/2020 with an anticipated RTW of 6/22/2020
- Employee has request and used Natural Disaster Attestation pay from 4/10/2020 through 4/24/2020 (total of 88 hours)
- Employee does not want to use any annual leave accruals while out on a leave of absence

From what I understand, this employee's eligibility for Emergency Paid Sick leave ran concurrent with Natural Disaster Attestation pay since it exceeded 80 hours, correct?

Beginning 4/27/2020 (per the FMLA Expansion), this employee would be eligible to be paid by County payroll on VCHRP 2/3 of their regular gross pay (up to \$200 per day), and can file for UIB to supplement?

**A:** Yes.

**A:** Yes. In addition, UIB will be paying an additional \$600.00 per week under the CARES Act. This is in addition to the Weekly Benefit Amount, which can pay as much as \$450 per month. EDD



has an online calculator that can be helpful in determining estimated amounts the employee would be eligible for: <https://www.edd.ca.gov/unemployment/ui-calculator.htm>.

34. **Q:** For those that self-quarantine due to being high-risk with underlying health conditions and have marked the first box on their approved attestation forms but do not have a doctor's note, would that be considered a personal leave?

**A:** Yes. If they later provide the doctor's note, an adjustment can be done to give them the natural disaster pay.

35. **Q:** If it is a personal leave and the employee ends up providing a doctor's note after the fact, do we switch it to a medical leave?

**A:** Yes.

36. **Q:** The new attestation form has the asterisk regarding documentation from health care provider. For those that marked those same boxes on their previous forms, do they now have to get written documentation from their physician to support those forms? Or is there an option to be lenient for those periods; but from the latest form moving forward, it will be required?

**A:** If they were already approved, there is no need to request paperwork for retrospective periods. However, going forward we would want to ensure all proper paperwork is provided.

37. **Q:** If an employee lives with or is caring for a parent or husband or other person who is in a "high risk" category, can they use the COVID paid time? It is not clear if this situation is specially considered an "isolation" case.

**A:** Living with a high-risk family member is not an eligible reason, though the employee may file for a Personal LOA (applying their accruals to cover pay). Caring for a family member IS eligible if the employee's care is needed and a doctor attests to this (as typical with all family medical care leaves). A doctor's note certifying the condition will be needed to file for LOA and they may be able to apply accruals and integrate with other state benefits.

38. **Q:** We have an employee who checked "other" and wrote "necessity to assist elderly parents who fall into the vulnerable population due to age and underlying health conditions." In this case, can we approve? Or, what documentation do we need to be able to approve?

**A:** The distinction is "living with" versus "caring for" a family member and a medical note from the parent's doctor attesting to/designating the employee is needed.

39. **Q:** If an employee already received County Paid Natural Disaster Hours (after 04/01/20) that exceeded \$200 in any given day, and they are now switching over to receive benefit provisions under EPSL that restrict a maximum of \$200/day? Since we are applying these County Paid Natural Disaster Hours (which run concurrently with EPSL benefits) do we need to factor in the total NDISH amount in the aggregate limit of \$12,000? Or do we just begin applying the EPSL requirement and start tracking the aggregate limit of \$10,000 for the 10-week period at the time the employee is switching over (and moving forward)?

**A:** EPSL and Natural Disaster pay run concurrent after 4/1/20, so the employee has already exhausted their EPSL. It sounds like you also may be referring to the FMLA Expansion pay rather than EPSL in the latter part of your questions. FMLA Expansion pay has a two-week waiting period, which was already fulfilled, so the clock should now be running on the 10-week FMLA Expansion pay.



40. Q: With summer around the corner, some employees will choose to travel (within the state/US as permitted) during their vacation.

- Will the County encourage or enforce self-quarantine for those who return from traveling?
- If the County enforces this, employees will need to use vacation/annual leave accruals during that quarantine, correct?

**A: At this time, we are not aware of any such requirement.**

41. Q: Can an employee who is not FMLA/CFRA eligible apply for a leave of absence under ADA/FEHA if a doctor's note determines that the employee has an underlying medical condition and/or the health of the employee is compromised and subsequently cannot perform his/her regular duties? If teleworking is not available, is the reassignment the only option and how long does the reassignment process take?

**A: Yes. If teleworking is not available, reassignment is an option. The timeframe will be fact specific. If neither reassignment or telework are available leave of absence is an accommodation.**

42. Q: Assuming that no previous leave of absence had been requested, if an employee requests a LOA after 4/21/20 and the leave duration is longer than a week, is it possible for the employee to use additional hours from previous pay periods through the Natural Disaster Attestation Forms? Does that mean that everyone requesting a leave of absence exceeding the recently 40 hours approved on 4/21/20 would have to use sick, vacation or other leave banks to be fully compensated?

**A: No, the employee would only be eligible for the natural disaster pay that applies to leaves from 4/19/20 forward. Leave accruals would be necessary after that to integrate with whatever other benefits the employee is eligible for.**

43. Q: Do the employees have the option of applying for UIB or not?

**A: The employee should always be encouraged to apply. If the employee has advised that they will be applying for UIB, you should apply integration with their vacation/annual leave accruals, assuming they have requested a paid leave.**

44. Q: When on a personal leave of absence, I understand you can only use annual leave or vacation accruals, but we have a case where an employee has a doctor's note to care for their child and does not qualify for FMLA/CFRA (since they do not meet the 1250 hours). In this case, since they have a doctor's note, can they use family sick although this is a personal leave of absence?

**A: Absolutely and up to the calendar year allotment per their MOA/MR. However, these are unprotected absences and can trigger a disciplinary action, if and when abused.**

45. Q: What happens when the "stay at home" order is lifted and the department needs employees to return back to work but school/daycare are still closed. What rights does the department have to request/require the employee to come back to work due to business needs? What rights does the employee have to remain home to care for child(ren) due to school/daycare closures?

**A: FFCRA allows the EE to be out for 12 weeks for school closure. It expires on 12/31/2020.**

**If they have supporting documentation, the EE can still be out on a protective leave. Schools will remain closed for the rest of the school year. The stay at home order could be lifted but schools will remain close.**

46. **Q:** What happens if the department approved a COVID-19 school/daycare closure leave request and now telework is no longer being offered. We need the employee to return to work due to business needs. Can we request/require the employee to return to work prior to the end date approved on their leave of absence request?

**A: Telework is considered work just as if they were in the office, so the employee did not need to be on a leave if they were teleworking. If the employee has a legitimate COVID-related reason for leave, FFCRA allows the EE to be out for 12 weeks for school closure. It expires on 12/31/2020.**

**If they have supporting documentation, the EE can still be out on a protective leave. Schools will remain closed for the rest of the school year. The stay at home order could be lifted but schools will remain close.**

47. **Q:** We have employees out and NOT teleworking. When orders are loosened and agencies open up to handle more business transactions, there will be a need to have more staff available to handle tasks that can only be accomplished in the office. Aside from the leaves that have supporting documentation from a health care provider, can the department require the employees to return to work?

**A: I'm assuming you're referring to an employee who has been furloughed. What would you normally do if an employee did not report to work? If the employee is needed to work and wishes to keep his/her job, the employee should report to work. Otherwise, he/she is absent without approval.**

If yes and the employee chooses not to return until all orders are lifted, what recourse does the agency have?

**A: See answer above.**

48. **Q:** We have an employee out due to COVID-19 childcare issues for two of her younger children. She just submitted a doctor's note regarding her adult child (21 years old) that was seen at a COVID-19 Urgent Care testing site. The adult child did meet the CDC testing criteria, but results will not be available for 1-2 days. The note does not indicate parent needs to provide care. It just advises patient to quarantine at home for minimum of 7 days or 72 hours after symptoms resolve, whichever is longer. The employee would like to use her personal leave to care for her son stating he can't care for himself at this time.

Should this continue as a personal leave?

**A: In order to take FMLA leave to care for a son or daughter who is 18 years of age or older, the adult child must have a disability and be incapable of self-care due to that disability. The son or daughter must also have a serious health condition for which he or she needs care.**

49. **Q:** Most recent Natural Disaster Attestation Form reads three **consecutive** days. Is it considered a leave only after 3 consecutive days out? Or 3 days total over the span of the specific Attestation period(s)?

Example: One of our employees is working from home except for one day a week due to childcare and school closure. She completed attestation forms for one day a week that were approved. As of 5/2/20, she has taken 44 hours of leave due to childcare and school closure.

**A: This should be treated as an intermittent leave under EPSL and EFMLE, whereas more than 3 days have been exhausted through the end of the declared COVID-19 emergency and in which they are unable to work due to child care or school closure.**

50. **Q:** EPSL - If an employee is out for 2 weeks with COVID-19 related symptoms, told to remain home, waiting for testing and then waiting for results, would they be eligible for the 80 hours of EPSL under FFCRA? Even if they were approved for 40 of those hours with the attestation form, it seems that they would still need to be paid the remaining 40 hours with EPSL. Is there a certain way they should request that or how who is responsible for approving that? Would it just be the LOA coordinator? If the results come back negative, does that make any difference to their eligibility?

**A:** Please refer to the **COVID-19 Leave & Pay Guides (posted on the Benefits COVID website – <https://hr.ventura.org/benefits/covid19>)**. The employee would be eligible for EPSL because one of the qualifying reasons is “experiencing symptoms of COVID-19 and seeking a medical diagnosis”.

Even if they were approved for 40 of those hours with the attestation form, it seems that they would still need to be paid the remaining 40 hours with EPSL. Is there a certain way they should request that or how who is responsible for approving that? Would it just be the LOA coordinator?

**A:** The agency/department is only approving the leave, not how the employee will be paid on the leave (other than Natural Disaster Pay). If the employee is out on an approved COVID-related leave, there’s nothing additional to approve once the Natural Disaster Pay is exhausted. The agency’s payroll unit should integrate the 40 hours of EPSL with other available pay options (i.e. leave accruals, disability payments, etc). Please refer to the **COVID-19 Leave & Pay Guides (posted on the Benefits COVID website – <https://hr.ventura.org/benefits/covid19>)**.

51. **Q:** Intermittent Natural Disaster Pay – An employee who is on an intermittent leave, splitting each work day between working and LOA, is already receiving the 2/3 pay under EFMLA. She would now also like to apply for the last 40 hours of natural disaster pay and split those 40 hours over the remaining 1/3 of her hours that are not covered under EFMLA. Is that an option?

For example: 4 hours REG, 2.6 NDISH, 1.4 either LWOP, banks or NDISH again due to attestation approval

**A: Yes**

52. **Q:** Let’s take an employee on a 5/40 schedule: This employee usually makes \$3,000/biweekly or \$300/day when working Regular. This employee then goes out on a LOA due to COVID-19 school closure from 4/6/20 – 6/26/20. Let’s say they opt to use EPSL and EFMLA, and file for EDD UIB. It appears we would calculate the amounts as follows:

UIB = \$450/weekly + \$600/weekly = \$1050/weekly or \$210 daily

ESPL/EFMLA = \$200/day

Total Benefits paid – \$410/day

The employee usually makes \$300 per day so the total benefits paid would be an overpayment. Therefore, we would have to adjust EPSL/FMLA to ONLY \$90 (difference of \$300 - \$210 from UIB), correct?

**A: Yes**

53. **Q:** If an employee has a schedule other than 5/40 and their workday hours are more than 8, can we do a schedule change during their leave so they can maximize their EPSL & EFMLA benefits (since these have daily pay maximums)?

**A: Yes, but when the employee returns from leave, the schedule will need to be changed back to what it was when they went out on leave. The schedule change will be for payroll purposes only.**

To change their schedule, you would take their biweekly scheduled hours (80, 72, 60 etc) and divide by 10 (the number of days EPSL and EFMLA are assuming). This is the number that you can change their daily hours to in order to maximize their benefits. For example, an employee who usually has a 72-hour biweekly schedule would have their daily hours changed from 12 to 7.2. That way, they'll receive a full 72 hours of EPSL/EFMLA in a pay period spread over 10 days, and not be limited by the daily pay maximums.

54. **Q:** We have an employee on intermittent LOA to care for a child due to a COVID-19 school closure. This employee is not interested in using EPSL or EFMLA and would rather use their vacation accruals. I assume this is ok, but wanted to double check with you to confirm we are **not** required to use EPSL or EFMLA pay for the leave if the employee does not want to? Of course, we will still run FMLA time for the time taken as vacation hours related to the leave.

**A: Good question and very odd, so I recommend getting something in writing so it does not come back later as “I was never informed”. An email from the employee would suffice, since we are following social distancing protocol.**

55. **Q:** This is a follow up to question #47 which reads:

We have employees out and NOT teleworking. When orders are loosened and agencies open up to handle more business transactions, there will be a need to have more staff available to handle tasks that can only be accomplished in the office. Aside from the leaves that have supporting documentation from a health care provider, can the department require the employees to return to work?

**A: I’m assuming you’re referring to an employee who has been furloughed. What would you normally do if an employee did not report to work? If the employee is needed to work and wishes to keep his/her job, the employee should report to work. Otherwise, he/she is absent without approval.**

**Q:** What if the employee is out due to the age order or having underlying health conditions that increases vulnerability? The employee is choosing to stay out for these reasons. Does the same answer apply in these situations?

**A: If the order is still in place and the employee is 75+ or 70+ with active or unstable comorbidity, he/she must remain at home. If Natural Disaster Pay and EPSL have been exhausted, the employee can use their leave accruals. If the order is no longer in place, you should handle as you would any other leave (if no medical note, it’s a personal leave that the agency has discretion on whether or not to approve).**

**In the case of an underlying health condition that increases vulnerability to COVID-19, a doctor’s note stating such would be sufficient. However, it must be a condition that has been identified by the CDC to put the person at a higher risk: <https://www.cdc.gov/coronavirus/2019-ncov/hcp/underlying-conditions.html>.**

**Q:** Should the attestation forms be uploaded in Presagia under the “notes & correspondence” tab regardless of whether the employee submits leave paperwork or not?

**A: Yes, that wouldn’t hurt to keep a copy in their files for future reference, but copies are already being maintained by Kelly Akers.**

56. **Q:** I have this scenario: Employee is out 5/8/20 through 5/14/20. She submits attestation form for this period (awaiting approval). On leave request, other block is marked with the following explanation: COVID-19 children school closure, need to care for minor children and doctor's recommendation. Below is the employee's response when asked if out due to child care/school closure relating to COVID or If the doctor was putting her out.

*Both, I have been telecommuting and taking care of my children since March 17. My doctor is concerned I have been doing both for too long and that it's affecting my health. He wrote me a note to do just do childcare for this week to see if it helps.*

When she first inquired about leave paperwork it was for child care purposes and no mention of the doctor's note or recommendation. That didn't come to light until she sent the completed paperwork. The note is not on an FEHC form. It's more of a General Message (Health e-Connect – Messaging) email format sent to employee excusing her from work those days.

**Q:** Would this be considered a personal leave?

**A: No, I would apply the more beneficial entitlement which would be the family care leave and would require less supporting documentation.**

**Q:** How much information does an employee need to provide to be able to receive EPSL? For example, if they have a return to work note, the very generic type that are hand written by their provider, how would we know that it is COVID-19 related? What is the minimum requirement as far as medical documentation to justify EPSL?

**A: We are applying some leniency on the medical forms provided by the doctor, handwritten medical notes may be accepted. If it is a release, then you would treat it appropriately.**

57. **Q:** Regarding the COVID-19 leave and pay guide. The 1<sup>st</sup> page regarding LOA due to childcare clearly states that natural disaster pay, and emergency paid sick leave run concurrently. It does not show that natural disaster pay and EFMLEA pay run concurrently. Our payroll unit has asked for written confirmation as to what is allowed, and we don't see that the leave and pay guide makes it clear.

**Q:** Is coordination of the last 40 hours of natural disaster pay with the 2/3 pay under EFMLEA allowed?

**A: Yes.**

58. **Q:** Is it true that if an employee has a fever when they are screened at work they must stay home from work for 7 days? What if they provide a doctor's note that says they are negative for COVID? If it is true, how should the employee code the time they are not allowed back to work?

**A:** It is correct that if an employee has a fever they need to stay home. However, we are not aware of any requirement that they remain home for 7 days. If the employee believes their condition is related to COVID-19, you should follow the "COVID-19 Exposure Process Charts" which detail the process, including how the employee's time should be coded. These charts are posted on the COVID-19 webpage and a link has been provided for your reference as well.

[https://vcportal.ventura.org/covid19/docs/COVID-19 Exposure Process Charts.pdf](https://vcportal.ventura.org/covid19/docs/COVID-19%20Exposure%20Process%20Charts.pdf)

59. **Q:** Will the County be recommending to extend employees' leave of absence once they exhaust their 12 weeks of Expanded FMLA for child care?

**A:** No, however, the employee should be evaluated based on their own circumstances and available entitlements. The employee should return to work unless they have extenuating personal medical circumstances under ADA/FEHA or a personal leave of absence may be considered.

60. **Q:** A 9/80 employee on intermittent LOA takes a full 9-hour day off. The employee opts to use 4 hours of NDP, and then chooses to use EPSL/EFMLA in coordination for the remaining 5 hours. Would we calculate EPSL/EFMLA for 2/3 (up to \$200 max) of 5 hours or 9 hours since they are taking the full day off?

**A:** You should calculate based on the remaining 5 hours. Doing the calculation based on 9 hours means you would need to change the proportions from 5 to 6 hours of NDP and 3 hours of EFMLE. The end-result should be that the employee is not overpaid based on their daily and aggregate limits. You may have to adjust the numbers (for the day off) if you are trying to maximize the daily limit.

61. **Q:** If an employee requests to use 2/3<sup>rd</sup> benefits as provided under EPSL and EFMLE (due to COVID school/daycare closure) for 12 weeks, would it be correct to tell the employee that their total maximum paid benefits is 320 hours (not to exceed \$200/day, \$12,000 aggregate)?

**A:** No, the 2/3 benefits is for up to 10 weeks not up to 12 weeks (equal to roughly 267 hours). You should state the limits as referenced in the Employee Rights FFCRA Notice to avoid any confusion or misunderstanding. By giving your own estimates, you may have already misinformed an employee.

62. **Q:** And if this employee already received County-Paid Disaster benefits (which ran concurrently with EPSL), what happens if the employee was paid more than \$200/day in County Paid Disaster Benefits? Is an adjustment needed? Or no adjustment as long as they don't exceed \$12,000 aggregate?

**A:** Natural Disaster Pay does not have daily or aggregate limits, so no adjustment would be necessary. If no longer eligible for Natural Disaster Pay but the employee is eligible for EPSL or EFMLE, you should be applying the daily as well as the aggregate limits. If either limit was exceeded while only eligible for EPSL or EFMLE, the employee should repay any overpayment(s). In addition, if they were overpaid the daily limit, that amount could be added back to the aggregate to be used at a later date.



63. **Q:** At the present time, I have half my staff in the office and the other half teleworking so that I can maintain social distancing. I have an employee who is teleworking due to comorbidity issues. It seemed like a natural decision to allow this employee to telework due to their existing medical circumstances. They have been telling other employees that they like working from home and hope to continue to do so on a permanent basis. I have some concerns that they may want to work from home on a permanent basis, but the position does not support working from home. If they provide a note from their doctor, what steps should I pursue after the stay at home order is lifted?

**A: When the stay at home order is lifted, you would handle any requests for accommodation exactly as you would have prior to the shelter in place order. Meaning, you will need proper documentation from the employee regarding the requested accommodation, you will need to explore all reasonable accommodations associated with the medical documentation, and you will need to conduct an interactive process meeting regarding the requested accommodation.**

64. **Q:** We have an employee out due to the age order with underlying health conditions. She is going by the Governor's age order of 65+ which happens to be where her age bracket falls into. The Ventura County order is 75+ or 70+ with active or unstable comorbidity. Her supervisor indicated this employee is not planning on returning until the stay-at-home order is lifted or until specific staff start returning.

Does it matter which age order they are following?

**A: We were not able to find language in the Governor's stay at home order that specifically addresses the 65+ age bracket, and it is our understanding that our County's stay at home order could be more restrictive than the Governor's, but not less restrictive. Therefore, we believe the County's order is in alignment. If the employee has documentation that differs, they should provide that information and it should be considered when determining if/when staff within the stated age brackets return to the worksite.**

65. **Q:** I'm still going through the attestation forms submitted and providing the leave paperwork to employees that have been out for more than three days. Some employees are adamant that they are/were not on a leave of absence. How much should we enforce getting the leave paperwork returned?

**A: You should enforce our leave policy and document that you have provided the necessary forms in accordance with our leave policy. If proper paperwork is not submitted, the employee would be deemed absent without approval and therefore not eligible for any pay on the days they were out.**

66. **Q:** Child care businesses have started to re-open. For those that have been out due to child care closure, their child care has now become available. They are wanting to continue to be out for the following reasons:

- a) Until the stay at home order is lifted even though they do not fall into any other COVID-19 related category
- b) Prefer to continue to provide the child care due to the safety of their child

What do we do in these situations?

**A: The employee should be evaluated based on their own circumstances and available entitlements. The employee should return to work unless they have extenuating family medical circumstances under FMLA (assuming FMLA has not been exhausted) or personal medical circumstances under FMLA/ADA/FEHA. As a last resort, a personal leave of absence may be considered, subject to the agency's discretion.**

**67. Q:** An employee needs to go out for a medical procedure that would normally be less than three days. The employee has stated the doctor is being cautious and has required the employee to take a COVID19 test. This test will increase the time needed to be out up to 5 days. Does this need to be identified as a COVID19 leave of absence? Is the employee eligible for Natural Disaster Pay or EPSL? If it is COVID19 related and he is eligible for Natural Disaster Pay and EPSL, how would we code the 5 days on his timesheet? Let's say the test took three days and he only needed to be out 2 days for the procedure.

**A:** This would not be coded as COVID19 leave because the employee has not had an exposure and is not symptomatic. If the employee can work while the test is pending, they should be allowed to do so. If their underlying condition prevents them from working/teleworking while they await the test results, then the time associated with their pre-operative COVID 19 screening would be handled as a regular medical leave.

**68. Q:** We have an employee out due to child care closure with an extension of leave through 5/31/20. The back-up documentation provided indicates child care has an anticipated reopening of 5/18/20. When ask for updated documentation, employee stated child is a registered kindergarten student and provided the website link stating school closure. So it appears reason changed from child care closure to school closure for a school the child has not yet attended.

Is using the school closure an acceptable reason to remain out on leave for a school the child has not begun attending?

**A:** Yes, school closure and child care issues both qualify under FFCRA. The fact that the minor child has not attended that school, or any school, would not be a problem, since it would be expected that would occur for this kindergarten-age minor child.

**69. Q:** When we bring back employees from teleworking and they state they have a child with an immunocompromised system and want to continue teleworking in fear of bringing something home, what are their options? Can they continue teleworking with an accommodation or how are we supposed to handle that?

**A:** If telework is available and the employee is able to telework, this should be the first option explored.

**70. Q:** I have an employee who is caring for a minor child due to childcare issues associated to COVID-19. The employee is seeking 2/3 pay under EPSL and EFMLA, but he has also indicated he will be applying for unemployment and wants to integrate his wages with his EDD payments and his personal accruals if need be.

Would he be eligible for unemployment payments from the EDD while receiving 2/3 payments for EPSL and EFMLA? I would also anticipate an overpayment to take place should he receive payments from the EDD. Do we continue to pay him at a 2/3 rate regardless of any anticipated overpayments due to EDD payments?

**A:** Yes, he would be eligible for wage replacement benefits through EDD for child care issues associated with COVID-19. It is possible he may have an overpayment once he applies for and receives any UIB benefits. The prudent way would be to reduce his EPSL/EFMLA based on an estimate of \$450 weekly benefit and integrate with his other pays.

The downside to this method is that he may have to wait to get his first UIB check and we have heard that a wait time of 2-4 weeks is not uncommon. The other element to consider is that he may be eligible for the additional \$600.00 UIB benefit and that would have to be integrated as well. This may put him in a financial situation but delaying it will just increase the overpayment when all is said and done. I have listed the website info below for your convenience:

[https://edd.ca.gov/about\\_edd/coronavirus-2019/pandemic-unemployment-assistance.htm](https://edd.ca.gov/about_edd/coronavirus-2019/pandemic-unemployment-assistance.htm)

71. **Q:** I have two different scenarios. Based on the coordination with unemployment benefits direction we've received in the last two Zoom calls, I reached out to all our employees that were in a position to apply for unemployment.

Employee #1 is on a full leave due to school closures, so receiving 2/3 pay under EFMLA. He has been receiving \$2,100 every 2 weeks, which is the max amount with the \$450 weekly + the \$600 weekly bonus. It is just shy of his biweekly rate through the County. He also used vacation banks for the 1/3 time to stay fully paid for a couple pay periods. He has made attempts to contact EDD, since he does not think they should have paid him at all for the first couple pay periods, and he has left the money on the debit card they sent him, so he hasn't pulled it off to use. He would rather receive the pay through the County than EDD, since he would basically be unpaid through us if we had him coordinate. This would mean he's not accruing any service hours or banks and he would likely owe his portion of benefits out of pocket. Not a good deal for the employee at all.

**A:** A repayment will be needed to either EDD or the County. You're correct that some employees may want to forgo UIB so that they continue to earn Continuous Service Hours, leave accruals, and flex credits. But some may not be concerned about this and instead want the UIB payments. It's the employee's prerogative whether they want to accept the UIB payments

Employee #2 is teleworking 5 hours per day, with the other 4 hours off due to EFMLA. She's being paid 2.6 hours under EFMLA and LWOP for the remaining 1.4. She filed unemployment for that 1.4 hours she's missing, and she's likely going to get \$700 per week from unemployment. Even if we only paid her the 5 hours of REG each day, and coded the remainder of the day as LWOP, she would still be overpaid. How would we be expected to remedy that?

**A:** It's our understanding that EDD will do audits to ensure an employee was not making more off than on, so this employee would need to be aware that reimbursement to EDD of the overpayment may be necessary.

72. For an employee out due to child care/school closure, once they've used up their 12 weeks of entitlement, does it turn into a personal leave?

**A:** Yes, your agency will have the discretion to approve/deny a personal leave. You should consider all factors when making your final determination, including any available options to telework.

For those out sporadically for child care/school closure, but not three days in a row, do they need to be on an intermittent leave? Here's an example of one:

Example 1:

4/20/20 out 3 hours  
4/22/20 out 1 hour  
4/28/20 out 1.5 hours  
5/1/20 out 2 hours

Example 2:

4/3/20 out for 8 hours  
4/27/20 out for 4 hours  
5/8/20 out for 8 hours

**A:** Both examples could potentially be intermittent leaves of absence, in the case where the parent(s) must continue to contend with school or child care closure. You should consider what the employee needs are when making the final determination. There is no harm in filing for an intermittent leave of absence, even if the time is never needed or used.

73.

**Question asked during Zoom section:**

**Q:** If an employee is COVID-19 positive and has exhausted FMLA but still is out under a doctor's direction, what type of leave should be applied?

**A.** When adding an extension, you will let Presagia deny FMLA and just run the "General Employer Emergency Pandemic Leave" policy for the remainder of the leave.

A diagnosis of COVID-19 is not covered under ADA. However, if the virus were to cause or exacerbate an underlying condition, that would have to be evaluated under ADA.

If no underlying condition exists, run the "General Employer Emergency Pandemic Leave" policy.

For all the examples listed above and for entry into VCHRP, you will use the action reason codes of either, PLA MED for paid leaves and LOA MEB for unpaid leaves with MOA benefits or LOA MEW for unpaid leaves with MOA exhausted.

74. **Q:** We have employees currently teleworking. They would like to continue teleworking either because they are high risk or live with someone that is high risk. Supposedly, documentation was provided from health care provider indicating something to the effect that employee should remain telecommuting for these reasons. It seems the documentation is generic and doesn't provide much info. The department would like a little more information but wants to stay away from any medical diagnosis. Can the department contact health care provider to seek additional information? Can the department ask employee to provide additional information from their doctor? If so, what type of information can we ask?

**A:** Yes, the LOA/Accommodation Coordinators only can contact the health care provider to seek information if information is missing/misleading or needs clarification. We do want to make sure we are providing our County Accommodation request form to have completed by the healthcare provider. That will help gather all necessary information needed without disclosing the diagnoses. By providing the COV Accommodation form, that should ask all the questions needed geared towards an accommodation. If more clarification is needed, the LOA/Accommodations Coordinator can contact the provider and ask *only* for clarification about the work restrictions. It is recommended that the coordinator get the employee's permission to contact the provider and encourage the employee to also assist in getting the needed clarification/documentation.

LOA/Accommodations should be revisited at regular intervals (as little as 30 days, but no more than 90 days) to determine if any of the restrictions have changed and to assess if the accommodation is still reasonable.

75. **Q:** We have an employee that chose to self-quarantine but is teleworking. The office will soon be requiring staff to return to the office. The employee wants to continue to self-quarantine and telework. I believe the self-quarantine is because he doesn't want to bring anything home that could compromise spouse's immune system. What recourse does the supervisor have? Does the employee need to provide documentation supporting the need to self-quarantine?

I know in previous zoom questions #37 and #38 it talks about living and caring for high risk family member. And I took that as for those out on leave. So, I wanted to ask these questions from a telework standpoint.

**A:** If the agency orders are to return to the office, teleworking will now be considered an accommodation. A request will need to be made for an accommodation with supporting documents such as medical documentation. Departments are encouraged to be flexible in considering accommodation options while employees who fall into this category procure the appropriate documentation.

**76. Q:** When an employee has COVID19, is quarantined, and eventually gets well, can he come to work as soon as he decides to return to work?

**A:** If employee tested positive and was out for active COVID-19, the employee should obtain a release to return to work. The release can be obtained from the employee's personal physician or they can call EHS to request assistance with return to work clearance.

**77. Q:** An employee was exposed to a sick person (i.e. wife caring for husband who has COVID-19) but has tested negative and has no symptoms. Is it her decision to come back to work?

**A:** It depends. Usually, if an employee tests negative and has no symptoms, the employee can return to work. However, if the employee's family member remains actively symptomatic and the employee remains to have exposure with that person, we would need a doctor's note to clear them to return to work. EHS can be used for these types of return to work clearances if the employee does not have a personal physician.

**78. Q:** What requirements or what documents are needed, if any, to provide assurance that the employee coming back to work is COVID-19 free.

**A:** If a negative test is obtained and employee is not symptomatic, the employee is deemed released to return to work. If tested positive and employee was out for active COVID-19, the employee should obtain a release to return to work. When returning, employees must comply with the face covering mandates, social distancing and the temperature screening procedures.

**79. Q:** Who do we need to inform if there is someone in the office got tested positive and sick and currently quarantined. Everyone, HR, or Managers or staff only?

**A:** Senior Manager (or Designee) should be advised. They will follow proper protocols for informing necessary individuals based on the circumstances. In no instance should the employee's identity be shared with individuals beyond the Senior Manager (or Designee) as this information is HIPAA protected.

**80. Q:** Who do we need to inform if there is someone in the office who tested negative, but was exposed to someone who is positive and sick. Everyone, HR, or Managers or staff only?

**A:** The employee needs to present confirmation of the negative test to the Senior Manager (or Designee) and is then released to return to work. You would handle communication of clearance to return to work as you would in any other matter.

**81. Q:** What if an employee has symptoms but tested negative on COVID19. Can he go back to work?

**A:** If test comes back negative, the employee can return to work upon resolution of symptoms, once they provide written confirmation of this negative result. Once a negative test result is received, the absence would be handled as you would any other illness related absence.

**82. Q:** For return-to-work purposes, do you know if EHS can provide “COVID19-free-clearance test” to employee who had the virus but has recovered?

**A:** Employee Health Services does not necessarily provide “COVID19-free-clearance tests” but they can assist in providing return to work clearance for employees who have negative COVID-19 tests. Have the employee call EHS to request assistance.

**83. Q:** If multiple employees who work in one office are found to be COVID positive, is notification to Public Health required?

**A:** Public Health has recommended questions of this nature be directed to their Communicable Disease Department at (805) 981-5201.

**84. Q:** If an employee is on a leave of absence because of an underlying medical condition but is not providing a medical certification, should we continue to extend their personal leave? What other options do we have?

**A:** Due to the unprecedented impacts of COVID-19, it is important we are clearly and reasonably communicating and documenting expectations and requirements regarding what is needed for certification and in what time frame. If the employee fails to provide certification/documentation, the department can decline to approve the leave.

**85. Q:** The latest order doesn’t have an end date like previous orders. How long can one be out? I have one employee out due to the age order and does not feel safe yet in returning to work.

**A:** Every request for accommodation must be evaluated on its own facts. What may rise to the level of undue burden in one circumstance might be a reasonable accommodation in another. Regardless, the employee must provide documentation in support of the requested accommodation, and upon receipt of that information we need to engage the employee in the interactive process. The interactive process should continue at regular intervals to determine if the accommodation remains reasonable.

**86. Q:** Scenario: Employee works and teleworks and has completed attestation forms. The most disaster pay hours reported in any given day is 4.00 hours. The days of usage are sporadic. This employee is At-Will. Does an At-Will employee need to complete leave paperwork?

**A:** Yes, any employee requesting leave must complete leave paper work.

**87. Q:** I know we were provided the accommodations form to use from our last zoom. I’ve been told that this form is not really a good form to use for COVID related reasons. Will there be a form created that is more in line with COVID?

**A:** Currently, we do not have a COVID-specific accommodation form. DMD will review this request and will advise if a revised form is created.



**88. Q:** Scenario: An employee tests positive through one of the drive-thru testing sites. They get a phone call with their results. What kind of documentation do we need in order to allow them to return to work or do we even need anything? They can request an email copy of their test results, but there is no medical advice that accompanies those results. They are told that Public Health will contact them, but that took 5 days to happen with our latest employee and then an additional 2 days for the employee to get the clearance email, which was beyond the date that she could have returned. I referred her to the CDC guidelines, but she was asking me if it was okay to return and I am not comfortable giving her that clearance.

**A:** If the employee tested positive, they will need to provide a medical clearance from their healthcare provider to return to work. Employee Health is also assisting with return to work clearance(s).

**89. Q:** When an employee tests positive and it is a clear result of work exposure, we have been giving the employee the WC paperwork and advising that it is available if they would like to file. They all keep asking what the benefit would be to fill out claim paperwork. They are already eligible for Natural Disaster Pay or EPSL and thankfully none of them have really been that sick at all, so they see it as more of an inconvenience than a benefit. Besides keeping track of who is offered the paperwork and who chooses not to complete it, is there anything else we need to consider?

**A:** Under the Governor's current Executive Order (in effect until July 5, 2020), we **must** provide an employee claim form to any employee who was required to report to the worksite (not their residence) within 14 days of their positive test/diagnosis.

It is up to the employee whether they want to file a claim. Potential benefits afforded under workers' compensation are medical treatment and wage loss replacement if they are unable to return to work after they have used the COVID-specific sick leave. The decision of whether to go through the workers' compensation claims process is a personal one that is wholly at the employee's discretion.

**90. Q:** I have a few employees extending their leave until the end of August and another one until the end of September. If the employees are not providing a school letter or website link anymore, and they are submitting a written statement, do we continue to accept the written statements even though the school calendar year is over and the students are currently in summer break?

**A:** Going forward and with orders being lifted, we cannot accept written statements from the employee (it must come from the provider). Presagia has been updated and will now be requiring users to certify documents. Written statements from the employee are not eligible to be certified, at this time.

If the summer camp or day care is closed, we will need documentation from the provider. Although some summer camps, day cares, etc. are still closed, there are several options that are currently open and operating under the CDC guidelines. Need to engage employee in conversation (interactive discussion). Be reasonable, considering the unprecedented times we're in.

**Q:** How long can we extend the Intermittent/Continuous Leave due to COVID-19 school closure, assuming the new calendar year starts on 8/26/2020?

**A:** School closures specifically would be approved through the end of the last current school year. If the employee is still requesting to be out on a leave, the reasoning for extension of the leave will be different.

If it goes from school closure to child care closure, no action is needed in Presagia (both of those fall under the same category). However, if the child's summer camp is not be open, they will need to provide documentation of that closure.

**Q:** Can the Department deny the leave extension if the employee does not provide the above supporting documentation?

**A:** If the employee does not provide supporting documents, the leave extension can be denied. However, we want to be sure that prior to denying the leave request extension where COVID entitlements may apply, we have documented reasonable efforts to ensure the employee is aware of the requirements and expectations regarding what is needed in order for the leave to be considered for extension.

**91. Q:** I have read on the EDD website that PFL has been increased to 8 weeks of pay effective July 1, 2020. Do we know if this the new norm or if this will eventually go back down to the 6 weeks?

**A:** Our research shows that this change will be a temporary change. However, according to SBS-83 that was signed by Governor Newsom on June 27, 2019, this amount is due to increase to a full six months by 2021-2022.

The six months is to be used for bonding purposes only and represents the total duration, if two parents claim PFL benefits. Governor Newsom is set to deliver his proposal this November.