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Emergency FMLA and Paid Leave Effective April 1, 2020

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Editor's note: this article has been updated to reflect an effective date of April 1, 2020.

New laws extending Family and Medical Leave and providing for emergency paid sick leave for absences related to the COVID-19 pandemic become effective April 1, 2020.

On March 18, the Emergency Family and Medical Leave Expansion Act (EFMLEA) and the Emergency Paid Sick Leave Act (EPSLA) were signed into law. The new legislation will be effective for the limited time period of April 1 to December 31, 2020. Summaries of the laws can be found online on [FMLA Insights](#), a website focusing on Family and Medical Leave Act (FMLA) issues.

The paid leave provisions of the acts are complimentary and provide up to 12 weeks of paid leave when an employee is unable to work in order to care for a minor child whose school or child care is closed or unavailable due to COVID-19. Paid leave for the employee's own illness or quarantine is limited to 10 days.

Family and medical leave expanded

Important provisions of the EFMLEA include:

- Public agencies of any size are covered employers.
- Any full- or part-time employees who have been on the employer's payroll for 30 calendar days are eligible for Public Health Emergency FMLA leave.
- Eligible employees are entitled to take up to 12 weeks of FMLA for a qualifying need related to a public health emergency where an employee is unable to work in order to care for a minor child if the child's school or place of child care has been closed or is unavailable.
- The first two weeks (10 days) of leave are unpaid, but an employee may use accrued paid leave, including the new emergency sick leave during this time.
- The remaining 10 weeks are paid at two-thirds the employee's regular rate for a maximum payment of \$200 per day (\$10,000 total).

Emergency paid sick leave

The EPSLA provides paid leave to an employee who is unable to work or telework because of COVID-19. In contrast to the FMLA provisions, the EPSLA doesn't require an employee to be employed for 30 days. Leave provided under EPSLA is approximately

two weeks (10 days) of paid leave.

Full-time employees are eligible for 10 days (80 hours) of leave at their regular rate of pay, up to a limit of \$511 per day (\$5,111 in total) if they are:

- Subject to a quarantine or isolation order related to COVID-19
- Advised to self-quarantine by a health care provider
- Experiencing symptoms of COVID-19 and are seeking a medical diagnosis

Employees are eligible for up to \$200 per day (\$2,000 in total) when leave is taken to:

- Care for an individual subject or advised to quarantine or isolate
- Care for a son or daughter if school or place of care is closed or child care provider is unavailable due to COVID-19

Future posts

TASB HR Services will provide more information and resources as soon as possible. In the meantime, for more information on the new laws, check out the [FMLA Insight](#).

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