



**DEPARTMENT OF DEFENSE EDUCATION ACTIVITY  
HEADQUARTERS  
4800 MARK CENTER DRIVE  
ALEXANDRIA, VA 22350-1400**

APR 30 2020

**MEMORANDUM FOR ALL DoDEA EMPLOYEES**

**SUBJECT: DoDEA Guidance on the Emergency Paid Sick Leave and Emergency Family and Medical Leave Expansion under the Families First Coronavirus Response Act**

- References:
- (a) Families First Coronavirus Response Act (FFCRA), dated March 18, 2020
  - (b) OPM fact sheet titled, "Federal Employee Coverage under the Leave Provisions of the Families First Coronavirus Response Act (FFCRA)," published April 7, 2020
  - (c) DCPAS Interim Guidance on the Emergency Paid Sick Leave and Emergency Family and Medical Leave Expansion under the Families First Coronavirus Response Act, dated April 7, 2020
  - (d) OPM fact sheet titled, "Summary of Statutory and Regulatory Requirements in Connection with the Emergency Paid Sick Leave Act (EPSLA) – Application to Federal Employees," published April 22, 2020

1. The FFCRA (reference a) provides eligible employees with emergency paid sick leave (EPSL) and expanded family and medical leave for reasons related to the coronavirus disease 2019 (COVID-19). The FFCRA leave provisions are effective from April 1, 2020, through December 31, 2020.

2. Emergency Paid Sick Leave. The Emergency Paid Sick Leave Act (EPSLA), under the FFCRA, provides up to two weeks (up to 80 hours) of EPSL to all Federal civil service employees for qualifying reasons related to COVID-19. This new paid sick leave is in addition to current accrued leave amounts that may be earned (e.g. sick leave, annual leave, educator leave, or leave without pay). All DoDEA employees are eligible to use EPSL when they are unable to work, including unable to work from home or other alternate worksite, for the reasons listed in sections a. and b. below. Employees have the option to use the additional EPSL prior to using their accrued leave. If an employee uses the two weeks of EPSL, and is still unable to perform his/her duties, the employee may request other leave (sick leave, annual leave, educator leave, or leave without pay) as appropriate in accordance with normal leave requesting procedures. An employee may use EPSL, for which the employee is eligible, to cover a past period of leave without pay (LWOP) occurring during the period of April 1, 2020, through December 31, 2020.

a. EPSL will be paid at the employee's full rate of pay, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period) when the employee:

- Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- Has been advised by a health care provider to self-quarantine related to COVID-19; or
- Is experiencing COVID-19 symptoms and is seeking a medical diagnosis.

b. EPSL will be paid at two-thirds the employee's rate of pay, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period) when the employee:

- Is caring for an individual subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- Is caring for an individual who has been advised by a health care provider to self-quarantine related to COVID-19;
- Is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
- Is experiencing any other substantially-similar condition specified by the Department of Health and Human Services.

c. Please note that only 80 hours may be used in total for all qualifying reasons. For example, if an employee uses 40 hours to care for his/her child whose school is closed due to COVID-19 related reasons at two-thirds rate of pay and is later advised to quarantine by a health care provider, the employee may only use 40 additional hours of the EPSL at his/her full rate of pay when in quarantine. As with other leave categories, overseas educators, employed under the provisions of title 20 must take EPSL in half or whole day increments.

d. **Timekeeping.** At this time, the DCPS payroll system is **not programmed** to account for the different rates of pay that may apply, to prevent an employee from taking leave over the statutory limits under the FFCRA, or to enforce the statutory caps on daily or aggregate pay. **Please be aware**, at this time, taking leave under the FFCRA may **result in debt** that will be collected at a later date. Such debts will not be eligible for waiver of overpayment. At this time, employees should code their timecard with LV "excused absence," and report the category and reason for taking the EPSL for future timecard amendments.

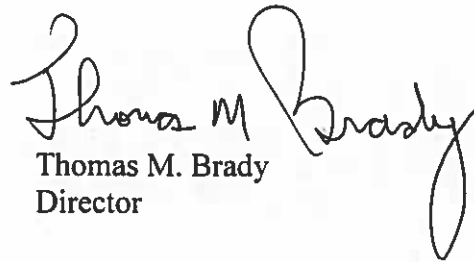
e. **Required Documentation and Recordkeeping.** Agencies are required to retain all documentation provided by the employee for four years, regardless of whether leave was granted or denied. If an employee provided oral statements to support his or her request, supervisors are required to document and maintain such information in its records for four years. An employee is required to provide the employing agency with the following documentation containing certain information to support the taking of EPSL:

- Employee's name;
- Date(s) for which leave is requested;
- Qualifying COVID-19-related reason for the leave;
- Oral or written statement that the employee is unable to work because of the qualifying COVID-19-related reason for leave;
- Name of the government entity that issued the quarantine or isolation order, when applicable;
- Name of the health care provider who advised the employee or individual to self-quarantine due to concerns related to COVID-19, when applicable;
- Name of the son or daughter being cared for, when applicable; and

- Name of the school, place of care, or child care provider that has closed or become unavailable due to COVID-19; and a statement that no other suitable person will be caring for the employee's son or daughter during the period for which the employee takes EPSLA paid sick leave, when applicable.

3. Expanded Family and Medical Leave. The majority of DoDEA employees, to include our educators working overseas and in the continental United States, Puerto Rico, and Guam are not eligible to use the expanded family and medical leave available under the FFCRA. The expanded family and medical leave applies only to Federal employees covered under title I of the Family and Medical Leave Act (FMLA). DoDEA employees, like most Federal employees, are covered under title II of the FMLA, which is codified in title 5 of the United States Code. Some intermittent employees and employees on appointments of one year or less may be eligible.

4. For additional questions, employees should contact their servicing Labor Management and Employee Relations (LMER) office.



Thomas M. Brady  
Director