

From: [Hatch, Tom](#)
To: [Orange County](#)
Subject: Important Updated Leave Information - EFMLA and EPSL
Date: Wednesday, April 8, 2020 3:27:56 PM
Attachments: [EFMLA and EPSL Supervisor Guidelines.pdf](#)

Fellow County Staff,

The Department of Labor has published its regulations regarding Emergency Family Medical Leave (EFMLA) and Emergency Paid Sick Leave (EPSL). In light of these regulations, and the approved use of these leave provisions from the Orange County Board of Supervisors on March 31, 2020, the attached guidelines have been created for supervisors when an employee inquires about the use of EFMLA or EPSL. The certification forms to request EFMLA or EPSL are also included in the guidelines. These forms replace the EMFLA form that was sent out in the March 31, 2020 email below.

Employees are to self-certify their need to use these leaves by completing the EFMLA or EPSL form and submitting it to their supervisor and/or Human Resource Services (HRS).

HRS is available to assist you with any questions you have regarding EFMLA or EPSL. Please contact your HRS representative with any questions.

Thank you.

Tom Hatch

From: Hatch, Tom <Tom.Hatch@ocgov.com>
Sent: Tuesday, March 31, 2020 6:23 PM
To: Orange County <OrangeCounty2@ocgov.com>
Subject: Important New Leave Information - FFCRA

Fellow County Staff,

On March 18, 2020, President Trump signed HR 6201 into law, otherwise known as the Families First Coronavirus Response Act (FFCRA), with an effective date of April 1, 2020. This Act, among other financial support, provides Emergency Paid Sick Leave (EPSL) and expanded paid leave under the Family and Medical Leave Act (FMLA) for COVID-19 related absences.

Today, the Orange County Board of Supervisors approved these leave provisions including some enhanced measures that will provide additional relief to employees and their families - this is great news.

Attached to this email is the first of several future communications that will provide the basic framework for how Orange County will implement the new leave provisions of the FFCRA. The new law includes numerous details and complex regulations that will need further discussion

between your department management, your supervisor, your Human Resources team and you to best answer the questions that this email will clearly generate. The use of the new leave is not automatic and any requests will go through a review and approval process. Human Resources will assume an important role in facilitating the processing of related leave requests and providing assistance to you as we begin to implement this new law together.

The goal of this new law is to provide our valuable employees some relief for COVID-19 related absences while ensuring that our workforce has the personnel available to meet the critical service needs of the Orange County community.

Thanks.

Tom Hatch
Chief Human Resource Officer
County of Orange Human Resource Services
(714)834-2836

COUNTY OF ORANGE
HUMAN RESOURCE SERVICES





Emergency Family and Medical Leave Act Emergency Paid Sick Leave

Supervisor Guidelines

When an employee requests **Emergency Family and Medical Leave**:

- Provide employee a copy of your department (or County) Leave of Absence Form.
- Provide employee a copy of the Emergency Family and Medical Leave Certification Form ([click here for Form](#)).
- If employee is a “health care provider” or “emergency responder” as defined by the Department of Labor, the leave is at the discretion of your department head and follows your normal procedures regarding review and approval of discretionary leaves (contact HRS for guidance as needed).
- Both the Leave of Absence form and EFMLA Certification Form are to be completed and submitted to your Human Resource Services (HRS) Department, even if the leave is considered discretionary and has been denied.
- HRS will review the forms and notify you and the employee within five business days if the leave has been approved or not.
- If the leave is approved, HRS will provide you information on how to complete the employee’s timesheet. HRS will also provide you the EFMLA calculating tool to assist with how to properly code hours for EFMLA.

Tips:

- Supervisors are strongly recommended to offer telecommuting to employees who may request EFMLA.
- Code EFMLU is to be posted on employee’s timesheet for all regularly scheduled hours for every day of EFMLA leave.
- For the first 10 work days of the leave, the employee is to post EPSL balances or any other available balances for the regular number of hours she/he is regularly scheduled to work each day.
- On the 11th work day of the leave, employee will post 2/3rd of their regularly scheduled hours as EFMLA to receive 2/3rd of daily pay. Employee may post any other remaining balances to make up 1/3rd of normally scheduled hours to supplement the additional 1/3rd of daily pay. Employees are not required to post the additional personal leave balances to supplement the 1/3rd of daily pay.
 - Please see attached example ([click here](#)) on how to code employee’s timesheet.
 - Please see attached Calculator tool ([click here](#)) on how to determine 2/3rd hours EFMLA and 1/3rd optional supplemental hours for employee during EFMLA.

When an employee requests to use **Emergency Paid Sick Leave**:

- Provide employee a copy of the Emergency Paid Sick Leave Certification Form ([click here for Form](#)).
- Employee is to complete the form and return it to you. Employee is to keep a copy of the form.
- Review the form to understand reasons employee may post EPSL for COVID-19 related absences as identified on the certification form (consult with HRS if needed).
- You are to send the completed certification form to HRS and it will be placed into employee's medical file. Keep a copy for your employee drop file.
- If employee is a "health care provider" or "emergency responder" as defined by the Department of Labor, the use of EPSL is at the discretion of your Department Head and follow your normal procedures regarding review and approval of discretionary leave (contact HRS for guidance as needed).
- Employee may post code EPSL on timesheet for any qualifying COVID-19 related absences that employee certified on the Emergency Paid Sick Leave Certification Form (unless discretionary use has been denied by Department Head).

Tips:

- Supervisors are strongly recommended to offer telecommuting to employees who may request time off for COVID-19 related reasons.
- Department of Labor definitions of "health care provider" or "emergency responder" can be found here: <https://www.dol.gov/agencies/whd/pandemic/ffcr-a-questions>

Please consult with your Human Resource Services Representative if you have any questions regarding Emergency Family and Medical Leave or Emergency Paid Sick Leave.

