

**Questions and Answers**  
**Emergency Paid Sick Leave Act (EPSLA) and/or**  
**the Emergency Family Medical Leave Expansion Act (EFMLEA)**

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The following **revised** information is intended to provide general guidance to employees and supervisors regarding the Emergency Paid Sick Leave Act (EPSLA) and/or the Emergency Family Medical Leave Expansion Act (EFMLEA). This information will be updated as needed.

Individual situations will vary. It is important that employees work with their supervisors when considering the use of any of the **revised** COVID-19 related Time Reporting Codes (TRCs). Supervisors should contact the Department of Human Resources, Field Operations Representative assigned to support their Department/Agency with questions concerning the specifics of their situation – lists of teams can be found at <https://humanresources.vermont.gov/about-us/contact/hr-field-representative-locator>

Employees/Supervisors should refer to the accompanying documents for timesheet coding guidance, submitting leave requests, and required documentation that they will need to submit to support a leave request prior to requesting, using and/or authorizing the use of these **revised** COVID-19 related TRCs.

**LEAVE RELATED QUESTIONS**

**Q1** – What can the **revised** COVID-19 related leave TRCs be used for?

**A1** – The **revised** codes can be used by eligible employees in the following situations when the employee is unable to work/telework as a result of (please refer to the accompanying documents for timesheet coding guidance, submitting leave requests, and required documentation to support a leave request):

- a. caring for his or her child under age 18 whose school or place of care is closed or child care provider is unavailable due to a COVID-19 related reason
- b. providing care for his or her child age 18 or older with a disability and cannot care for themselves due to that disability, whose school or place of care is closed or child care provider is unavailable due to a COVID-19 related reason

Please note, in the following situations, the employee, unless authorized to telework, may not take intermittent leave due to the unacceptably high risk that the employee might spread COVID-19 to other employees when reporting to the employer’s worksite.

- c. subject to a Federal, State, or Local quarantine or isolation order related to COVID-19 (unless already used, only up to 80 hours of COVID-19 related leave can be used for quarantine after voluntary travel to an area where there is a risk of exposure to COVID-19)
- d. advised by a health care provider to self-quarantine related to COVID-19
- e. experiencing COVID-19 symptoms and is seeking a medical diagnosis
- f. experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services (“the employee is, may be, or is reasonably likely to become, sick with COVID-19, or is exposed to someone who is, may be, or is reasonably likely to become, sick with COVID-19.”)
- g. caring for an individual who is subject to a Federal, State, or Local quarantine or isolation order related to COVID-19; or has been advised by a health care provider to self-quarantine related to COVID-19; or is experiencing any other substantially similar condition specified by the U.S.

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Department of Health and Human Services (“the individual is, may be, or is reasonably likely to become, sick with COVID-19, or is exposed to someone who is, may be, or is reasonably likely to become, sick with COVID-19.”) **Note, at this time, the U.S. Department of Health and Human Services has not yet identified any “substantially similar condition” that would allow an employee to take paid sick leave.**

**Q2** – When are the **revised** COVID-19 related leave TRCs available for use?

**A2** – The **revised** codes are available for use beginning with the start of employee’s regular shift of work on Sunday, July 5, 2020.

**Q3** – Is there a limit on the number of hours of COVID-19 related codes an employee may use?

**A3** – Unless an employee has a remaining entitlement under EFMLEA (caring for his or her child under age 18 whose school or place of care is closed or child care provider is unavailable due to a COVID-19 related reason) use of any of the past or revised TRCs, excluding CPNW and/or C19NW, is limited to a maximum of a combined eighty (80) hours, or the equivalent of an employee’s regular bi-weekly schedule.

**Q4** – If an employee’s absence qualifies for one of the COVID-19 related leaves, are they required to use their own earned leave balances?

**A4** – No, if the absence qualifies for a COVID-19 related leave, the employee has the option of using the appropriate **revised** codes in place of their own earned leave balances. However, use of these TRCs is limited as explained in A3 above.

**Q5** – Where can I find a list of “other substantially similar condition specified by the U.S. Department of Health and Human Services”?

**A5** – At this time, the U.S. Department of Health and Human Services has not yet identified any “substantially similar condition” that would allow an employee to take paid sick leave.

**Q6** – Can employees use any of the COVID-19 related leave TRCs without first communicating with their supervisor?

**A6** – No, employees must communicate with their supervisor, submit a leave request form when appropriate, and provide documentation to support use of these codes.

**Q7** – Will employees be required to request leave before using any of the COVID-19 related leave TRCs?

**A7** – Yes, employees must submit a leave request form and provide appropriate documentation to support use of the codes.

**Q8** – Will employees be required to provide documentation to support their use of the COVID-19 related

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leave TRCs?

**A8** – Yes, employees must provide appropriate documentation to support use of the codes.

**Q9** – Can employees who are authorized and able to work/telework use the COVID-19 related leave TRCs?

**A9** – Unless prevented from working/teleworking for one of the qualifying reasons, employees who are authorized and able to work/telework are expected to work and would not use the codes.

**Q10** – Can an employee who is sick for a non-COVID-19 reason use the COVID-19 related leave TRCs?

**A10** – No, if the absence is not for a qualifying COVID-19 related reason, the employee would not use the codes and would use their earned paid leave, as appropriate.

**Q11** – Can an employee who is currently absent for an illness/injury that is not the result of COVID-19 use the **revised** COVID-19 related leave TRCs?

**A11** – No, if the absence is not for a qualifying COVID-19 related reason, the employee would not use the codes and would use their earned leave balances, as appropriate.

**Q12** – Can an employee who has been authorized to work/telework, who is not sick; not in self-isolation; does not have an underlying health condition, but doesn't want to work use the **revised** COVID-19 related leave TRCs?

**A12** – No, if the absence is not for a qualifying COVID-19 related reason, the employee would not use the codes and would be expected to work unless authorized to use their earned leave balances by their supervisor or manager.

**Q13** – Can an employee who is absent from work due to FMLA and/or Parental Leave use the **revised** COVID-19 related leave TRCs?

**A13** – No, if the FMLA and or Parental Leave is not for a qualifying COVID-19 related reason, the employee would not use the codes. They would instead code the standard FMLA TRCs using their earned leave balances, or the unpaid FMLA code as appropriate.

**Q14** – Can an employee who is unable to work/telework and who has a qualifying FMLA event that also is for a COVID-19 related reasons use the **revised** COVID-19 related leave TRCs?

**A14** – Yes, however, use of these TRCs is limited as explained in A3 above. After a combined eighty (80) hours of COVID-19 related TRCs are used, the "normal" coding for FMLA absences would be in effect.

**Q15** – Can an employee who is not sick but has been quarantined or is self-isolating use the **revised**

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COVID-19 related leave TRCs?

**A15** – If they are subject to a federal, state or local quarantine or isolation order or has been advised to do so by a healthcare provider and are unable to telework. However, use of these TRCs is limited as explained in A3 above. After a combined eighty (80) hours of COVID-19 related TRCs are used, an employee would use their own earned paid leave.

**Q16** – Can an employee who is unable to telework but is staying home because of concerns with their own underlying health condition use one of the *revised* COVID-19 related leave TRCs?

**A16** – Not unless it was for a qualifying COVID-19 related reason.

**Q17** – Can an employee who is teleworking and has children at home whose school or place of care is closed or child care provider is unavailable use one of the *revised* COVID-19 related leave TRCs?

**A17** – Employees who are teleworking should communicate with their supervisors about flexing their workday to allow for teleworking. Existing/regular TRCs should be used for hours spent teleworking. Hours these employees are NOT able to telework due to time spent caring for their children who would have otherwise been attending a school or place of care that is now closed due to a COVID-19 related reason could use the C19FC code, in accordance with EFMLEA. However, use of these TRCs is limited as explained in A3 above.

**Q18** – Can an employee who is not able to telework and has children at home whose school or place of care is closed or child care provider is unavailable use one of the *revised* COVID-19 related leave TRCs?

**A18** – Yes, for any hours they would have worked during which their child would have been attending school, childcare and/or an after-school program, after submitting a request for leave and supplying supporting documentation, employees could use the C19FC code, in accordance with EFMLEA. However, use of these TRCs is limited as explained in A3 above.

**Q19** – Can an employee who is filling in for an immediate family member, to provide child care, whose children are home whose school or place of care is closed or child care provider is unavailable use one of the *revised* COVID-19 related leave TRCs?

**A19** – No.

**Q20** – Can an employee who comes to work but is sent home by management for COVID-19 related reasons, including lack of work, use the C19NW code?

**A20** – Yes, if they are unable to telework.

**Q21** – Can an employee, who is authorized to telework, who has an underlying medical condition(s), use the *revised* COVID-19 related leave TRCs?

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**A21** – Yes, if they have been advised by a health care provider to self-quarantine related to COVID-19, or are experiencing COVID-19 symptoms and seeking a medical diagnosis, or are experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services **(at this time, the U.S. Department of Health and Human Services has not yet identified any “substantially similar condition” that would allow an employee to take paid sick leave)**, they could use the **revised** codes for any hours they are unable to telework. However, use of these TRCs is limited as explained in A3 above.

**Q22** – Can employees, whose positions do not support telework, who have underlying medical condition(s), use the **revised** COVID-19 related leave TRCs?

**A22** – Yes, if they have been advised by a health care provider to self-quarantine related to COVID-19, or are experiencing COVID-19 symptoms and seeking a medical diagnosis, or are experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. **Note, at this time, the U.S. Department of Health and Human Services has not yet identified any “substantially similar condition” that would allow an employee to take paid sick leave.** However, use of these TRCs is limited as explained in A3 above.

**Q23** – Can an employee, who is authorized to telework, who resides with an individual who has an underlying medical condition(s) for which self-isolation is recommended, but does not require care, use the **revised** COVID-19 related leave TRCs?

**A23** – No, **unless the employee is caring for** an individual who has been advised by a health care provider to self-quarantine related to COVID-19, or are experiencing COVID-19 symptoms and seeking a medical diagnosis, or are experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. **Note, at this time, the U.S. Department of Health and Human Services has not yet identified any “substantially similar condition” that would allow an employee to take paid sick leave.** However, use of these TRCs is limited as explained in A3 above.

**Q24** – Can employees, whose positions do not support telework, who reside with individual who has an underlying medical condition(s)for which self-isolation is recommended, but do not require care, use the **revised** COVID-19 related leave TRCs?

**A24** – No, **unless the employee is caring for** an individual who has been advised by a health care provider to self-quarantine related to COVID-19, or are experiencing COVID-19 symptoms and seeking a medical diagnosis, or are experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services **(at this time, the U.S. Department of Health and Human Services has not yet identified any “substantially similar condition” that would allow an employee to take paid sick leave)**. However, use of these TRCs is limited as explained in A3 above.

**Q25** – Can an employee who is absent from work on military leave or who is currently required to report for duty with the National Guard as part of the response to COVID-19 use the **revised** COVID-19 related leave TRCs?

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**A25** – No, these employees should code either paid or unpaid military leave as applicable.

**Q26** – Are the COVID-19 related leave TRCs “good time” for overtime?

**A26** – No, the codes are not considered as time actually worked for overtime eligibility.

**Q27** – Will use of the COVID-19 related leave TRCs impact my bi-weekly annual and sick leave accruals and/or quarterly personal leave awards?

**A27** – No, the use of these codes will not negatively impact leave accruals and/or quarterly personal leave awards.

**Q28** – Will an employee’s original probationary period be extended due to the use of the COVID-19 related leave TRCs?

**A28** – Yes, if requested by their Appointing Authority.

**Q29** – Can Temporary employees use the **revised** COVID-19 related leave TRCs?

**A29** – Yes, as described in these FAQs, if they have been employed for at least 30 calendar days prior to their request for leave.

- a. Temporary employees with a regular schedule would code the **revised** COVID-19 related leave TRCs for any regularly scheduled hours they would have otherwise worked.
- b. Temporary employees who are sporadic and/or do not have a regular schedule will be able to code an average of the regular hours worked over the past three (3) months, up to a maximum of forty (40) hours per week. These employees should check with their supervisor and/or Human Resources.

**Q30** – Can an employee who is on Workers’ Compensation (“WC”) use the **revised** COVID-19 related leave TRCs?

**A30** – No.

**Q31** – Will an employee with a COVID-19 related absence who has received an award from the Sick Leave Bank retain that award while also using the **revised** COVID-19 related leave TRCs?

**A31** – No, the award will be returned to the Sick Leave Bank and the employee would use the **revised** codes. However, use of these TRCs is limited as explained in A3 above.

**Q32** – Are the **revised** COVID-19 related leave TRCs available for use by those who are on temporary relief from duty (“TRD”)?

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**A32** – No, these employees would continue coding TRD, unless the employee is unavailable to the State due to qualifying reason that would support use of the **revised** codes.

**Q33** – Can an employee who comes to work but is sent home by management due to a lack of work use the **revised** COVID-19 related leave TRCs?

**A33** – Yes, if they are unable to telework, they would use the C19NW code.

**Q34** – Can an employee who voluntarily travels to an area where there is a risk of exposure to COVID-19 use the **revised** COVID-19 related leave TRCs for the period of quarantine after that travel.

**A34** – Employees may use COVID-19 related leave for such quarantine. However, use of these TRCs is limited as explained in A3 above. After a combined 80 hours of any COVID-19 related leave has been used, they would be required to use their other contractual leave balances (sick, annual, personal or Compensatory Time).

**Q35** – Can an employee use their earned paid leave balances (sick, annual, personal or compensatory time) to **supplement** the COVID-19 related codes that pay 2/3 of the employee’s regular rate in order to receive 100% of their regular pay?

**A35** – No, an employee cannot be paid twice for the same hours. However, an employee may elect to use their earned paid leave **instead of** the 2/3 TRCs and the codes may be used on the same day, just not for the same hours (e.g. regular daily schedule is 8 – employee may elect to code 4 hours of 2/3 TRC and 4 hours of earned paid leave on the same day).

**Q36** – Can an employee who is not able to telework and has children at home whose school or place of care has moved to online instruction or to another model in which children are expected or required to complete assignments at home use one of the **revised** COVID-19 related leave TRCs?

**A36** – Yes, **for any hours they would have worked during which their child would have been otherwise attending school and/or childcare program in person**, after submitting a request for leave and supplying supporting documentation, employees could use the C19FC code, in accordance with EFMLEA. However, use of these TRCs is limited as explained in A3 above.

**Q37** – Can an employee use one of the **revised** COVID-19 related leave TRCs for time spent transporting their child/children to and/or from school and/or place of care?

**A37** – No, if the travel is unrelated to the closure of a school or place of care, or unavailability of a childcare provider. However, employees should communicate with their supervisors about flexing their workday to allow for transporting their child/children and/or using existing/regular earned paid leave TRCs for those times when telework is not an option.

**NOTE:** Employees of the Judicial and Legislative Branches as well as Municipal employees should contact their Human Resources offices with questions pertaining to absences from work related to COVID-19.