



# The Detroit Postal Worker

A NEWS BULLETIN FOR APWU MEMBERS

American Postal Workers Union, AFL-CIO - Detroit District Area Local

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## APWU POSITION: FFCRA EMERGENCY SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE ACT

### Emergency Paid Sick Leave Act Questions and Answers

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#### 1. What is the Family First Coronavirus Response Act (FFCRA)?

On March 18, 2020 the Family First Coronavirus Response Act (FFCRA) became law creating two new emergency paid leave requirements in response to the COVID-19 global pandemic. Division E of the FFCRA, "The Emergency Paid Sick Leave Act" (EPSLA), entitles certain employees including postal employees to take up to 80 hours of paid sick leave, for specified reasons related to COVID-19. Division C of the FFCRA, "The Emergency Family and Medical Leave Expansion Act" (EFMLEA), permits certain employees to take up to twelve weeks of expanded family and medical leave, ten of which are paid, to care for their child whose school or place of care is close, or child care provider is unavailable, due to COVID-19 related reasons.

#### 2. What is the Emergency Paid Sick Leave Act (EPSLA)?

The Emergency Paid Sick Leave Act (EPSLA) requires employers including the Postal Service to provide paid sick leave to employees who are unable to work for six reasons having to do with COVID-19 where the employees.

- (1) Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
- (2) Has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- (3) Is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.
- (4) Is caring for an individual who is subject to an order as described in (1), or who has been advised as described in (2).
- (5) Is caring for his or her son or daughter whose school or place of care has been closed or whose childcare provider is unavailable due to COVID-19 related reasons, or
- (6) Is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

#### 3. How much Emergency Paid Sick Leave does EPSLA provide?

Effective April 1, 2020 and through December 31, 2020, the EPSLA provides full-time employees up to 80 hours of paid sick leave, and generally entitles part-time employees up to the number of hours that they work on average over a two-week period.

#### 4. What is the rate of pay for Emergency Paid Sick Leave under EPSLA?

For an employee using this emergency paid sick leave because of one of the circumstances in items (1) through (3) above, the emergency paid sick leave is paid at the employee's regular rate of pay. The maximum pay is \$511 per day and \$5,110 in the aggregate for the 80 hours. APWU bargaining unit employees are not expected to reach those maximums.

For an employee using emergency paid sick leave for any other qualifying reason, items (4) through (6), the emergency paid sick leave will be paid at two-thirds of the employee's regular rate of pay. The maximum pay is \$200 per day and \$2,000 in the



aggregate. APWU bargaining unit employees, especially near the top of our pay schedules could reach those maximums.

5. Is the Emergency Sick Leave in addition to my normal accrued sick leave and annual leave?

Yes.

6. With other paid leave, an employee must work a while before leave can be used and must accrue the leave over time. Is there a minimum amount of time I must be employed to be entitled to use this leave?

No. Emergency Sick Leave is immediately available to all employees regardless of length of service.

7. Do I have to exhaust other paid leave before using Emergency Sick Leave?

No. When leave is needed for one of the qualifying reasons above, Emergency Sick Leave can be used first – before any other paid leave.

8. Will my paid leave balances be offset by any Emergency Sick Leave I might use?

No. This is additional paid leave, but only for the circumstances listed above.

9. I missed work during March for one of the listed circumstances, can I go back and change it to Emergency Sick Leave?

No. This leave is only available as of April 1, 2020.

10. I missed work on April 1 for a qualifying condition and was unaware of this Emergency Sick Leave requested another type of leave, Can I go back and change it to Emergency Sick Leave?

Yes.

11. How do I request Emergency Sick Leave?

Make the request in the usual manner of requesting leave and indicating that you are requesting Emergency Sick Leave for one of the qualifying reasons.

12. How do I complete my 3971 Leave Request with this new leave type?

For qualifying reasons 1 -3, for "Type of Absence" select the "other" box and write in code 077-19, for remarks you will write "Emergency Sick Leave – Self."

For qualifying reasons 4 – 6 for "Type of Absence" select the "other" box and write in code 081-19, for remarks you will write "Emergency Sick Leave – Other."

13. When I need to be absent for a qualifying condition, can my supervisor insist I use some other type of leave first?

No. As long you have not exhausted this bank of Emergency Sick Leave and are unable to work due to a qualifying condition, you are entitled to use Emergency Sick Leave.

14. I am a PSE who used sick leave under the APWU/USPS negotiated MOU prior to April 1, 2020, can I still use up to 80 hours of paid emergency sick leave?

Yes. For a qualifying condition, Emergency Sick Leave up to 80 hours (for part-time employees, generally the two-week average hours) would be available. Emergency Sick Leave is in addition to other paid leave.

15. I am a part-time employee averaging 30 hour per week, will I get 8 hours per day and 40 hours in a week?

No. you will get the average number of hours you are scheduled to work. If you have a variable schedule you will get the average hours worked over the last 6 months. If you have not worked six months a shorter timeframe will be used.

16. If I can telework, could I ever use Emergency Paid Sick Leave for qualifying reason 1?

If you are well enough to work and you are teleworking from home, qualifying reason one shouldn't prevent you from working, one of the other qualifying conditions could entitle you to use Emergency Sick Leave.

17. If a non-career/PSE is scheduled for a 5-day break in service while on Emergency Sick Leave will the PSE continue to be paid Emergency Sick during the break in service?

No. but assuming the employee still has a qualifying reason, Emergency Sick Leave would resume following that break in service.

18. If a non-career/PSE uses some Emergency Sick Leave before a 5-day break, does the employee get another two weeks of Emergency Sick Leave after the break?

No. The aggregate amount of Emergency Sick Leave is available from April 1, 2020 to December 31, 2020. It doesn't increase or diminish because of a five-day break.

19. Is the Postal Service still using Administrative Leave in certain COVID-19 situations, and if so, what are those?

Yes, in certain circumstances the Postal Service may still authorize use of Administrative Leave, but It is expected that Emergency Sick Leave would be used before COVID-19 Administrative Leave would be authorized.

20. Will the Postal Service require documentation to establish that an employee meets one of the qualifying conditions for Emergency Sick Leave? It may be difficult to do so, since contacts with health and medical personnel during this pandemic is often by phone.

As with other absences including for the use of sick leave, the Postal Service can accept the employee's report, but Emergency Paid Sick Leave may require the employee to provide specific additional information within the employee's knowledge. If warranted, the Postal Service could request additional documentation that may be submitted later.

21. Under qualifying circumstances Number 4 of the FFCRA, if an employee is high risk and their doctor advises them to stay home/self-quarantine to avoid exposure to COVID-19, are they entitled to the 80 hours of Emergency Sick Leave?

Yes, if their health care provider directs the employee to do so.

The APWU-DDAL has been meeting with management weekly by telecom. We want you all to know that during these difficult times we are hard at work trying to force the District to do more to protect you and your families.

I am reminded daily of this quote from Nelson Mandela. I've learned that courage is not the absence of fear, but the triumph over it.

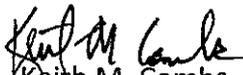
Postal Workers all over these great United States have exhibited this, but nowhere is it more evident than here in the Detroit Area Postal facilities.

I have reached out to almost all our Michigan Representatives in Washington DC and all of them are on our side. I believe more can be done.

The APWU-DDAL Officers and Stewards are and will be working if our **essential membership is working.**

Please feel free to call me at (313) 532-9305 if you have any questions or if I can assist you in any way,

Respectfully

  
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