



Coffee Break Series Starting Soon:

MANAGING THORNY COVID-19 LEAVE ISSUES

TODAY'S PANELISTS

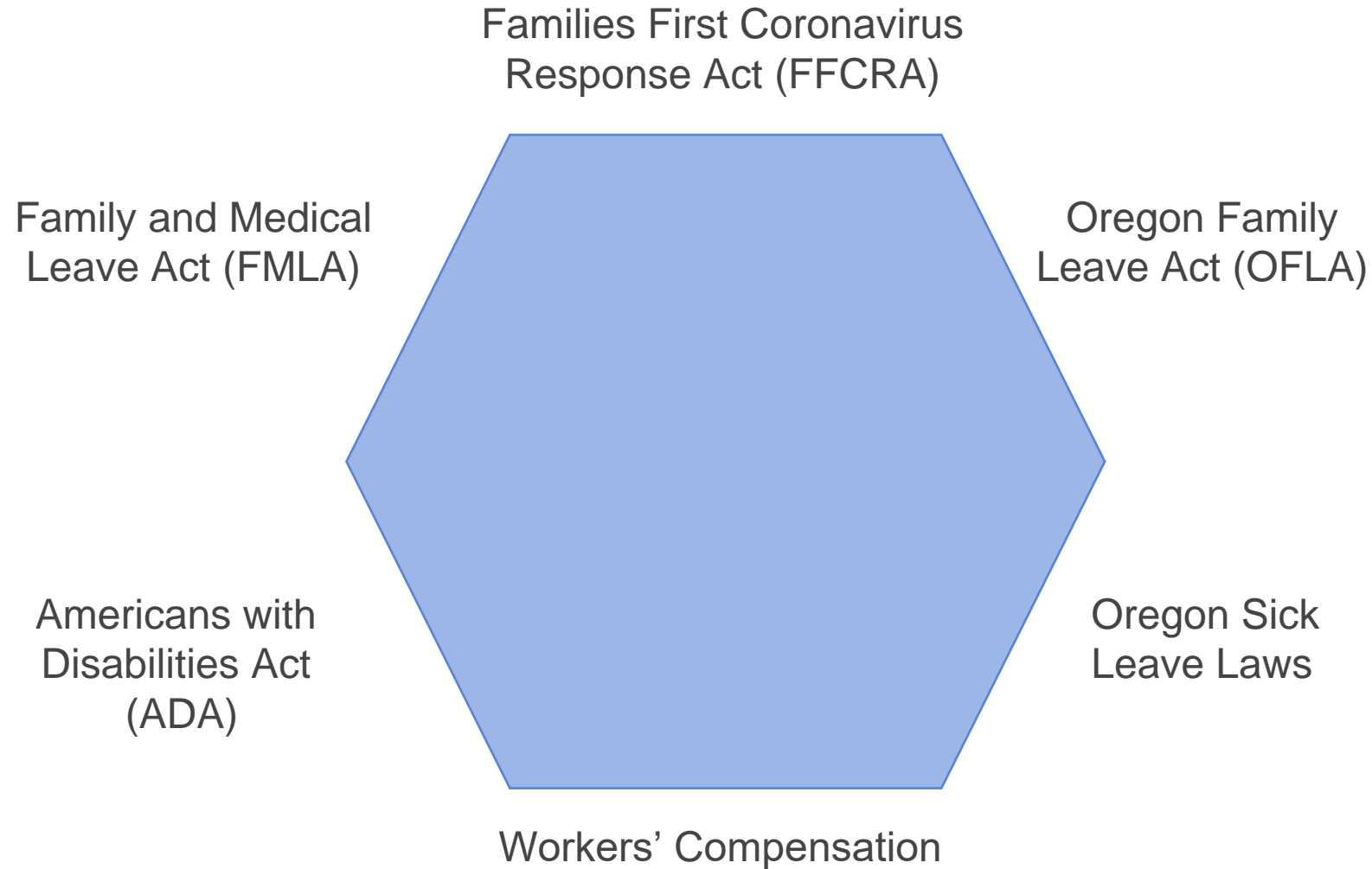


Kristin Bremer Moore
Partner
kristin.bremer@tonkon.com



Christopher Morehead
Attorney
christopher.morehead@tonkon.com

MANAGING THORNY COVID-19 LEAVE ISSUES



FFCRA: TWO NEW TYPES OF PAID LEAVE

- **Emergency Paid Sick Leave (EPSL)**: Up to two weeks of paid sick leave for isolation, illness, care of others, or childcare responsibilities due to COVID-19
- **Expanded Family Medical Leave (EFML)**: Up to 12 weeks of leave to care for child who cannot go to school or daycare because of COVID-19
- Effective April 1, 2020 – December 31, 2020

FFCRA – EMERGENCY PAID SICK LEAVE

Employees may receive up to 80 hours of paid sick leave if an employee cannot work or telework because:

1. Subject to federal, state, or local quarantine/isolation order
2. Advised by a healthcare provider to self-quarantine
3. Has symptoms of COVID-19 and seeking medical diagnosis
4. Caring for individual who is subject to quarantine order or direction from healthcare provider
5. An employee caring for their child if school or childcare is closed
6. An employee experiencing substantially similar conditions specified by Secretary of Health and Human Services

FFCRA – EXPANDED FMLA

- Employees may receive 12 weeks of EFML childcare leave to care for child whose school or place of care is closed due to COVID-19
- Amount of paid leave:
 - Up to 12 weeks total leave, minus FMLA already taken
 - First 10 days (i.e., two weeks) are unpaid
 - Employee can use EPSL (or other paid leave) during two-week waiting period
 - Paid at two-thirds of regular rate, capped at \$200 per day/\$10,000 total

OREGON'S COVID-19 PROTECTIONS

- Oregon Family Leave Act:
 - BOLI's Temporary Rule allows employees to use OFLA to care for their children during official school closures
- Oregon Sick Leave Act:
 - BOLI clarifies that sick leave applies to:
 - School and child care closures
 - Employee feels uncomfortable going to work

SCHOOL'S OUT FOR...EVER?!

Jim and Pam's 10-year-old daughter, Cecilia, can't go to school due to COVID-19.

Jim notifies his boss, Michael Scott, that he can't work because he needs to take care of Cecilia.

Although Jim usually works at the office, Michael set him up to work remotely during the COVID-19 pandemic.

Pam attends art school remotely full time.



SCHOOL'S OUT FOR...EVER?!

What happens if:

Jim demands intermittent leave?

School is out for summer as of June 1, and Cecilia's July summer camp gets cancelled?



FEVERISH CATS AND KITTENS

Erik, who works 50 hours per week, has a sore throat and is immediately sent home by boss, Joe Exotic.

Erik attempts to make an appointment with Dr. Baskin, but she says “give it a week.”

Still not feeling better a week later, Dr. Baskin ~~feeds him to a tiger~~ orders a COVID-19 test. It’s negative.

Erik misses two weeks of work.



FEVERISH CATS AND KITTENS

What happens if:

Erik tested positive for COVID-19 and believes he contracted it at work?



DEARLY BELOVED UNCLE

Leslie Knope is an essential worker who cannot perform her job duties remotely.

Leslie learns that her uncle is diagnosed with COVID-19 and is ordered to self-quarantine. Uncle Knope, who lives alone, is experiencing moderate symptoms and Leslie feels the need to care for her uncle.

Leslie calls Pawnee's HR to inquire about leaves available to her.



DEARLY BELOVED UNCLE

What happens if:

Leslie wants to use
intermittent EPSL to
care for Uncle Knope?



QUESTIONS?



Kristin Bremer Moore
Partner
kristin.bremer@tonkon.com



Christopher Morehead
Attorney
christopher.morehead@tonkon.com