

**Frequently Asked Questions (FAQs) for the Emergency Paid Sick Leave Act (EPSLA)
Under the Families First Coronavirus Response Act (FFCRA)
During the Coronavirus Disease 2019 (COVID-19) Pandemic**

October 5, 2020

Introduction

The Frequently Asked Questions (FAQs) in this document are provided to assist National Aeronautics and Space Administration (NASA) employees and supervisors with requesting and using paid sick leave under the Families First Coronavirus Response Act (FFCRA) during the Coronavirus Disease 2019 (COVID-19) pandemic.

Important: Due to varying daily and total limits on pay for using paid leave under FFCRA and the circumstance under which leave is used, employees may incur an indebtedness or reduced net pay when FFCRA leave is used. Review this document to determine if the use of leave under FFCRA is advantageous for your specific circumstance.

The NASA Shared Services Center (NSSC) is available to answer employee questions about eligibility and potential pay impacts and can be reached by calling 1-877-677-2123.

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FAQs

1. What leave flexibilities are available under the Families First Coronavirus Response Act (FFCRA)?

The FFCRA provides two types of leave benefits for employees:

- Emergency Paid Sick Leave Act (EPSLA).
- Emergency Family and Medical Leave Expansion Act (EFMLEA).

This document primarily focuses on EPSLA paid sick leave since most NASA employees are covered under Title II of the Family and Medical Leave Act (FMLA) and would not be eligible for the expanded family and medical leave under EFMLEA.

Temporary employees on appointments not to exceed 1 year or employees on an intermittent work schedule are covered under Title 1 of the FMLA and are eligible for expanded family and medical leave. Employees eligible for coverage under the EFMLEA provision will receive separate notification from the NASA Shared Services Center (NSSC).

2. Who is eligible for leave under the Emergency Paid Sick Leave Act (EPSLA)?

All employees are eligible for paid sick leave under the provisions of EPSLA if they are unable to work (or telework) due to specified circumstances related to Coronavirus Disease 2019 (COVID-19) regardless of how long they have worked for NASA. These circumstances are discussed in detail in Question 6.

3. How many hours of paid sick leave does the Emergency Paid Sick Leave Act (EPSLA) allow employees to use during the Coronavirus Disease 2019 (COVID-19) pandemic?

- Full-time employees are eligible to receive up to 80 hours of EPSLA paid sick leave.
- Part-time employees are eligible to receive the equivalent of the number of hours they are scheduled to work, on average, over a 2-week period.
- Employees on an intermittent work schedule are eligible for an amount equal to 14 times the average number of hours they were scheduled to work per calendar day over the previous 6-month period.
- Leave available under EPSLA is in addition to other paid leave entitlements.

4. When can an employee use paid sick leave under the Emergency Paid Sick Leave Act (EPSLA)?

EPSLA paid sick leave applies to leave taken from April 1, 2020, through December 31, 2020. Unused emergency paid sick leave will not carry over into 2021.

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5. Will I be able to request Emergency Paid Sick Leave Act (EPSLA) paid sick leave retroactively?

Yes. You may request EPSLA paid sick leave retroactively to cover a past period to the effective date of the law, April 1, 2020. If you are eligible for the leave, a prior pay period adjustment may be submitted. Due to varying daily and total limits on pay for EPSLA paid sick leave and the circumstance under which EPSLA leave is used, a prior pay period adjustment may result in indebtedness that will be collected at a later date. If an overpayment is determined to have occurred, the Interior Business Center (IBC) will send you a Bill of Collection (BOC) letter if the debt exceeds \$50.00. If the debt is less than \$50.00, the debt will automatically be deducted from your paycheck. Please follow the instructions in the letter from IBC to repay the debt. You may contact the NSSC Customer Contact Center at 1-877-677-2123 if you have questions regarding the debt. Refer to Question 8 to determine how EPSLA is calculated.

6. Under what circumstances can I use Emergency Paid Sick Leave Act (EPSLA) paid sick leave related to Coronavirus Disease 2019 (COVID-19)?

EPSLA paid sick leave is in addition to your other leave entitlements. The use of EPSLA paid sick leave does not impact your ability to request other leave as appropriate. You are entitled to use EPSLA paid sick leave if you are unable to work, including unable to telework, due to the following circumstances:

- (1) You are subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
 - You may not take EPSLA paid sick leave if you unilaterally decide to self-quarantine for an illness without medical advice, even if you have COVID-19 symptoms.
- (2) You are advised by a healthcare provider to self-quarantine related to COVID-19.
 - You may not take EPSLA paid sick leave if you unilaterally decide to self-quarantine for an illness without medical advice, even if you have COVID-19 symptoms.
- (3) You are experiencing COVID-19 symptoms and are seeking a medical diagnosis.
 - You must be experiencing any of the following COVID-19 symptoms: fever, dry cough, shortness of breath, or another COVID-19 symptom identified by the United States (U.S.) Centers for Disease Control and Prevention.
 - EPSLA paid sick leave is limited to the time you are unable to work (or telework) because you are taking affirmative steps to obtain a medical diagnosis, such as making, waiting for, or attending to a COVID-19 appointment for testing.

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- (4) You are caring for an individual subject to an order described in qualifying circumstance (1) or self-quarantine as described in qualifying circumstance (2) in this question.

Note: Under Department of Labor (DOL) regulations, the term “individual” means an employee’s immediate family member, a person who regularly resides in the employee’s home, or a similar person with whom the employee has a personal relationship that creates an expectation that the employee would care for the person if the person were quarantined or self-quarantined.

- (5) You are caring for your child whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19-related circumstance.
- This only applies when you need to, and actually are, caring for your child and are unable to work (or telework) as a result of providing care. Generally, you do not need to take EPSLA paid sick leave if a co-parent, co-guardian, usual childcare provider, or other suitable person is available to provide the care your child needs.
 - You may not take EPSLA paid sick leave to care for your child unless you are unable to perform work (or telework) due to the need to provide childcare.
- (6) You are experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services.

Note that no such condition has been specified at this time.

7. What information is required when an employee requests to use paid sick leave under the Emergency Paid Sick Leave Act (EPSLA)?

Employees must submit a verbal or written request to their supervisor to document the reason for leave and provide a self-certified statement that they are unable to work (or telework) because of a qualifying circumstance. Documentation must include:

1. Employee name.
2. Date(s) leave is requested.
3. Identification of the Coronavirus Disease 2019 (COVID-19) qualifying circumstance for leave (as described in Question 6).
4. A statement from the employee that the employee is unable to work (or telework) because of a qualifying circumstance related to COVID-19:
 - a. If the employee is requesting leave for qualifying circumstance (1) (as described in Question 6), the employee must additionally provide the name of the government entity that issued the quarantine or isolation order.

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- b. If the employee is requesting leave for qualifying circumstance (2) (as described in Question 6), the employee must additionally provide the name of the healthcare provider who advised self-quarantine due to concerns related to COVID-19.
- c. If the employee is requesting leave for qualifying circumstance (4) (as described in Question 6), the employee must additionally provide either:
 - i. The name of the government entity that issued the quarantine or isolation order to which the individual being cared for is subject; or
 - ii. The name of the healthcare provider who advised the individual being cared for to self-quarantine due to concerns related to COVID-19.
- d. If the employee is requesting leave for qualifying circumstance (5) (as described in Question 6), the employee must additionally provide:
 - i. The name of the child being cared for;
 - ii. The name of the school, place of care, or childcare provider that has closed or become unavailable; and
 - iii. A statement from the employee that no other suitable person is available to care for the child.

Note: The leave request must be documented in the Web-based Time and Attendance Distribution System (WebTADS) for tracking and reporting purposes. Please review Question 20 for instructions on how to submit the leave request.

8. How much will employees be paid while using Emergency Paid Sick Leave Act (EPSLA) paid sick leave?

It depends on their average hourly rate, hours of leave used, and why they are taking leave. The rates of pay for the different EPSLA circumstances vary and are subject to daily and total limits. Therefore, unlike all other leave categories, employees may not receive 100% of their salary when using the EPSLA paid sick leave of up to 80 hours. While rates differ by geographical areas, **generally NASA employees earning more than \$133,269 annually will not receive their full pay when using EPSLA paid sick leave.** Employees may incur a debt that must be paid back, or they may receive reduced net pay when using this leave for covered circumstances listed as follows:

- For qualifying circumstances (1), (2), and (3) (as described in Question 6), the employee will be paid at 100%, up to \$511 daily and \$5,110 total.
 - In the case of leave used for an 8-hour workday, the \$511 daily limitation would be exceeded if the employee's hourly rate exceeded \$63.87 ($\$511 \div 8 \text{ hours} = \63.87).

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- In the case of leave used for a 9-hour workday, the \$511 daily limitation would be exceeded if the employee's hourly rate exceeded \$56.77 ($\$511 \div 9 \text{ hours} = \56.77).
- For qualifying circumstances (4), (5), and (6) (as described in Question 6), the employee will be paid at two-thirds of the employee's pay, up to \$200 daily and \$2,000 total.
 - In the case of leave used for an 8-hour workday, the \$200 daily limitation would be exceeded if the employee's full hourly rate exceeded \$37.50. (To calculate if two-thirds of your pay would exceed the EPSLA \$200 daily limit in an 8-hour day, divide your full hourly rate by 3, then multiply the result by 2 (giving you two-thirds of your hourly rate). Multiply that figure by 8 hours. The resulting amount is the total daily rate for two-thirds of your pay. (For example: $\$37.50 \div 3 \times 2 = \$25 \times 8 \text{ hours} = \200 .))
 - In the case of leave used for a 9-hour workday, the \$200 daily limitation would be exceeded if the employee's full hourly rate exceeded \$33.33. (To calculate if two-thirds of your pay would exceed the EPSLA \$200 daily limit in a 9-hour day, divide your full hourly rate by 3, then multiply the result by 2 (giving you two-thirds of your hourly rate). Multiply that figure by 9 hours. The resulting amount is the total daily rate for two-thirds of your pay. (For example: $\$33.33 \div 3 \times 2 = \$22.22 \times 9 \text{ hours} = \199.98 .))
 - In cases where leave is used intermittently, the two-thirds rate of pay may be higher while remaining within the \$200 daily cap. (To calculate if two-thirds of your pay would exceed the EPSLA \$200 daily limit for hours less than your full workday, divide your full hourly rate by 3, then multiply that by 2 (giving you two-thirds of your hourly rate). Multiply that figure by the number of hours you need under this leave. The resulting amount is the total daily rate for two-thirds of your pay for the specific hours needed. (For example: $\$65 \div 3 \times 2 = \$43.33 \times 2 \text{ hours EPSLA paid sick leave} = \86.67 , which is below the \$200 daily limit.))

Employees with higher rates of pay are more likely to reach the daily limit. Employees may locate their hourly pay under the Current Pay section on the Human Resources Portal by following the link: <https://hr.nasa.gov/about-me/my-pay-and-leave>. You may need to copy and paste the link into your Web browser.

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Note: Leave taken for qualifying circumstances (4), (5), and (6) also counts toward the \$511 daily limit and the \$5,110 total limit. For example, an employee who has already received \$2,000 in EPSLA paid sick leave to take care of a child would only have \$3,110 left to take EPSLA paid sick leave to self-quarantine as long as the employee has not exceeded the maximum amount of paid sick leave allowed under EPSLA. Refer to Question 10 for information on maximum EPSLA paid sick leave.

9. If I use emergency paid sick leave, but I am not entitled to full pay under the Families First Coronavirus Response Act (FFCRA), what happens once I make prior pay period adjustments (i.e., time and attendance corrections)?

If you use emergency paid sick leave under FFCRA and you are not entitled to full pay or if you reach the statutory pay cap, when you submit the prior pay period adjustment, you will receive a bill for the difference between what you were actually paid and what you were entitled to be paid. The timing as to when you would receive a bill is dependent upon both of the following:

- When the time code is used and when you correct your timecard.
- The total amount of the overpayment.

Since FFCRA is very specific regarding the amounts of pay for which employees are eligible when using the new leave entitlements, it is highly unlikely that any debt waivers would be approved. Therefore, if you have other categories of paid leave available for your use, including excused absence leave if authorized, you can elect to use those types of paid leave instead of using the emergency paid sick leave under FFCRA.

10. Can I use 80 hours of Emergency Paid Sick Leave Act (EPSLA) paid sick leave for myself and then take additional EPSLA paid sick leave for another circumstance provided under EPSLA criteria?

No. You are limited to 80 hours of EPSLA paid sick leave if you are a full-time employee or prorated if you are a part-time employee even if you change positions, transfer, or for any combination of qualifying circumstances. Leave is credited at the time of usage.

11. Can I combine paid sick leave under the Emergency Paid Sick Leave Act (EPSLA) with other types of available leave?

Paid sick leave under EPSLA is in addition to any other accrued paid leave. The use of emergency paid sick leave does not count against your current sick leave balance. You are not required to use any other type of accrued paid leave before using paid sick leave under EPSLA. However, you may elect to use other types of accrued paid leave prior to or in lieu of using paid sick leave under EPSLA. EPSLA paid sick leave may not be used during any period of time for which you are using paid leave under title 5 of the United States Code.

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There is no authority under title 5 to provide paid leave for hours for which you are already receiving compensation. Thus, you cannot receive two types of paid leave for the same hours. Additionally, there is no authority under title 5 to provide a partial leave payment for the same hours for which you are receiving EPSLA paid sick leave at a rate that is lower than your normal leave payment (e.g., at two-thirds rate or a rate reduced by the applicable daily limit on EPSLA leave). Under title 5, an hour of absence must be accounted for by a full hour of paid leave and a full payment for that hour.

12. Can I use the Emergency Paid Sick Leave Act (EPSLA) paid sick leave intermittently while teleworking?

You may take EPSLA intermittently under the following conditions:

- You are authorized to telework but are unable to telework because of a qualifying circumstance.
- On workdays when EPSLA paid sick leave does not cover all scheduled hours, you may have a mix of work hours, EPSLA paid sick leave, and other paid leave.
- If you report to your normal worksite, you may take leave intermittently only if the leave is taken for qualifying circumstance (5) (as described in Question 6).

Note: If you are reporting to your normal worksite and need to use EPSLA paid sick leave for qualifying circumstance (1), (2), (3), (4), and/or (6) (as described in Question 6), you must use the permitted days/hours of leave consecutively until you no longer have a qualifying circumstance to take leave or until leave is exhausted.

13. Do I need to use my accrued leave prior to using Emergency Paid Sick Leave Act (EPSLA) paid sick leave?

No. You may use EPSLA paid sick leave before using any other available paid leave. Refer to Question 5 for information on requesting EPSLA paid sick leave retroactively.

Due to varying daily and total limits on pay for EPSLA paid sick leave and the circumstance under which EPSLA leave is used, a prior pay period adjustment may result in an indebtedness. Please review the daily and total limits in Question 8 to determine if the use of EPSLA paid sick leave is advantageous for your specific circumstance

14. Do I need to use Emergency Paid Sick Leave Act (EPSLA) paid sick leave before using my accrued leave (e.g., regular sick leave, annual leave, credit time, compensatory time)?

No. You may use any other available paid leave as long as you meet all the requirements for using such leave. You may review different leave options available in the “What if...?”

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leave scenarios posted on the [NASA People Coronavirus Information Leave & Pay Web page](https://nasapeople.nasa.gov/coronavirus/leavepay.html) at: <https://nasapeople.nasa.gov/coronavirus/leavepay.html>.

15. Can I use Emergency Paid Sick Leave Act (EPSLA) paid sick leave if I am not scheduled to work?

You must have scheduled hours of work to use EPSLA paid sick leave. If you are on leave without pay due to military service, workers' compensation, family and medical leave (except when taken due to a qualifying circumstance), suspension, or for some other reason and are not scheduled to work, you may not use EPSLA paid sick leave during such period.

16. If I have a qualifying circumstance, can I take Emergency Paid Sick Leave Act (EPSLA) paid sick leave if there is no work available for me?

No. This is because you would be unable to work even if you were not required to comply with the quarantine or isolation order. If there is no work available or you cannot perform work or training, you are considered telework ineligible. You may request weather and safety leave (XLV61). Talk to your supervisor about your situation and other accrued leave and work flexibilities.

17. Since I can use Emergency Paid Sick Leave Act (EPSLA) paid sick leave to care for my child whose school or childcare facility is closed due to COVID-19, can I use my accrued sick leave instead so I receive a full paycheck instead of two-thirds of my pay from using EPSLA leave?

No. Normal sick leave is not appropriate to care for a healthy child. However, an employee may request to use accrued annual leave, compensatory time off, or other leave flexibilities for this reason, subject to normal leave request and approval policies and procedures.

18. What leave is available if I was incapacitated and unable to work due to diagnosis or suspected Coronavirus Disease 2019 (COVID-19) prior to April 1, 2020, or become incapacitated and unable to work after Emergency Paid Sick Leave Act (EPSLA) paid sick leave is exhausted?

If you were incapacitated and unable to work because of COVID-19-related illness prior to April 1, 2020, or after exhausting all available EPSLA paid sick leave, you may request and be approved other types of leave in accordance with existing law. Talk to your supervisor about your situation and other accrued leave and work schedule flexibilities.

19. Does using the Families First Coronavirus Response Act (FFCRA) affect any of my benefits?

Yes. You will not have any Thrift Savings Plan (TSP) contributions deducted from wages received based on use of FFCRA leave. If you are covered under the Federal Employees Retirement System (FERS), you will miss out on any matching contributions to which you would have otherwise been entitled.

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20. When am I eligible for Emergency Paid Sick Leave Act (EPSLA) paid sick leave to self-quarantine?

You are eligible for EPSLA paid sick leave if a healthcare provider directs or advises you to stay home or otherwise quarantine yourself because the healthcare provider believes that you may have COVID-19 or are particularly vulnerable to COVID-19, and quarantining yourself based upon that advice prevents you from working (or teleworking).

21. If I become ill with Coronavirus Disease 2019 (COVID-19) symptoms and decide to quarantine myself for but do not seek a medical diagnosis or other advice of a healthcare provider, can I use Emergency Paid Sick Leave Act (EPSLA) paid sick leave?

You may not take paid sick leave under the EPSLA if you unilaterally decide to self-quarantine for an illness without medical advice, even if you have COVID-19 symptoms or become ill with an illness not related to COVID-19.

22. My child's school is operating on an alternate day (or other hybrid-attendance) basis. The school is open each day, but students alternate between days attending school in person and days participating in remote learning. Students are permitted to attend school only on their allotted in-person attendance days. May I use Families First Coronavirus Response Act (FFCRA) leave in this circumstance?

Yes. You are eligible to take paid leave under FFCRA on days when your child is not permitted to attend school in person and must instead engage in remote learning, as long as you need the leave to actually care for your child during that time and only if no other suitable person is available to do so. For purposes of FFCRA and its implementing regulations, the school is effectively "closed" to your child on the days that your child cannot attend in person. You may take paid leave under the FFCRA on each of your child's remote-learning days.

23. My child's school is giving me a choice between having my child attend in person or participate in a remote learning program for the fall. I enrolled my child in remote learning because I worry that my child may contract COVID-19 and bring it home to the family. Since my child will be at home, may I take paid leave under the Families First Coronavirus Response Act (FFCRA) in this circumstance?

No. You are not eligible to take paid leave under FFCRA because your child's school is not "closed" due to COVID-19 related reasons; it is open for your child to attend. FFCRA leave is not available to take care of a child whose school is open for in-person attendance. If your child is home not because the school is closed, but because you have chosen for the child to remain home, you are not entitled to FFCRA paid leave. However, if, because of COVID-19, your child is under a quarantine order or has been advised by a healthcare provider to self-isolate or self-quarantine, you may be eligible to take paid leave to care for your child.

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24. My child's school is beginning the school year under a remote learning program out of concern for COVID-19, but has announced it will continue to evaluate local circumstances and make a decision about reopening for in-person attendance later in the school year. May I take paid leave under the Families First Coronavirus Response Act (FFCRA) in these circumstances?

Yes. You are eligible to take paid leave under FFCRA while your child's school remains closed. If your child's school reopens, the availability of paid leave under the FFCRA will depend on the particulars of the school's operations.

25. How do I request to use Families First Coronavirus Response Act (FFCRA) leave in the Web-based Time and Attendance Distribution System (WebTADS)?

For instructions on how to submit a request for FFCRA leave, visit: https://help.aao.nasa.gov/documents/20124/36110/WebTADS+on+EPSS+-+FFCRA+Leave+Program+r00_v01.pdf. You may need to copy and paste the link into your Web browser.

If you are unable to access WebTADS to request leave, please contact your supervisor. If your supervisor is unable to assist you, please contact the NASA Shared Services Center (NSSC) Customer Contact Center at 1-877-677-2123 or nssc-contactcenter@nasa.gov.

26. How do I submit a prior pay period adjustment in the Web-based Time and Attendance Distribution System (WebTADS)?

For instructions on how to submit a prior pay period adjustment, visit: <https://help.aao.nasa.gov/documents/20124/36110/WebTADS+Timesheet+Adjustment+Request.pdf/1776dccd-dab9-0f33-3fe1-f8b22f377d8a?t=1579053078145>. You may need to copy and paste the link into your Web browser.

27. Who do I contact if I have questions regarding eligibility and potential pay impacts or coding leave under the Families First Coronavirus Response Act (FFCRA) on my timecard?

If you have questions about coding your timecard, please contact the NASA Shared Services Center (NSSC) Customer Contact Center by phone at 1-877-677-2123 or by e-mail at nssc-contactcenter@nasa.gov.

28. Am I required to submit a request in the Web-based Time and Attendance Distribution System (WebTADS) to use the Families First Coronavirus Response Act (FFCRA) leave?

You can submit a verbal or written request for FFCRA leave. However, for Agency tracking and reporting purposes, you or your supervisor must document the leave in WebTADS via the request for FFCRA leave.