



Forest Service Training Emergency Paid Sick Leave Frequently Asked Questions (FAQ)

Date: May 11, 2020
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Pay & Leave Policy

1. Q: What is emergency paid sick leave?

A: Emergency paid sick leave (division E of the Families First Coronavirus Response Act) provides employees with up to 80 hours of paid sick leave when they are unable to work in person, or telework, for specific reasons related to COVID-19.

ELIGIBILITY

2. Q: Who is eligible for emergency paid sick leave?

A: Emergency paid sick leave applies to all Forest Service employees, including permanent, temporary, and intermittent employees.

1. **Full Time.** Full-time employees receive up to 80 hours of emergency paid sick leave.
2. **Part Time.** Part-time employees receive a prorated amount based on their scheduled tour of duty. For example, if the part-time employee's tour of duty is 32 hours per pay period then they are eligible for up to 32 hours of emergency paid sick leave.
3. **Intermittent.** Intermittent employees receive a prorated amount based on the prior 6 month average (add up number of hours worked over the past 6 months then divide that by the number of pay periods). For example, if an employee worked 394 hours over the prior 6 months:

$$394 \text{ hours} / 13 \text{ pay periods} = 30 \text{ hours emergency sick leave}$$

3. Q: My start date was last pay period, am I eligible for the leave?

A: Yes. There isn't a minimum service requirement and employees become eligible on their first day of employment.

TIMEFRAME

4. Q: What timeframe is the leave available?

A: Emergency paid sick leave may be used from April 1, 2020, until their qualifying circumstance ceases, up to December 31, 2020.

- Employees may not use emergency paid sick leave before or after their appointment date.
- A supervisor must schedule hours of work in order for an intermittent employee to use emergency paid sick leave.
- Emergency paid sick leave may not carry over beyond December 31, 2020.



5. Q: Can I use the leave retroactively?

A: Yes. An employee may use emergency paid sick leave retroactively to April 1, 2020 but only to replace LWOP that was previously taken. The only exception to this rule is if the employee used accrued leave (annual, sick, credit, comp) in-lieu of emergency paid sick leave, while waiting on administrative guidance.

6. Q: Can emergency paid sick leave be included in a lump sum payment?

A: No. There is no payment for unused leave.

7. Q: I'm a seasonal employee, can I use emergency sick leave during my off period?

A: No. Employees must have scheduled hours of work to use emergency paid sick leave. Meaning, if a seasonal employee or intermittent employee is not scheduled to work during the off season then they can't use emergency paid sick leave during the off-season periods.

- A supervisor must schedule hours of work in order for an intermittent employee to use emergency paid sick leave.
- Employees may not use emergency paid sick leave before or after their appointment date.
- An employee on military leave or OWCP may not use emergency sick leave during the LWOP period.

QUALIFYING REASONS FOR EMERGENCY PAID SICK LEAVE

8. Q: What are the qualifying reasons for emergency paid sick leave?

A: An employee qualifies for emergency paid sick leave if the employee is unable to work in person, or **unable to telework**, because the employee:

1. Is under a Federal, State, or municipal quarantine or social isolation order related to COVID-19;
2. Is advised by a healthcare provider to self-quarantine related to COVID-19;
3. Is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. Is caring for an individual who has been subject to a quarantine or isolation order;
5. Is caring for their child because the child's school was closed due to COVID-19; or
6. Is experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services. (Note: none currently have been specified).

Note: An employee cannot code emergency sick leave if their supervisor does not have work for them to do.



9. Q: If I'm able to telework, do I qualify for the leave?

A: No. If the employee is able to telework then they would not qualify for emergency paid sick leave.

10. Q: Clarify what it means to be "unable to telework" and how you would meet that criteria.

A: An employee may be unable to telework due to personal illness or the need to care for a family member, as defined by law, due to COVID-19. It **does not** mean that the employee does not have the equipment or technical capacity to telework or that the employee's supervisor does not have work for the employee to do.

USDA has allowed maximum work schedule flexibility during the pandemic. They are allowing employees to flex to work during the night hours; to deviate from core hours; and to flex to work on Saturdays. The FS also allows employees to earn credit hours on Sunday. If the employee believes they are unable to telework due to a need to take leave for one of the qualifying reasons, they meet all the eligibility requirements, and they provide the required documents, then the employee is entitled to emergency paid sick leave.

HOW TO APPLY

11. Q: How do I apply for emergency paid sick leave?

A: An employee must request the leave in advance, verbally or in writing. We strongly suggest using Form OPM-71 for such purpose.

Certain information is required to be collected when an employee requests emergency paid sick leave. An employee must provide the following:

1. Date(s) for which leave is requested;
2. Qualifying reason for the leave;
3. Statement that the employee is unable to work because of the qualified reason for leave;
4. **Quarantine (reason #1).** The employee must provide the government entity that issued the Quarantine or Isolation Order.
5. **Healthcare Quarantine (reason #2).** The employee must provide the name of the healthcare provider who advised the employee to self-quarantine due to concerns related to COVID-19.
6. **Caring for Individual Quarantined (reason #4).** The employee must provide the government entity that issued the Quarantine Order or provide the name of the healthcare provider who advised the employee to self-quarantine due to concerns related to COVID-19.
7. **Child's School is Closed (reason #5).**
 - a. The name of the son or daughter being cared for;
 - b. The name of the school, place of care, or childcare provider that closed or became unavailable due to COVID-19; and



- c. A representation (certification) that no other suitable person will be caring for the son or daughter during the period for which the employee takes emergency paid sick leave.

Form OPM-71. Open Form OPM-71, click on “Other Paid Absence” and write in the remarks section, “Using Emergency Paid Sick Leave”. The remarks section is also where the employee will provide a statement that they are unable to work because of the qualified reason. The remarks section may also be used to provide the additional required information if using the leave for qualifying reasons #1; #2; #4; #5; or #6.

Supervisors must retain records for four years. Requests for emergency paid sick leave that were approved or denied must be maintained for four years in the T&A file. Records pertaining to medical information must be maintained in the medical file and may not be maintained in the T&A file.

12.Q: Do I have to request to use the leave in advance?

A: Yes. A supervisor may require a reasonable notice period before approving the leave.

CODING THE TIMESHEET

13.Q: How do I code emergency paid sick leave on my timesheet?

A: Employees and supervisors must ensure the timesheet is coded properly using the correct Descriptor Code and Transaction Code:

	<i>Qualifying Situation</i>	<i>Descriptor Code</i>	<i>Transaction Code</i>
1	Is under a Federal, State, or municipal quarantine or social isolation order related to COVID-19	DC-91	TC-01
2	Is advised by a healthcare provider to self-quarantine related to COVID-19	DC-92	TC-01
3	Is experiencing COVID-19 symptoms and is seeking a medical diagnosis	DC-93	TC-01
4	Is caring for an individual who has been subject to a quarantine or isolation order	DC-94	TC-01
5	Is caring for their child because the child’s school was closed due to COVID-19	DC-95	TC-01

14.EMPLOYEE RESPONSIBILITIES

1. Ensure you are experiencing one of the qualifying reasons and have met all eligibility requirements.
2. Request the leave in advance.
3. Provide all required documentation.
4. Ensure the timesheet is coded properly using the correct Descriptor Code and Transaction Code.
5. Keep track of the number of hours claimed; the daily pay limit; and the aggregate pay limit to ensure the statutory limitations are not exceeded.



15. SUPERVISOR RESPONSIBILITIES

1. Ensure the employee provided the required information when requesting emergency paid sick leave. Use the USDA checklist.
2. Ensure the timesheet is coded properly using the correct Descriptor Code and Transaction Code.
3. Keep track of the number of hours claimed to ensure the employee has not exceeded the maximum hours allowable (80 for a full-time employee).
4. Keep track of the daily pay cap to ensure the employee has not exceeded the statutory limitations (\$511 per day for reasons #1-3; and \$200 per day for reasons #4-6).
5. Keep track of the aggregate pay cap to ensure the employee has not exceeded the statutory limitations (\$5,000 total for reasons #1-3; and \$2,000 total for reasons #4-6).
6. Maintain records for four years.

16.Q: Is there a worksheet available to help employees and supervisors calculate the daily rate?

A: Yes. USDA has provided a supervisor [checklist](#) which is used to ensure the required documentation has been received; to track the number of hours used; to track the daily limit; and to track the aggregate limit. The National Finance Center also developed an in-depth [tracking sheet](#) on the amount of emergency paid sick leave that can be paid.

REGULAR SICK LEAVE

17.Q: Is emergency paid sick leave deducted from an employee's sick leave balance?

A: No. Emergency paid sick leave is an entirely different leave entitlement and does not have any effect on an employee's current sick leave balance. Employees continue to accrue sick leave and if they use emergency paid sick leave then it would have no effect on their current accrued sick leave balance.

18.Q: Please clarify the approved situation that we can use regular sick leave.

A: Sick leave may be used only for those circumstances specified in law and regulation. An employee is entitled to use sick leave for:

1. **Personal Medical Needs** (e.g., any illness, medical, dental, or optical appointments, pregnancy, childbirth, adoption, EAP, etc.)
2. **Family Care or Bereavement Purposes** (e.g., to care for a sick child, take a child to medical, dental, optical appointments, to care for pregnant wife, attend funeral of family member, etc.)
3. **Care of a Family Member with a Serious Health Condition** (e.g., cancer, pregnancy, Alzheimer's, etc.)



4. **Adoption and Foster Care Purposes** (e.g., appointments with adoption agencies, social workers, court proceedings, required travel, etc.)

19.Q: If I have leave accrued, can I use sick, annual, comp, or credit time instead of using emergency paid sick leave, to ensure I receive a full paycheck?

A: Emergency paid sick leave is an entitlement that employees may use when they meet all the eligibility requirements. If you take emergency paid sick leave for reasons #4, #5, or #6 then you receive 2/3 your regular rate of pay. If you don't want to take emergency paid sick leave then you don't have to – it is your choice. Employees may use annual, credit, or comp time for anything they want to (sick leave may only be used for those circumstances specified under law and regulation) and you must request leave in advance and receive approval from your supervisor to use leave.

20.Q: Does emergency paid sick leave replace weather and safety leave or are the other leave flexibilities still available?

A: No. Emergency paid sick leave is a completely different leave category from weather and safety leave and separate from other leave flexibilities.

- **Emergency Paid Sick Leave.** Emergency paid sick leave is available for use from April 1, 2020 to December 31, 2020, when an employee is unable to work, including unable to telework, for specific reasons related to COVID-19.
- **Weather and Safety Leave.** Weather and safety leave may only be granted when an authorized official determines the employee is unable to safely travel to or safely perform work at a designated worksite.
- **Leave Flexibilities:** Employees may still use other leave as needed such as annual, credit, and comp. Employees may also use sick leave as long as it is used for authorized purposes. Refer to the Annual and Sick leave FAQs and FSH 6109.11, chapter 30 for requirements and limits.

MAXIMUM HOURS

21.Q: Can I use 80 hours to care for my child because their school was closed and then use 80 hours if I display COVID-19 symptoms?

A: No. The maximum amount of emergency paid sick leave that may be credited for any employee is 80 hours. This is a per-employee limit. An employee is limited to a total of 80 hours even if the employee has multiple qualifying circumstances or changes jobs and has a different employer.

WORK SCHEDULE FLEXIBILITIES

22.Q: Are the previously shared flexibilities such as maximized telework and maxi-flex still available?

A: Yes. USDA has allowed agencies to deviate from core hours during the pandemic to allow employees maximum flexibility to balance work/life needs during the pandemic. For example, an employee needs to take care of their child during the day and flexes to work at night (with supervisory approval); or an employee flexes to



work on Saturday and earns credit hours on Sunday so they can spend more time taking care of their child during the week (with supervisory approval).

INTERMITTENT USE

23.Q: My mom is taking care of my child while I'm home teleworking but occasionally I need to assist her. Can I take a few hours a day and not use a full day of emergency paid sick leave?

A: Yes. Employees may use emergency paid sick leave intermittently; meaning, you can use the leave for a few hours a day and also work in the same day.

If you are teleworking you may use the leave intermittently. However, if you report to the normal worksite (office) then you must use emergency paid sick leave consecutively until you no longer have a qualifying reason to take the leave or until the leave is exhausted. This exception does not apply when caring for your child because the child's school was closed.

24.Q: Can emergency paid sick leave be used in combination with other leave or official time worked?

A: Yes. Emergency paid sick leave may be used intermittently (if you are teleworking or for reason #5). For example, an employee could use 4 hours of emergency paid sick leave and work 4 hours (TC-01); or an employee could use 7 hours of emergency paid sick leave and 1 hour of annual leave, etc.

FMLA

25.Q: Does emergency paid sick leave impact employees using Family Medical Leave Act (FMLA) leave?

A: The FMLA provides eligible employees, in any 12-month period, with up to 12 weeks of unpaid leave for the birth, adoption, or foster care placement of a child; or due to the serious health condition of the employee or the employee's spouse, child or parent.

If an employee has invoked FMLA because they have COVID-19 or are caring for their spouse, child, or parent who has COVID-19, then they may replace any portion of the unpaid FMLA with emergency paid sick leave. If an employee has invoked FMLA for any other reason (not COVID-19) then they may not use emergency paid sick leave during the LWOP period.

NORMAL PAYCHECK DEDUCTIONS

26.Q: Will your deductions, such as TSP or health benefits, be deducted from your emergency paid sick leave as they normally are for any other leave?

A: Yes. Emergency paid sick leave is treated like any other leave for deduction purposes. Your TSP, retirement, health benefits, etc., will continue to deduct as normal from your total wages.



OVERPAYMENTS

27.Q: If I'm billed for an overpayment, what is the timeline on being billed and the repayment program?

A: Employees and supervisors must monitor the number of emergency paid sick leave hours claimed; the daily payment; and the aggregate payment to ensure employees do not exceed the statutory limitations. HRM will also run reports to identify any employee who has exceeded the limits. HRM will contact any employee who has exceeded the limits and have them submit a corrected timesheet.

For example, an employee coded 8 hours of emergency paid sick leave and exceeded the daily limit. The employee submitted a corrected T&A, charging 7.5 hours of emergency paid sick leave and 0.5 hours of annual leave. The employee corrected the overpayment and would not receive a bill.

QUALIFYING REASON #1

28.Q: What does, "Is under a Federal, State, or municipal quarantine or social isolation order related to COVID-19" mean?

A: An employee qualifies for emergency paid sick leave if the employee is unable to work in person **or telework** because the employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.

A quarantine or isolation order includes quarantine, isolation, containment, shelter-in-place, or stay-at-home orders issued by any Federal, State, or local government authority that cause the employee to be unable to work even though their employer has work that the employee could perform but for the order. This also includes when a Federal, State, or local government authority has advised categories of citizens (e.g., of certain age ranges or of certain medical conditions) to shelter in place, stay at home, isolate, or quarantine, causing those categories of employees to be unable to work even though their employers have work for them.

For example, the Governor has issued a stay at home order and the employee is able to telework. The employee would not qualify for emergency paid sick leave because they are able to telework.

- Time is coded as DC-91 + TC-01.
- Employees receive 100% of their pay (capped at \$511 per day or \$5,110 total). Employees and supervisors must ensure these pay caps are not exceeded. Employees whose rate of pay is more than \$511 per day, who exceed \$5,110 total, or who exceed the number of hours eligible to claim will be required to submit corrected timesheets.

QUALIFYING REASON #2

29.Q: What does, "Has been advised by a healthcare provider to self-quarantine related to COVID-19" mean?

A: An employee qualifies for emergency paid sick leave if the employee is unable to work in person **or telework** because the employee has been advised by a health care provider to self-quarantine related to COVID-19.



A healthcare provider has advised the employee to self-quarantine based on a belief that the employee has COVID-19; the employee may have COVID-19; or the employee is particularly vulnerable to COVID-19.

For example, an employee has heart disease and the employee's doctor told them to self-quarantine because they're considered a high-risk employee but the employee is able to telework. The employee would not qualify for emergency paid sick leave because they are able to telework.

- Time is coded as DC-92 + TC-01.
- Employees receive 100% of their pay (capped at \$511 per day or \$5,110 total). Employees and supervisors must ensure these pay caps are not exceeded. Employees whose rate of pay is more than \$511 per day, who exceed \$5,110 total, or who exceed the number of hours eligible to claim will be required to submit corrected timesheets.

QUALIFYING REASON #3

30.Q: What does, "Is experiencing COVID-19 symptoms and is seeking a medical diagnosis" mean?

A: An employee qualifies for emergency paid sick leave if the employee is unable to work in person **or telework** because the employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis.

Experiencing COVID-19 symptoms means the employee is experiencing a fever, dry cough, shortness of breath, or any other symptoms identified by CDC. Seeking a medical diagnosis is limited to the time the employee is unable to work because they are taking affirmative steps to obtain a medical diagnosis, e.g., attending an appointment for a COVID-19 test.

The employee may not take emergency sick leave to self-quarantine without seeking a medical diagnosis.

- Time is coded as DC-93 + TC-01.
- Employees receive 100% of their pay (capped at \$511 per day or \$5,110 total). Employees and supervisors must ensure these pay caps are not exceeded. Employees whose rate of pay is more than \$511 per day, who exceed \$5,110 total, or who exceed the number of hours eligible to claim will be required to submit corrected timesheets.

31.Q: Can I use emergency paid sick leave if I'm experiencing COVID-19 symptoms but have not seen a doctor?

A: An employee may not use emergency paid sick leave if they decide to self-quarantine for COVID-19 symptoms without medical advice. An employee, who is experiencing COVID-19 symptoms, may use emergency paid sick leave during the time the employee is unable to work because the employee is taking affirmative steps to obtain a medical diagnosis, such as making, waiting for, or attending an appointment for a test for COVID-19.



Receive 100% of Pay, Capped at \$511 per Day or \$5,110 Total

32. Q: How do I determine the pay caps for qualifying reasons #1-3?

A: The following are examples to help you determine the daily pay cap. All examples below are based on the 2020 Rest of U.S. (RUS) locality pay table. Rates shown are per hour.

2020	Gr	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10
RUS	03	13.32	13.76	14.21	14.65	15.10	15.54	15.98	16.43	16.87	17.32
RUS	04	14.95	15.45	15.95	16.45	16.95	17.45	17.94	18.44	18.094	19.44
RUS	05	16.73	17.29	17.85	18.40	18.96	19.52	20.08	20.63	21.19	21.75
RUS	06	18.65	19.27	19.89	20.51	21.14	21.76	22.38	23.00	23.62	24.24
RUS	07	20.72	21.41	22.10	22.80	23.49	24.18	24.87	25.56	26.25	26.94
RUS	08	22.95	23.72	24.48	25.25	26.01	26.78	27.54	28.31	29.07	29.84
RUS	09	25.35	26.19	27.04	27.88	28.73	29.57	30.42	31.26	32.11	32.95
RUS	10	27.92	28.85	29.78	30.71	31.64	32.57	33.50	34.43	35.36	36.29
RUS	11	30.67	31.69	32.71	33.74	34.76	35.78	36.80	37.83	38.85	39.87
RUS	12	36.76	37.99	39.21	40.44	41.66	42.89	44.11	45.34	46.57	47.79
RUS	13	43.71	45.17	46.63	48.09	49.54	51.00	52.46	53.91	55.37	56.83
RUS	14	51.66	53.38	55.10	56.82	58.54	60.26	61.99	63.71	65.43	67.15
RUS	15	60.76	62.79	64.81	66.84	68.86	70.89	72.92	74.94	76.97	78.99

Example 1. A GS-07 step 4 (\$22.80 per hour) is experiencing COVID-19 symptoms, is too ill to telework, and uses 80 hours of emergency paid sick leave.

$\$22.80 \times 8 \text{ hours in day} = \$182.40 \text{ daily payment}$

The employee's daily rate is below the \$511 daily pay cap.

33. Q: I work a compressed work schedule, can I claim 9 or 10 hours of emergency sick leave in day?

A: Yes. Employees with a compressed work schedule can claim up to their normal scheduled hours per day; however, they cannot exceed the daily and aggregate salary caps or total of 80 hours.

Example 2. A GS-13 step 7 (\$52.46 per hour), is under a 4x10 compressed work schedule, is experiencing COVID-19 symptoms, is too ill to telework, and uses 80 hours of emergency paid sick leave.

$\$52.46 \times 10 \text{ hours in scheduled tour of duty} = \$524.60 \text{ daily payment}$

The employee's daily rate exceeds the \$511 daily cap.

NFC is not able to process the daily \$511 pay cap; therefore, the employee and supervisor are responsible to ensure the daily pay cap and aggregate pay cap are not exceeded. Employees who exceed the caps will be required to submit a corrected timesheet.

Suggestion: Place the employee on an 8-hour work schedule where they claim 8 hours of leave each day and then they won't be overpaid.



Example 3. A GS-15 step 4 (\$66.84 per hour) is experiencing COVID-19 symptoms, is too ill to telework, and uses 80 hours of emergency paid sick leave.

$\$66.84 \times 8 \text{ hours in day} = \$534.72 \text{ daily payment}$

The employee's daily rate exceeds the \$511 daily cap

NFC is not able to process the daily \$511 pay cap; therefore, the employee and supervisor are responsible to ensure the daily pay cap and aggregate pay cap are not exceeded. Employees who exceed the caps will be required to submit a corrected timesheet.

Suggestion: The employee may claim less than 8 hours per day to ensure they won't exceed the daily cap (e.g., 7.5 hours DC-93/TC-01 plus 0.50 hours sick leave). However, the aggregate limit still applies. Employees may receive up to \$511 per day or up to \$5,110 total.

QUALIFYING REASON #4

34.Q: What does, "Is caring for an individual who has been subject to a quarantine or isolation order", mean?

A: An employee qualifies for emergency paid sick leave if the employee is unable to work in person **or telework** because the employee is caring for an individual who has been quarantined.

Caring for an "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 relationship that creates an expectation that the employee would care for the person if they were quarantined or self-quarantined.

For example, an employee's mother is experiencing COVID-19 symptoms, lives in the house with the employee, and she has been quarantined in the home by her doctor. The employee is unable to telework because she needs to care for her mother and qualifies for emergency paid sick leave.

- Time is coded as DC-94 + TC-01.
- Employees receive 2/3 their regular rate of pay (capped at \$200 per day or \$2,000 total). Employees whose rate of pay is more than \$200 per day, who exceed \$2,000 total, or who exceed the number of hours eligible to claim will be required to submit corrected timesheets.

QUALIFYING REASON #5

35.Q: What does, "Is caring for their child because the child's school was closed due to COVID-19", mean?

A: An employee qualifies for emergency paid sick leave if the employee is unable to work in person **or telework** because the need to care for the employee's child because the child's school is closed due to COVID-19 **and** there is no suitable person available to care for the child during this time.

This qualifying circumstance applies only when an employee needs to, and actually is, caring for the employee's son or daughter and if the employee is unable to work



(including telework) as a result of providing care. Generally, an employee does not need to take such leave if a co-parent, co-guardian, usual child care provider, or other suitable person is available to provide the care the child needs.

For example, an employee has older children at home during the day because the children's schools are closed due to COVID-19. The employee's spouse is also in the home and is able to care for the children. The employee does not have a need to care for the children because the children are older and the spouse is able to care for their needs should they arise during the time the employee would typically work. The employee would not qualify for emergency paid sick leave because they do not have a need to care for the children and is able to telework.

If an employee does have a need to care for their child or children and a childcare provider is unavailable, the employee will qualify for emergency paid sick leave.

- Time is coded as DC-95 + TC-01.
- Employees receive 2/3 their regular rate of pay (capped at \$200 per day or \$2,000 total). Employees whose rate of pay is more than \$200 per day, who exceed \$2,000 total, or who exceed the number of hours eligible to claim will be required to submit corrected timesheets.

36.Q: What does the term “Child” mean for qualifying reason #5?

A: Child is a biological, adopted, or foster child, a step child, a legal ward, or a child of a person standing in loco parentis who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.

37.Q: Does qualifying reason #5 only apply to school closures or does it apply to other childcare services such as summer camp programs?

A: Qualifying reason #5 applies when an employee is unable to work because of a need to care for his or her son or daughter if the school or place of care of the son or daughter is closed, or the child care provider of the son or daughter is unavailable, due to COVID-19 related reasons. Summer camp would fall under that umbrella.

38.Q: I'm taking leave to care for my child because their school is closed and I'm receiving 2/3 pay. Can I use other leave (annual, sick, credit, comp) to make up for the 1/3 pay so I can receive a full paycheck?

A: No. The law requires that employees receive 2/3 their regular rate of pay when taking emergency paid sick leave for reasons #4-6. An employee may not substitute other accrued leave or work additional hours to make up for the 1/3 unpaid portion.

Receive 2/3 Rate of Pay, Capped at \$200 per Day or \$2,000 Total

39.Q: How do I determine the pay caps for qualifying reasons #4-6?

A: The following are examples to help you determine the daily pay cap. All examples below are based on the 2020 Rest of U.S. (RUS) locality pay table. Rates shown are per hour.

2020	Gr	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10
RUS	03	13.32	13.76	14.21	14.65	15.10	15.54	15.98	16.43	16.87	17.32
RUS	04	14.95	15.45	15.95	16.45	16.95	17.45	17.94	18.44	18.094	19.44



2020	Gr	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10
RUS	05	16.73	17.29	17.85	18.40	18.96	19.52	20.08	20.63	21.19	21.75
RUS	06	18.65	19.27	19.89	20.51	21.14	21.76	22.38	23.00	23.62	24.24
RUS	07	20.72	21.41	22.10	22.80	23.49	24.18	24.87	25.56	26.25	26.94
RUS	08	22.95	23.72	24.48	25.25	26.01	26.78	27.54	28.31	29.07	29.84
RUS	09	25.35	26.19	27.04	27.88	28.73	29.57	30.42	31.26	32.11	32.95
RUS	10	27.92	28.85	29.78	30.71	31.64	32.57	33.50	34.43	35.36	36.29
RUS	11	30.67	31.69	32.71	33.74	34.76	35.78	36.80	37.83	38.85	39.87
RUS	12	36.76	37.99	39.21	40.44	41.66	42.89	44.11	45.34	46.57	47.79
RUS	13	43.71	45.17	46.63	48.09	49.54	51.00	52.46	53.91	55.37	56.83
RUS	14	51.66	53.38	55.10	56.82	58.54	60.26	61.99	63.71	65.43	67.15
RUS	15	60.76	62.79	64.81	66.84	68.86	70.89	72.92	74.94	76.97	78.99

Example 1. A GS-05 step 1 (\$16.73 per hour) has a young child at home and the employee is unable to telework because the child needs constant care and there is no suitable person to take care of the child during this time. The employee qualifies for emergency paid sick leave at 2/3 their regular rate of pay.

How to determine 2/3 rate:

- $\$16.73 \times 0.6667 = \11.15 (2/3 rate of pay)
- $\$11.15$ (2/3 rate) $\times 8$ (hours in a day) = \$89.20 daily payment

The employee's daily rate is below the \$200 daily pay cap.

Example 2. A GS-07 step 7 (\$24.87 per hour) has a young child at home and the employee is unable to telework because the child needs constant care. The employee's spouse is able to care for the child for most of the day but the employee needs to take leave and care for the child 3 hours on Monday, 2 hours on Tuesday, and 4 hours on Wednesday. The employee qualifies for emergency paid sick leave at 2/3 their regular rate of pay.

How to determine 2/3 rate:

- $\$24.87 \times 0.6667 = \16.58 (2/3 rate of pay)
- $\$16.58$ (2/3 rate) $\times 8$ (hours in a day) = \$132.64 daily payment

The employee's daily rate is below the \$200 daily pay cap.

Example 3. A GS-12 step 4 (\$40.44 per hour) has a young child at home and the employee is unable to telework because the child needs constant care and there is no suitable person to take care of the child during this time. The employee qualifies for emergency paid sick leave at 2/3 their regular rate of pay.

How to determine 2/3 rate:

- $\$40.44 \times 0.6667 = \26.96 (2/3 rate of pay)
- $\$26.96$ (2/3 rate) $\times 8$ (hours in a day) = \$215.68 daily payment

The employee's daily rate has exceeded the \$200 daily cap.



NFC is not able to process the daily \$200 pay cap; therefore, the employee and supervisor are responsible to ensure the daily pay cap and aggregate pay cap are not exceeded. Employees who exceed the caps will be required to submit a corrected timesheet.

Suggestion: The employee may claim less than 8 hours per day to ensure they won't exceed the daily cap (e.g., 7.5 hours DC-93/TC-01 plus 0.50 hours annual leave). However, the aggregate limit still applies. Employees may receive up to \$200 per day or up to \$2,000 total.