



LOS ANGELES UNIFIED SCHOOL DISTRICT
Employee Eligibility and Entitlement & Rights and Responsibilities Notice
Families First Coronavirus Response Act (FFCRA)
Emergency Paid Sick Leave Act (EPSL) and Emergency Family Member Medical Expansion Act (FMLA+)

SECTION I: For Completion by the SUPERVISOR

INSTRUCTIONS: Complete Section I and indicate the leave reason(s) under Part A before giving this notice to the employee.

School Site/Division

Supervisor/Administrator

Date

Employee Name

Employee #

PART A – NOTICE OF ELIGIBILITY

You have notified the District of your need for absence or leave from work. In addition to the leave policies set forth in any applicable collective bargaining agreement, if you are eligible, your absence also may qualify for protection under one or more of the following:

- ☐ Emergency Paid Sick Leave Rights Act (EPSL)
- ☐ Emergency Family and Medical Leave Expansion Act (FMLA+)

To be eligible for an EPSL protected leave, an employee must work full-time or part-time for the District.

To be eligible for an FMLA+ protected leave, an employee must have worked for the District for not less than 30 calendar days. An employee is considered to have been employed for at least 30 calendar days if the District had the employee on its payroll calendar for the 30 calendar days immediately prior to the day the employee's leave would begin.

PART B – RIGHTS AND RESPONSIBILITIES FOR TAKING FMLA+ LEAVE and EPSL LEAVE

In order to determine whether your absence qualifies as EPSL and/or FMLA+ leave, you must return a complete and sufficient employee along with any required supporting documentation to substantiate a request to your worksite within fifteen (15) calendar days of receiving this notice.

Failure to provide a complete and sufficient employee certification along with any supporting documentation to substantiate a request may result in the delay or denial of your request for protected absences and/or formal Leave of Absence. Unprotected absences may be counted against you in your attendance report.

Once we obtain the information from you as specified above, we will inform you, within five (5) business days, whether your leave will be designated as a protected leave and count towards your EPSL and/or FMLA+ leave entitlement.

Employee Responsibilities

If your leave qualifies as an EPSL and/or FMLA+ protected leave, you will have the following **responsibilities** while on EPSL and/or FMLA+ leave:

1. When the need for leave is foreseeable, the employee is expected to notify the Site Administrator as soon as practicable based upon the facts and circumstances.
2. Comply with the usual and customary call-in and reporting procedures in accordance with their work location and Collective Bargaining Agreement.
3. Once approved for a particular EPSL and/or FMLA+ leave reason, employees are required to reference that leave reason or the EPSL and/or FMLA+ when reporting absences and/or requesting additional leave.

In all instances, the employee is responsible for responding to questions from the Site Administrator to determine if the leave is FMLA+ and/or EPSL-qualifying.

4. Make a reasonable effort to schedule treatment so as not to disrupt operations.



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5. Employees who pay a portion of their health benefits premiums are required to continue to pay their portion of the health benefits premium regardless of their pay status (i.e. paid or unpaid).
6. An employee may be required to reimburse the District for health insurance premiums paid on behalf of the employee during their EPSL and/or FMLA+ leave if the employee does not return to work following EPSL and/or FMLA+ leave for a reason other than:
 - A. The continuation, recurrence, or onset of a serious health condition which would entitle him or her to EPSL and/or FMLA+ leave; or
 - B. Other circumstances beyond the employee's control.

Employee Rights

If your leave qualifies as an EPSL and/or FMLA+ protected leave, you will have the following **rights** while on EPSL and/or FMLA+ leave:

1. You have a right under FMLA for up to twelve (12) workweeks of leave in a 12-month period calculated as the 12-month period measured forward from the date of your qualifying absence.
 - A. 12 workweeks (60 days) is the maximum entitlement for all FMLA-qualifying reasons, including FMLA+, within any FMLA Year.
 - B. FMLA+ does not expand an eligible employee's FMLA leave entitlement to greater than 12 workweeks (or 26 workweeks where applicable) during any 12-month period.
 - C. An employee who has otherwise exhausted FMLA leave during a 12-month period is not entitled to an additional 12 workweeks under FMLA+.
 - D. An employee who has exhausted FMLA entitlement may still be eligible for EPSL.
2. Full-time employees are immediately entitled to up to 80 hours of EPSL leave over a two-week period. Part-time employees are immediately entitled to EPSL leave based on the average number of hours worked during an average two-week period.
 - A. EPSL entitlement is NOT per qualifying event, but a single bank effective 4/1/2020 and expiring 12/31/2020.
 - EPSL banks have no waiting period. EPSL banks for employees do not accrue beyond a maximum of 80 hours and cannot be carried over.
 - B. EPSL banks are in addition to any other paid leave benefits provided by the District.
 - C. An employee's right to take an EPSL leave supersedes other leave forms available for use by employees for specified reasons. (See "Reasons for Leave" section of the FFCRA bulletin.)
3. Your health benefits must be maintained during any period of leave under the same conditions as if you continued to work.
4. The District will make a reasonable effort to reinstate an employee to the same or equivalent position upon return from FMLA+ leave, subject to seniority rules in the event of layoffs in the employee's position.

If reasonable efforts fail, the District must make efforts to contact and reinstate the employee if an equivalent position becomes available within a one-year period beginning on earlier of:

 - A. Date on which the qualifying need related to a public health emergency concludes; or
 - B. Date that is 12 weeks after the date the employee's leave started.

If the leave extends beyond the end of the employee's FMLA+ leave entitlement, the employee does not have return rights under FMLA+. However, the employee may have rights under their respective Collective Bargaining Agreement and/or Personnel Commission Rules.
5. If your FMLA+ absence is due to an inability to work (or telework) to care for your son or daughter whose elementary/secondary school or place of care has been closed, or the childcare provider is unavailable, due to COVID-19 precautions.
 - A. The first ten (10) workdays of FMLA+ leave may be unpaid. You may substitute EPSL, accrued illness, Personal Necessity, Kin Care, or vacation for the unpaid FMLA+ leave.



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- B. The remainder of FMLA+ leave must be paid at the rate of at least two-thirds of your regular rate of pay. You may supplement FMLA+ leave benefits paid at two-thirds of your regular rate of pay with accrued illness, Personal Necessity, Kin Care, or vacation.
6. You are entitled to an EPSL leave paid at 100% of your regular rate of pay if you are unable to work (or telework) due to:
- A. Being subject to a Federal, State, or local quarantine or isolation order due to concerns related to COVID-19.
 - B. Being advised by a health care provider to self-quarantine due to concerns related to COVID-19.
 - C. Experiencing symptoms of COVID-19 and seeking a medical diagnosis.
7. You are entitled to an EPSL leave paid at two-thirds of your regular rate of pay if you are unable to work (or telework) due to:
- A. A bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local order or advise of a health care provider) related to COVID-19.
 - B. Caring for your son or daughter whose elementary/secondary school or place of care has closed, or the childcare provider is unavailable, due to COVID-19 precautions.
 - C. Experiencing a substantially similar condition as specified by the Secretary of Health and Human Service, in consultation with the Secretaries of Treasury and Labor.
 - D. You may supplement EPSL leave benefits paid at two-thirds of your regular rate of pay with accrued illness, Personal Necessity, Kin Care, or vacation.

For a copy of conditions applicable to illness/vacation leave usage, please refer to your Collective Bargaining Agreement.

This letter was delivered via:

☐ Hand Delivered ☐ Regular Postal Mail ☐ Email ☐ Certified: Postal Mail #:
☐ Other: