

Human Resources Policy

Commonwealth of Pennsylvania
Office of Administration

COVID-19 Emergency Paid Sick Leave

Number
HR-WS004

Effective Date
Jan. 1, 2021 - June 30, 2022

Category
Workforce Support

Supersedes
None

Contact
717.346.4667

Scheduled Review
N/A

1. Purpose

To establish a Commonwealth-wide novel coronavirus disease (COVID-19) Emergency Paid Sick Leave (hereinafter referred to as "ES Leave") in response to the ongoing impact of the COVID-19 pandemic.

2. Scope

This Human Resources Policy (HRP) applies to all departments, offices, boards, commissions, and councils (hereinafter referred to as "agencies") under the Governor's jurisdiction.

3. Background

On March 6, 2020, pursuant to Section 7301(c) of Pennsylvania's Emergency Management Services Code, 35 Pa.C.S. § 7301(c), Governor Wolf issued a Proclamation of Disaster Emergency (Proclamation) related to the COVID-19 outbreak. On March 13, 2020, President Trump declared a national emergency in response to the COVID-19 outbreak. On March 18, 2020, the Families First Coronavirus Response Act (FFCRA), Pub.L. No.116-127, 134 Stat. 178 (2020), which provides emergency paid sick leave under the Emergency Paid Sick Leave Act (EPSLA) and expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act (EFMLEA) for certain employees impacted by COVID-19, was signed into law. Both EPSLA and EFMLEA expire on December 31, 2020. HR-WS002, issued

April 1, 2020, provided guidance on the use of leave under EPSLA and EFMLEA through December 31, 2020.

4. Policy

The Commonwealth is committed to continuing to support employees who are impacted by the COVID-19 pandemic while also continuing to support the operational needs of agencies to provide services to Pennsylvania citizens. Thus, the Commonwealth will provide up to ten (10) days of emergency paid sick leave (ES) to eligible employees beginning January 1, 2021 through either December 31, 2021 or the expiration of the Proclamation, whichever is sooner, if the federal government fails to extend or amend EPSLA to provide additional leave entitlements in 2021. If, subsequent to the publication of this HRP, any federal or state legislation is passed that provides for an additional COVID-19-related paid leave entitlement during 2021, ES Leave under this HRP ends on the effective date of that new legislation. The ES Leave authorized by this HRP is not available for qualifying events related to childcare as was available under the FFCRA.

a. Eligibility

- (1) ES Leave is available to an eligible employee if the employee is unable to work or telework due to the qualifying events as outlined below, and the employee is able to provide documentation, as soon as practicable, to establish the qualifying event.
- (2) ES Leave is not available if the employee's worksite is closed and the employee is unable to work or telework.
- (3) Permanent ('P'), Nonpermanent ('N'), Official Board Members ('E') and Per Unit ('U') employees are eligible employees for ES Leave, except as otherwise provided for in this HRP. Employees working as Annuitants ('A') are not eligible for ES Leave under any circumstance.
- (4) ES Leave is available to an otherwise eligible employee on their first day of employment with the Commonwealth.
- (5) Use by an employee of EPSLA leave in 2020 does not disqualify the employee from use of ES Leave available pursuant to this HRP if the employee is otherwise eligible due to a qualifying event in 2021.

- (6) Benefit eligibility varies for full-time and part-time employees.
- i. Full-time employees, defined as those who work 37.5 or 40 hours per week, are eligible for up to ten (10) days (75/80 hours) of ES Leave.
 - ii. Part-time employees, defined as those who work less than 37.5 or 40 hours per week, are eligible for up to ten (10) days of ES Leave. Part-time employees are entitled to leave for their average number of normally worked hours in a two-week period. If the normal scheduled hours are unknown, or vary in a two-week period, the number of hours of leave to which a part-time employee is entitled shall be determined based on a six (6)-month average of daily hours. If the employee has been employed for less than six (6) months, the number of hours shall be determined based on the average daily hours from the date of hire through the last workday prior to the first day of ES Leave.

b. Qualifying Events

ES Leave is capped at ten (10) days total regardless of whether the employee has one (1) or more qualifying events.

- (1) Employee is subject to a Federal, State, or local quarantine or isolation order, issued by a governmental entity, related to COVID-19.
 - i. Employee shall receive up to ten (10) days of ES Leave.
 - ii. Employee shall receive their regular hourly rate of pay, up to \$511 per day or \$5,110 in total.
 - iii. Leave under section 4.b.(1) must be used in full consecutive workdays until the qualifying event no longer exists; except when an employee is required to leave the worksite prior to the end of their work shift, leave may be used to cover the hours remaining in the work shift.

- (2) Employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
 - i. Employee shall receive up to ten (10) days of ES Leave.
 - ii. Employee shall receive their regular hourly rate of pay, up to \$511 per day or \$5,110 in total.
 - iii. Leave under section 4.b.(2) must be used in full consecutive workdays until the qualifying event no longer exists; except when an employee is required to leave the worksite prior to the end of their work shift, leave may be used to cover the hours remaining in the work shift.
 - iv. Employees who are determined by their agency to be emergency responders or health care providers are eligible for ES Leave if they have been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- (3) Employee is experiencing symptoms of COVID-19 and is affirmatively seeking a medical diagnosis.
 - i. Employee shall receive up to ten (10) days of ES Leave.
 - ii. Employee shall receive their regular hourly rate of pay, up to \$511 per day or \$5,110 in total.
 - iii. Employees who are determined by their agency to be emergency responders or health care providers are eligible for ES Leave if they are experiencing symptoms of COVID-19 and are seeking a medical diagnosis.
- (4) Employee is caring for an individual who is subject to an order as described in 4.b.(1) or advised to self-quarantine as described in 4.b.(2), above.
 - i. Employee shall receive up to ten (10) days of ES Leave.

- ii. Employee shall receive 66.67% of their regular hourly rate of pay, up to \$200 per day or \$2,000 in total.
- iii. Leave under section 4.b.(4) must be used in full consecutive workdays until the qualifying event no longer exists; except when an employee is required to leave the worksite prior to the end of their work shift, leave may be used to cover the hours remaining in the work shift.

c. Forfeiture and Expiration of Leave

- (1) Employees are not entitled to reimbursement for any unused ES Leave upon their termination, resignation, retirement, or other separation from employment.
- (2) ES Leave does not carryover from one year to the next and expires on December 31, 2021 or the date the emergency Proclamation expires, whichever is sooner.
- (3) If, subsequent to the publication of this HRP, any federal or state legislation is passed that provides for an additional COVID-19-related paid leave entitlement during 2021, ES Leave under this HRP ends on the effective date of that new legislation.

- d. Paid and Unpaid Absences.** Employees on an approved paid or unpaid absence on January 1, 2021 may be eligible to utilize ES Leave beginning on January 1, 2021 provided the employee is on leave due to a Qualifying Event under Section 4.b.(1) through Section 4.b.(4) and is otherwise available for work.

Nothing in this HR Policy shall be construed to impair or otherwise affect the authority by law to an executive department, agency, or the head thereof. This HR Policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth of Pennsylvania, its departments, agencies, or entities, its officers, employees, or agents or any other person.

Should you have any questions or require additional assistance related to the implementation of this policy, please contact the Bureau of Employee Benefits at 717.787.9872.

5. Effective Date

The Effective Date of this HR Policy is January 1, 2021 through June 30, 2022.

6. Related References

Commonwealth policies, including Executive Orders, Management Directives, IT Policies, and HR Policies are published on the Office of Administration’s public portal:

<http://www.oa.pa.gov/Policies/Pages/default.aspx>

7. Publication Version Control

It is the user’s responsibility to utilize the latest version of this publication, which appears on <http://hrm.oa.pa.gov> for Commonwealth personnel and on the Office of Administration public portal: <http://www.oa.pa.gov/Policies/Pages/default.aspx>. Questions regarding this publication are to be directed to 717.787.9872.

This chart contains a history of this publication’s revisions:

Version	Date	Purpose of Revision
Original	1/1/2021	Base Document
Revision	9/17/2021	Updated to be accessible.
Revision	6/15/2022	Updated effective date.