

CEA GUIDANCE ON PAID QUARANTINE LEAVE: EXECUTIVE ORDER 10

The Governor signed Executive Order (“EO”) 10 on February 4, 2021 mirroring Division E, Emergency Paid Sick Leave Act (“EPSLA”) of the Families First Coronavirus Response Act (“FFCRA”). All employees, (full or part time, long-term substitutes, new hires) are eligible for 80 hours of paid leave if they are unable to work for any of the following situations:

1. The employee is subject to federal, state or local quarantine or isolation order;
2. The employee has been advised by a healthcare provider to self-quarantine;
3. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
4. The employee is caring for an individual quarantined as described in (1) or (2);
5. The employee is caring for his or her child whose school or place of care has been closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. The employee is experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services.

Paid leave is capped at \$511 per day and \$5,110 in the aggregate for uses 1-3 (self-care or quarantine) and is capped at \$200 per day and \$2,000 in the aggregate for uses 4-6 (care of another).

This Executive Order does not provide similar leave as indicated in the Emergency Family & Medical Leave Expansion Act (“EFMLEA” or “FMLA+”). If an employee exhausted the 80 hours under EPSLA previously, they cannot avail themselves to the provisions of the executive order. Any individual who qualifies for leave under one of these situations noted shall not be required to use paid contractual time if they have not used the 80 hours, and the employer cannot force them to do so. Any individual who was not paid or forced to use their own sick time during the period from January 1, 2021 to February 4, 2021 should be paid retroactively and/or reimbursed their sick time. The order has no specific term but shall continue until the duration of the Public Health & Civil Preparedness Emergency as determined by the Governor.

