

3431.02 - Supplemental Family & Medical Leave Act (“FMLA”) Policy – Emergency Family and Medical Leave Expansion Act (“EFMLEA”)

Introduction

The Families First Coronavirus Response Act (FFCRA or Act) provides qualified employees with expanded family and medical leave for specified reasons related to COVID-19. This policy is intended to conform to and comply with, but not exceed, the requirements of the Family and Medical Leave Act (FMLA) and the Emergency Family and Medical Leave Expansion Act (“EFMLEA”).

This policy is effective from April 1, 2020 through December 31, 2020.

Eligibility Requirements

To be eligible for EFMLEA leave, an employee must have been employed for at least thirty (30) calendar days prior to the leave request.

Qualifying Reason for Leave

EFMLEA leave is available to eligible employees who are unable to work, including unable to telework, because an employee is caring for the employee’s son or daughter whose school or place of child care is closed (or the care provider is unavailable) due to COVID-19 related reasons.

Amount of Leave Available

An eligible employee who requests leave for a qualifying reason is entitled to a total of twelve (12) work weeks of leave in a calendar year. Such leave shall be taken, as follows:

Unpaid Leave

The first ten (10) work days of EFMLEA leave shall be unpaid leave.

Employees may elect to apply Emergency Paid Sick Leave Act (EPSLA), if qualified, leave or any accrued, but unused, vacation time, personal time, or other paid time off in order to receive pay during this period.

Paid Leave

After the initial ten (10) days of unpaid leave, employees shall be entitled to take the remaining ten (10) weeks of EFMLEA leave as paid leave.

Paid leave shall be paid at two-thirds of the higher of the employee’s regular rate of pay or the applicable state or Federal minimum wage:

- A. For the number of hours the employee would normally be scheduled to work;
- or

- B. For those employees whose schedules vary from week-to-week, to an extent that it cannot be determined how many hours the employee would have worked had leave not been taken:
 - a. The average number of hours worked per day over the course of the six-month period ending on the date on which the employee takes leave; or
 - b. If the employee has not worked during that six-month period, the average number of hours per day the employee reasonably expected to work at the time of hiring.

In no event shall such paid leave exceed \$200 per day and \$10,000 in the aggregate.

Intermittent Use of Leave

Eligible employees using EFMLEA leave may do so on an intermittent basis, the same as they are entitled to if using FMLA leave.

Required Notice

Prior to using EFMLEA leave, an employee must provide a written request for such leave, along with the reason for the requested leave and the anticipated beginning date of the leave.

In cases where advance notice is not practical due to uncertainty, notice must be given as soon as is practicable.

Continuation of Benefits

Group health insurance coverage will continue on the same terms, including employee premium contributions, as if the employee continued to work.

For benefits other than group health insurance benefits, the employer's policies will dictate whether such benefits must be maintained.

Accrual of Benefits

Benefits will continue to accrue while using EFMLEA leave to the same extent they do for employees using FMLA leave.

Employment Restoration

Employees using EFMLEA leave will be returned to their position or an equivalent position upon return from the EFMLEA leave.

No Discrimination

Leave under this policy will not be used as a negative factor in employment actions, such as hiring, promotions, disciplinary actions or attendance.