

# EMPLOYEE RIGHTS

## PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

### ► PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- ⅔ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at ⅓ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

### ► ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.*

### ► QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

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| <ol style="list-style-type: none"><li>1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;</li><li>2. has been advised by a health care provider to self-quarantine related to COVID-19;</li><li>3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;</li><li>4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);</li></ol> | <ol style="list-style-type: none"><li>5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or</li><li>6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.</li></ol> |
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### ► ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



**WAGE AND HOUR DIVISION**  
UNITED STATES DEPARTMENT OF LABOR

For additional information  
or to file a complaint:

**1-866-487-9243**

TTY: 1-877-889-5627

[dol.gov/agencies/whd](https://dol.gov/agencies/whd)



WH1422 REV 03/20

## **EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT POLICY**

### **Family and Medical Leave**

All Employees who have been employed for at least thirty (30) calendar days will be provided with Family and Medical Leave ("FMLA") as provided for in the Emergency Family and Medical Leave Expansion Act ("EFMLEA"), a part of the Families First Coronavirus Response Act. The EFMLEA becomes effective on April 1, 2020 and will remain in effect until December 31, 2020.

### **Eligibility for Expanded Family and Medical Leave**

Employees are eligible for Expanded Family Leave when they are unable to work or telework due to a need to take care of a son or daughter, under the age of 18, whose school or day care has closed or whose child care provider is unavailable due to a public health emergency declared by any federal, state, or local authority relating to COVID-19.

### **Benefits**

Employees are eligible for 12 total weeks of leave, of which the first 10 workdays (effectively two work weeks) will be unpaid. However, employees may elect to apply any accrued vacation leave, personal leave, or sick leave for unpaid leave during this initial period. The remaining 10 weeks of leave will be paid.

Payment for leave will be calculated based on an amount equal to at least two-thirds of the employee's regular rate of pay, multiplied by the number of hours the employee would otherwise normally be scheduled to work, up to a maximum of \$200 per day. In no event will total aggregate payment for Emergency Family Medical Leave exceed \$10,000. If the employee works an irregular schedule, such that standard calculation is unfeasible, the number of hours used to determine payment will be equal to the employee's average number of hours worked over the previous six months. If the employee did not work over the previous six months, then the number of hours used for determining payment will be based on the employee's reasonable expectation at the time of hiring of the average number of hours per day that the employee normally would be scheduled to work.

### **Notice of Leave Request**

Employees must provide notice to the Director in advance as possible. A failure to provide timely notice may result in the request being denied. Employees also must provide a written statement explaining the reason for taking leave.

### **Return to Work**

All employees are entitled to return to their current position or a substantially similar position in accordance with the provisions of the FMLA.

### **Administration of This Policy**

The Human Resource Manager in the Business Office is responsible for the administration of this policy. Any questions regarding this policy or questions about Expanded Family and Medical Leave that are not addressed in this policy should be directed to Ms. Robinson.

This policy addresses absences specifically for leave under the in the Emergency Family and Medical Leave Expansion Act. It does not cover other absences under any other leave policy.

Any employee who abuses this policy or takes leave not in accordance with this Policy will be subject to disciplinary action, up to and including termination of employment.

This policy is not an employment contract and shall not be deemed to create a contract of employment, express or implied. Nothing in this policy alters the at-will nature of the employment.

Policy Adopted March 30, 2020

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