

Emergency Family and Medical Leave Expansion Act Sample Employee Handbook Insert

Source: Stevens & Lee

In accordance with the Families First Coronavirus Response Act, effective April 1, 2020, and ending on December 31, 2020, employees that have worked for the Company at least thirty (30) calendar days may take up to twelve (12) weeks of leave to be used for a qualifying need related to a public health emergency declared by a federal, state, or local authority with respect to COVID-19 (more commonly known as the Coronavirus) (“COVID-19 Childcare Leave”). [For employers previously covered under the Family and Medical Leave Act:] This COVID-19 Childcare Leave policy applies in addition to, and separate and apart from, the Company’s policy on other qualifying reasons for leave under the Family and Medical Leave Act (“FMLA Leave”), as described in [APPLICABLE SECTION OF EMPLOYEE HANDBOOK].

In order for an employee to be eligible for COVID-19 Childcare Leave, the employee must be unable to work, or telework, due to the need to care for a child under the age of eighteen (18) if the child’s school or place of care has been closed, or the child’s childcare provider is unavailable, due to a public health emergency related to COVID-19 as described above.

The first ten (10) days of COVID-19 Childcare Leave is unpaid; provided, however, that employees may also qualify for paid leave pursuant to the Company’s COVID-19 Sick Leave policy during this time period, as described in [APPLICABLE SECTION OF EMPLOYEE HANDBOOK]. Employees may, but are not required to, use accrued and unused paid time off (“PTO”) during this initial ten-day period up to and including the employee’s full regular rate of pay. After this initial ten-day period, employees must use accrued and unused PTO, up to and including the employee’s full regular rate of pay, until either they have exhausted all accrued and unused PTO while on leave or their COVID-19 Childcare Leave ends, whichever occurs earlier.

If an employee has exhausted all accrued and unused PTO before the employee’s COVID-19 Childcare Leave ends, beginning on the eleventh (11th) day of the employee’s

COVID-19 Childcare Leave, the employee is entitled to paid leave at the rate of two-thirds the employee's regular rate of pay, up to Two Hundred Dollars (\$200) per day. The employee shall continue to receive paid leave at this rate until either the employee has received a total of Ten Thousand Dollars (\$10,000) while on leave or the employee's COVID-19 Childcare Leave ends, whichever occurs earlier.

[For employers with 25 or more employees:] An employee who takes COVID-19 Childcare Leave is entitled to reinstatement to the same or equivalent position upon return from leave unless the position held by the employee at the time COVID-19 Childcare Leave begins no longer exists due to economic conditions or other operating conditions caused by a public health emergency related to COVID-19 as described above. In the event that the employee's position no longer exists due to such economic or other operating conditions, the Company shall make reasonable efforts to restore the employee to a position with equivalent employment benefits, pay, and other terms and conditions of employment. If no position is immediately available, the Company shall make reasonable efforts to contact the employee if and when an equivalent position becomes available for up to one (1) year after the date on which the qualifying need relating to the public health emergency ends or twelve (12) weeks after the date on which your COVID-19 Childcare Leave begins, whichever occurs earlier.