Expanded FMLA Leave Policy (effective 4/1/2020 – 12/31/2020)

The federal Families First Coronavirus Response Act (FFCRA) provides expanded coverage and eligibility under the federal Family Medical Leave Act (eFMLA) for covered reasons associated with the COVID-19 pandemic.

To be eligible for eFMLA you must have been employed by the Company for at least 30 calendar days prior to the need for leave and have a qualifying reason for the leave.

Qualifying Reason for Leave

If eligible, you may be entitled to up to 12 weeks of leave if you are unable to work or telework due to a need to care for your son or daughter when the school or place of care has been closed, or the regular childcare provider is unavailable due to a public health emergency with respect to COVID-19.

- A “son or daughter” is the employee’s own child, which includes a biological, adopted, or foster child, a stepchild, a legal ward, or a child for whom the employee stands in loco parentis—someone with day-to-day responsibilities to care for or financially support a child.
- A “son or daughter” is also an adult son or daughter (i.e., one who is 18 years of age or older), who (1) has a mental or physical disability, and (2) is incapable of self-care because of that disability.

Duration of Leave

Employees will have up to 12 weeks of leave to use from April 1, 2020, through December 31, 2020, for the purposes stated above. Part-time employees are eligible for leave on a pro-rata basis.

[Employers with 50 or more employees covered by FMLA]

Note – The duration of the eFMLA leave depends on how much leave an employee may have already taken during the 12-month period that the Company uses for FMLA leave (annual, rolling forward, rolling back, anniversary). Employees may only take a total of 12 workweeks combined for FMLA or eFMLA reasons during the designated 12-month period. Employees that have taken some, but not all, 12 workweeks of leave under FMLA during the current 12-month period (annual, rolling forward, rolling back, anniversary), may take the remaining portion of leave available. Employees that have already taken 12 workweeks of FMLA leave during this 12-month period, may not take additional leave under the eFMLA.
Pay During Leave

eFMLA Leave will be unpaid for the first two weeks or eighty hours of leave; however, employees may use any accrued time off to be compensated for this time. The employee may also elect to use the paid leave provided under the Emergency Paid Sick Leave Act (ePSL), as further explained in the Company’s ePSL policy.

After the first eighty hours, leave will be paid at two-thirds of an employee's regular rate of pay for the number of hours the employee would otherwise be scheduled to work. Pay will not exceed $200 per day, and $10,000 in total. Any unused portion of this pay will not carry over to the next year.

Employee Status and Benefits During Leave

While an employee is on eFMLA Leave, the Company will continue the employee’s health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. While on paid leave, the employer will continue to make payroll deductions to collect the employee’s share of the premium. During any unpaid portions of leave, the employee must continue to make this payment per instructions from the HR department.

It is understood that you will not obtain other employment or apply for unemployment insurance while you are on a leave. Acceptance of other employment while on leave or failure to return on the day agreed without prior approval may be treated as a voluntary resignation.

You will not accrue any benefits (such as vacation, sick leave, holidays, etc.) during an approved leave.

Procedure for Requesting Leave

All employees requesting eFMLA Leave must provide notice of the need for leave to HR as soon as practicable. Written notice is required whenever possible. Verbal notice will otherwise be accepted until written notice can be provided.

The notice the employee provides should include a brief statement as to the reason for leave, and if possible, the expected duration.

The company may require an employee on eFMLA leave to report to his or her supervisor and/or manager periodically on the employee's status and intent to return to work.

Employee Status after Leave

Generally, an employee who takes eFMLA Leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The company may choose to exempt certain key employees from this requirement and not return them to the same or similar position when doing so will cause substantial and grievous economic injury to
business operations. Key employees will be given written notice at the time eFMLA is requested of his or her status as a key employee.

**OPTION (Employers with fewer than 25 employees).** Reinstatement will not occur if an employee takes leave to care for their own son or daughter whose school or place of care was closed, or whose child care provider was unavailable, and all four of the following hardship conditions exist:

- The position no longer exists due to economic or operating conditions that affect employment and due to COVID-19 related reasons during the period of your leave;
- The Company made reasonable efforts to restore you to the same or an equivalent position;
- The Company makes reasonable efforts to contact you if an equivalent position becomes available; and
- The Company continues to make reasonable efforts to contact you for one year beginning either on the date the leave related to COVID-19 reasons concludes or the date 12 weeks after your leave began, whichever is earlier.