**Emergency Family and Medical Leave**

Effective April 1 through December 31, 2020, the Emergency Family and Medical Leave Expansion Act (EFMLEA) allows eligible employees to take twelve (12) weeks of job-protected leave for certain qualifying reasons related to the coronavirus. This policy serves as an addendum to [ORGANIZATION]’s Family and Medical Leave Act (FMLA) policy as noted in the Employee Handbook.

Eligibility for EFMLEA.

In order to be eligible for an EFMLEA leave, a full-time or part-time employee must have been on the company’s payroll for thirty (30) days prior to commencement of the leave.

Reasons for EFMLEA.

Employees who meet the eligibility requirements described above are eligible to take up to 12 weeks of EFMLEA when the employee is unable to work (or telework) because the employee is caring for their child under 18 years of age:

1. Whose school has been closed because of the coronavirus; or
2. Whose child care provider is unavailable due to the coronavirus.

Compensation

The first two weeks of EFMLEA are unpaid; the following 10 weeks are paid at two-thirds the employee’s regular rate of pay for the number of hours typically scheduled to work, up to $200 per day and $10,000 total.

Use of Paid Time Off Benefits

Employees may elect, but are not required, to substitute any paid leave (under the Emergency Paid Sick Leave Act or an existing company policy such as [PTO, vacation, sick, etc.]) for the 10 days of unpaid leave.

Intermittent EFMLEA

Intermittent or reduced schedule leave for a qualifying reason under EFMLEA requested by the employee may be approved at the discretion of [*ORGANIZATION*]. Such schedule must be mutually agreeable to the employee and [ORGANIZATION].

Requesting Use of FMLA

When 30 days’ notice is not possible, employees must give notice as soon as practicable (generally within two business days of learning of the need for leave, except in extraordinary circumstances).

Employees should contact [*insert here*] to request a family and medical leave or with any questions about EFMLEA.

Recordkeeping

Employees must provide sufficient information for [*COMPANY*] to determine if the leave may qualify for FMLA protection, as well as the anticipated timing and duration of the leave. This could include a notice that has been posted on a government, school, or day care website, or published in a newspaper, or an email from an employee or official of the school, place of care, or child care provider, noting the closure is COVID-19-related.

Reinstatement

Generally, [ORGANIZATION] will reinstate eligible employees who take EFMLEA to the position held prior to the commencement of the leave or to an equivalent position. Exceptions may apply if you are a highly compensated [“key” employee](https://www.dol.gov/whd/regs/compliance/whdfs28a.pdf) as defined under the FMLA, or if the organization has fewer than 25 employees, and all four of the following hardship conditions exist:

* the position no longer exists due to economic or operating conditions that affect employment and related to COVID-19 related reasons during the period of the leave;
* [ORGANIZATION] made reasonable efforts to restore the employee to the same or an equivalent position;
* [ORGANIZATION] makes reasonable efforts to contact the employee if an equivalent position becomes available; and
* [ORGANIZATION] continues to make reasonable efforts to contact you for one year beginning the earlier date of:
  + the date the employee no longer needs the leave related to COVID-19 reasons, or
  + the date 12 weeks after the employee’s leave began.

Retaliation

[ORGANIZATION] will not retaliate against employees who request or take leave in accordance with this policy.