**Families First Coronavirus Response Act**

**Expanded FMLA Leave**

This policy has been implemented to comply with the Families First Coronavirus Response Act and to assist our employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave.

This policy will be in effect from April 1, 2020, until December 31, 2020.

Our existing FMLA leave policy still applies to all other reasons for leave outside of this policy. [*Omit the sentence if the employer has fewer than 50 employees and is not usually covered under the FMLA*]

**Eligibility**

All employees who have been employed with {Company Name} for a minimum of thirty (30) days.

**Reasons for Leave**

Eligible employees who are unable to work (or telework) due to a need to care for their child when the school or daycare has been closed, or the regular childcare provider is unavailable due to a public health emergency with respect to COVID-19.

***"Child"*** means a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis, who is-

1. under 18 years of age; or
2. 18 years of age or older and incapable of self-care because of a mental or physical disability.

***"Childcare provider"*** means a provider who receives compensation for providing childcare services on a regular basis, including:

* a center-based childcare provider
* a group home childcare provider
* a family childcare provider (one individual who provides childcare services for fewer than 24 hours per day, as the sole caregiver and in a private residence)
* other licensed provider of childcare services for compensation
* a childcare provider that is 18 years of age or older who provides childcare services to children who are either the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece or nephew of such provider, at the direction of the parent.

***"School"*** means an elementary or secondary school.

**Leave Duration**

Employees will have up to 12 weeks of leave to use from April 1, 2020, through December 31, 2020, for the purposes stated above.

**This time is included in and not in addition to the total FMLA leave entitlement of 12 weeks in a 12-month period**.

For example, if an employee has already taken six weeks of FMLA leave, that employee would be eligible for another six weeks of FMLA leave under this policy.

[*Omit the last two sentences in this section above if the employer has fewer than 50 employees and is not usually covered under the FMLA*]

**Pay During Leave**

Leave will be unpaid for the first 10 days of leave; however, employees may use any accrued paid vacation, PTO, sick or personal leave during this time.

The employee may also elect to use the paid sick leave provided under the ***Emergency Paid Sick Leave Act***, as further explained below. After the first 10 days, 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.

For employees with varying hours, one of two methods for computing the number of hours paid will be used:

* The average number of hours that the employee was scheduled per day over the six-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type. ***or***,
* If the employee has worked less than six months, the expected number of hours to be scheduled per day at the time of hire.

**Employee Status and Benefits During Approved Leave**

While an employee is on approved 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 company.

**Procedure for Requesting Leave**

All employees requesting FMLA leave must provide written notice by use of a Family Medical Leave Request Form, where possible, of the need for leave to your manager or the Human Resources Department as soon as practicable. Verbal notice will otherwise be accepted until written notice can be provided.

If the employee is claiming leave to care for a child whose school or place of care is closed, or child care is unavailable due to COVID-19, the employee must provide in addition to the leave request form, the following information or documentation .

* The name of the child (or children) being cared for along with age of each child.
* The name of the school , place of care, or childcare provider that has closed or become unavailable for each child.
* A statement that no other person is available to care for the child (children).

On a basis that does not discriminate against employees on FMLA leave, the company may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

**Employment Status After Leave Ends**

Generally, an employee who takes FMLA 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 FMLA leave is requested of his or her status as a key employee.