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|  **COVID-19 Employee Paid Leave Policy** |

**Purpose:** In response to the Families First Coronavirus Response Act (FFCRA), this policy outlines the Emergency Paid Sick Leave Act and the Expanded Family and Medical Leave Act available for reasons specifically related to the COVID-19 pandemic, including requirements for eligibility, and the process for approval. This policy is effective April 1, 2020, through December 31, 2020.

# Definitions:

* **Families First Coronavirus Response Act (FFCRA)** - The FFCRA is a federal law passed on March 18, 2020, designed to help both employees and their employers by providing paid sick and family leave for employees for reasons specifically related to the Coronavirus.
* **Paid Sick Leave** – Up to 80 hours of paid leave under the FFCRA for eligible employees.
* **Expanded Family and Medical Leave** – Provides eligible employees with expanded family and medical leave for specified reasons related to COVID-19.
* **Eligible Employees** - Employees that would qualify for either leave option.
* **Qualifying Reasons** – Specific reasons that qualify an employee to be eligible for FFCRA benefits.
* **Duration of Leave** – The amount of time an employee would be eligible for the leave options.
* **Calculation of Pay** – Guidance from the Department of Labor on how to specifically calculate the paid leave options based on the employees FLSA classification and scheduled hours.

# Policy:

**Paid Sick Leave provides eligible employees:**

* 1. Up to 80 hours of paid sick time at the employee’s regular rate of pay where the employee is unable to work because the employee is quarantined and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or
	2. Up to 80 hours of paid sick time at two-thirds the employee’s regular rate of pay because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19; and

# The Expanded Family and Medical Leave:

* 1. Employees may take up to 12 weeks of leave - the first two weeks, either paid or unpaid, and then 10 weeks at two-thirds the employee’s regular rate of pay where an employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19. Please note, employees are eligible for a total of 12-weeks of FML. The Expanded Family Medical Leave law is not an addition of 12-weeks.

# Eligible Employees:

1. Employees who are able to telework are not eligible for the Expanded Family Medical Leave.
2. Paid leave options are only for cases that begin on or after April 1, 2020.
3. All employees are eligible for 80 hours of Emergency Paid Sick Time for qualified reasons related to COVID-19 (see qualifying reasons below) for full-time, and an equivalent for part-time employees based on their typical work hours.
4. Employees employed for at least 30 days are eligible for up to 10 weeks of paid Expanded Family and Medical Leave to care for a child under certain circumstances related to COVID-19.
5. If an employee has been with the organization less than 30 days, they would not qualify for the Expanded Family and Medical Leave.
6. **INSERT COMPANY NAME HERE** leaders will actively work with employees to assist in flexing schedules as much as possible, along with the ability to telework during this difficult time. Please work with your department leader or manager for specific tasks and needs.
7. If possible, we encourage employees to find daycare alternatives so we can care for our participants and keep as many people working as possible. We have published a list of resources on our website at **INSERT YOUR WEBSITE HERE**. If you need further assistance, please contact **HR MANAGER NAME**.

**Qualifying Reasons** – Under the FFCRA, an employee qualifies for Expanded Family and Medical Leave if the employee is unable to work (or unable to telework) due to a need for leave because the employee:

* 1. Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
	2. Has been advised by a health care provider to self-quarantine related to COVID-19;
	3. Is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
	4. Is caring for an individual subject to an order described in (1) or self- quarantine as described in (2);
	5. Is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
	6. Is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Under the FFCRA, an employee qualifies for expanded family and medical leave if the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19.

# Duration of Leave

1. For reasons (I)-(V) and (VI): A full-time employee is eligible for 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.
2. For reason (V): A full-time employee is eligible for up to 12 weeks of leave (two weeks of paid sick leave followed by up to 10 weeks of paid expanded family & medical leave) at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

# Calculation of Pay

1. For leave reasons (I), (II), or (III): Employees taking leave are entitled to pay at either their regular rate or the applicable minimum wage, whichever is higher, up to

$511 per day and $5,110 in the aggregate (over a 2-week period).

1. For leave reasons (IV) or (VI): employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to

$200 per day and $2,000 in the aggregate (over a 2-week period).

1. For leave reason (V): employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to $200 per day and $12,000 in the aggregate (over a 12-week period).

# Concurrent FFCRA Leaves

1. *Example*: If I am home with my child because his or her school or place of care is closed, or child care provider is unavailable, do I get paid sick leave, expanded family and medical leave, or both—how do they interact?
2. Answer:
	* You may be eligible for both types of leave, but only for a total of twelve (12) weeks of paid leave.
	* You may take both paid sick leave and expanded family and medical leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.

The Emergency Paid Sick Leave Act provides for an initial 80 hours of paid leave. This period thus covers the first ten workdays of expanded family and medical leave, which are otherwise unpaid under the Emergency and Family Medical Leave Expansion Act unless the you elect to use existing vacation, personal, or medical or sick leave under your employer’s policy.

* + After the first ten (10) workdays have elapsed, you will receive 2/3 of your [regular rate of pay](https://www.dol.gov/agencies/whd/fact-sheets/56a-regular-rate) for the hours you would have been scheduled to work in the subsequent ten (10) weeks under the Emergency and Family Medical Leave Expansion Act.
	+ Please note that you can only receive the additional ten weeks of expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act for leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.

# Procedure:

1. An employee must meet the eligibility and qualifying reasons as outlined above to be eligible for Emergency Paid Sick Leave or the Extended Family and Medical Leave.
2. An eligible employee must complete the appropriate form to request the leave stating the qualifying reason for either:
	* Emergency Paid Sick Leave Request Form
	* Emergency Paid Family and Medical Leave Request Form – Used only if exhausting the Emergency Paid Sick Leave (max of 80 hours) and there are no daycare options available.
3. Please complete the form and have your department leader sign off and then submit directly to **HR MANAGER NAME**, HR Manager (email is acceptable) – **INSERT EMAIL ADDRESS**.
4. Documentation from your PCP must be provided to confirm either contracting COVID-19, or a doctor’s note recommending self-quarantine for self or family member. Documentation to include specific dates from your PCP, a family member’s PCP, or if your daycare provider has closed. Please reach out to the HR Manager if you have questions.
5. For employees with a confirmed COVID-19 case, or those required to self- quarantine, they may only return to work after meeting the **INSERT COMPANY NAME HERE** guidelines and be asymptomatic per the established guidelines set by the organization as recommended by the CDC. Please note these guidelines may change from week to week depending on the status of the pandemic. Please contact the HR Manager for clarification.
6. HR will collect all of the documentation and communicate approval to the employee and their direct leader.