

SAMPLE POLICY

# Emergency Paid Sick Leave and FMLA-Public Health Emergency Leave

We appreciate and recognize all that our team of employees has done to continue to serve our customers during the ongoing public crisis. The COVID-19 (coronavirus) pandemic has presented all of us with unprecedented challenges, in both our business and personal lives. As we face these challenges together, keep in mind that our strength is in our people. Protecting all of our employees' health and safety, and that of our families, is paramount.

Effective immediately, in order to assist our employees in meeting some of these challenges, and in order to comply with the Families First Coronavirus Response Act (the Coronavirus Response Act), the Company has established the following leave policies. These policies are temporary and will expire on December 31, 2020, or as otherwise dictated by law.

## EMERGENCY PAID SICK LEAVE

The Coronavirus Response Act created a new form of paid sick leave called Emergency Paid Sick Leave (EPSL) for certain leave events related to COVID-19.

**Eligible Employees.** Full-time and part-time employees are eligible immediately to use EPSL.

**Reasons for Using Leave.** EPSL may be used for the following reasons:

1. To comply with a federal, state, or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. To care for an individual who is subject to an order as described in (1) above or has been advised as described in (2) above;
5. To care for the employee's son or daughter if a school or place of care is closed, or the child care provider is unavailable, due to COVID-19 precautions; or
6. The employee is experiencing any other substantially similar condition as specified by the designated Federal agencies.

**Amount of Leave.** Full-time employees are eligible for eighty (80) hours of EPSL. Part-time employees are eligible for EPSL based on the average number of hours they work within a two-week period. If you are a part-time employee and have a question about your average hours, please contact Human Resources.

**Other Paid Leave Policies.** The Company provides other forms of paid leave, including [PTO, vacation, sick, floating holidays, and personal]. EPSL is in addition to those other forms of leave, and employees may opt to use EPSL and other leaves in the sequence of their choice. It is the employee's responsibility to inform Human Resources of the form of leave being requested.

**Pay Rate.** EPSL will be paid at the employee's regular rate of pay, as determined under the Fair Labor Standards Act (FLSA). For leave under paragraphs 1, 2, or 3 above, this rate will be the employee's full regular rate, capped at \$511 per day (\$5,110 in the aggregate). For leave under paragraphs 4, 5, or 6, this rate will be two-thirds (2/3) of the employee's regular rate, capped at \$200/day (\$2,000 in the aggregate).

[OPTIONAL] While the Coronavirus Response Act provides for caps on pay rates, the Company has opted to continue the employee's full regular rate of pay for each day of EPSL.

**Notice.** Employees using EPSL should provide reasonable notice of the need for leave. Notice may be given by way of e-mail or a telephone call to Human Resources. Employees using EPSL must provide the reason for leave.

[OPTIONAL] The Company may request reasonable documentation to support the request for leave.

**Termination of Leave.** EPSL shall cease beginning with the employee's next scheduled work shift immediately following the termination of the need for EPSL as described above. EPSL will not carryover from one year to the next or be paid out upon separation for any reason.

## FAMILY AND MEDICAL LEAVE – PUBLIC HEALTH EMERGENCY

The Coronavirus Response Act also added a new reason for employees to take FMLA leave in relation to the current COVID-19 pandemic. FMLA remains subject to the same twelve (12) workweek limit, counting any amounts of FMLA leave already used in the current leave year.

**Eligible Employees.** An employee who has been employed for at least thirty (30) calendar days may qualify for FMLA-Public Health Emergency leave.

**Reasons for Using Leave.** FMLA-Public Health Emergency leave can be used when an employee is unable to work (or telework) due to caring for the employee's son or daughter, under age 18, if the son or daughter's school or place of child care has been closed, or the child care provider is unavailable. This must be the result of a COVID-19 related emergency declared by Federal, State, or local authority.

**Other Paid Leave Policies.** The first ten (10) days of FMLA-Public Health Emergency leave will be unpaid unless the employee has another form of paid leave available—PTO, vacation, sick, floating holidays, and personal—and elects to use that paid leave. The employee may use EPSL for the first 10 days.

**Pay Rate.** After the first ten (10) days, eligible employees taking FMLA-Public Health Emergency leave will be entitled to pay at two-thirds (2/3) of their regular rate of pay, as determined under the FLSA, for the number of hours that the employee would normally be scheduled to work, capped at \$200/day and \$10,000 in the aggregate for the entire FMLA-Public Health Emergency leave period.

[OPTIONAL] **Supplementing Pay Rate.** An employee may elect to supplement the two-thirds pay rate by using accrued and available paid leave time concurrently with FMLA-Public Health Emergency leave. For example, an employee may opt to use one-third (1/3) of a vacation day to increase the pay rate to the employee's full regular rate.

**Termination of Leave.** Paid FMLA-Public Health Emergency leave will continue until the employee has exhausted his/her twelve (12) workweek entitlement or the reason for using leave ends.

**FMLA Administration.** All administrative provisions of the Company's FMLA Policy relating to such issues as notice, certification, and reinstatement continue to apply to FMLA-Public Health Emergency leave.