**FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)**

**Emergency Paid Leave Policy & Guidelines**

**Emergency Family and Medical Leave Act (EFMLA)**

**Purpose**

##PRACTICE\_NAME## (“##PRACTICE\_NAME##” or “Practice”) is committed to supporting our employees during the COVID-19 Crisis. ##PRACTICE\_NAME## will comply with DOL guidelines by offering the Families First Coronavirus Response Act to assist 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.

**Expanded FMLA Leave**

All regular part-time and full-time employees who have been employed with ##PRACTICE\_NAME## for at least 30 days are eligible for this benefit. Employees who have been returned from furlough have to have worked at least 30 of the last 60 days to be eligible for this benefit. If an employee has not worked at least 30 of the last 60 days, they will not be eligible until they have worked at least 30 days from their return date. Eligible employees who are unable to work (or telework) due to a need to care for their child 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.

“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:

* Center-based childcare provider
* Group home childcare provider
* 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
* 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.

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

**Pay During Leave**

Leave will be unpaid for the first 10 days of leave; however, employees may use any accrued paid vacation, sick or personal leave during this time. The employee may also elect to use the paid 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 6-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 6 months, the expected number of hours to be scheduled per day at the time of hire.

**Employee Status and Benefits During Leave**

While an employee is on leave, the Practice 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, ##PRACTICE\_NAME## 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 Practice.

If the employee contributes to a life insurance or disability plan, the Practice will continue making payroll deductions while the employee is on paid leave. During any portion of unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums. If the employee does not continue these payments, the Practice may discontinue coverage during the leave. If the Practice maintains coverage, the Practice may recover the costs incurred for paying the employee's share of any premiums, whether the employee returns to work.

**Procedure for Requesting Leave**

All employees requesting *Expanded FMLA* must complete the *Emergency Paid Leave Request Form* and submit to The Practice as soon as possible. Verbal notice will otherwise be accepted until written notice can be provided. Within five business days after the employee has provided this notice, The Practice will complete and provide the employee with any Department of Labor (DOL) required notices.

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

On a basis that does not discriminate against employees on FMLA leave, the Practice may require an employee on FMLA leave to report 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 restored to the same or an equivalent position upon return from paid sick leave or expanded family and medical leave. If the position the employee held before leave started no longer exists due to economic conditions or operational changes that are made because of the public health emergency, and no equivalent position is available, the employee will not be returned to employment. However, for the period of one year after qualifying leave under this policy ends, ##PRACTICE\_NAME## will make reasonable efforts to contact the employee if an equivalent position becomes available.

Please contact The Practice with any questions.

**Emergency Paid Sick Leave (EPSL)**

All regular full-time and part-time employees unable to work (or telework) due to one of the following reasons for leave:

1. The employee is subject to 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. The employee is caring for an individual who is subject to either number 1 or 2 above.
5. The employee is caring for his or her child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID–19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the secretary of health and human services in consultation with the secretary of the treasury and the secretary of labor.

“Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in place of parent, 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.

“Individual” means someone who genuinely needs your care. Such an individual includes an immediate family member or someone who regularly resides in your home. You may also take paid sick leave to care for someone if your relationship creates an expectation that you would care for the person in a quarantine or self-quarantine situation, and that individual depends on you for care during the quarantine or self-quarantine.

**Amount of Paid Sick Leave**

All eligible regular full-time employees will have up to 80 hours of paid sick leave available to use for the qualifying reasons above. Eligible part-time employees are entitled to the number of hours worked, on average, over a two-week period.

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 6-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 6 months, the expected number of hours to be scheduled per day at the time of hire.

**Rate of Pay**

Paid emergency sick leave will be paid at the employee's regular rate of pay, or minimum wage, whichever is greater, for leave taken for reasons 1-3 above.  Employees taking leave for reasons 4-6 will be compensated at two-thirds their regular rate of pay, or minimum wage, whichever is greater. Pay will not exceed:

* $511 per day and $5,110 in total for leave taken for reasons 1-3 above;
* $200 per day and $2,000 in total for leave taken for reasons 4-6 above.

**Interaction with Other Paid Leave**

The employee may use emergency paid sick leave under this policy before using any other accrued paid time off for the qualifying reasons stated above.

Employees on expanded FMLA leave under this policy may use emergency paid sick leave during the first 10 days of normally unpaid FMLA leave.

**Procedure for Requesting Emergency Paid Sick Leave**

Employee must complete the *Emergency Paid Leave Request Form* or and submit to The Practice as soon as possible. Verbal notice will otherwise be accepted until written notice can be provided. Within five business days after the employee has provided this notice, The Practice will complete and provide the employee with any Department of Labor (DOL) required notices.

Once emergency paid sick leave has begun, the employee and his or her manager must determine reasonable procedures for the employee to report periodically on the employee’s status and intent to continue to receive paid sick time.

**Carryover**

Paid emergency sick leave under this policy will not be provided beyond December 31, 2020. Any unused paid sick leave will not carry over to the next year or be paid out to employees.

**Job Protections**

No employee who appropriately utilizes emergency paid sick leave under this policy will be discharged, disciplined or discriminated against for work time missed due to this leave.

Please contact the The Practice with any questions.