

## **Emergency FMLA & Emergency Paid Sick Leave Policy/Posting**

### *Families First Coronavirus Response Act*

March 27th, 2020

Sun Valley Landscaping is prepared to comply fully with the Families First Coronavirus Response Act (FFCRA), signed into law on March 18, 2020 and **going into effect on April 1st, 2020.**

FFCRA provides two benefits to employees in an effort to support families during this unprecedented time. One, Emergency FMLA (also called E-FMLA) and two, Paid Sick Leave. This policy will summarize both and help you understand what you need to do to apply for each benefit.

### **EMERGENCY FAMILY & MEDICAL LEAVE (E-FMLA)**

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#### **Eligibility**

If you have worked for Sun Valley Landscaping for at least 30 days prior to the need for leave, you may be eligible for paid E-FMLA protected leave. E-FMLA is different from traditional FMLA in three main ways: a) E-FMLA includes paid time, and b) eligibility is based only on working for Sun Valley Landscaping for at least 30 days before the need for leave and (c) the qualifying reasons for this leave are specific to a public health emergency.

#### **Qualifying Reason for Leave & Length of Leave**

E-FMLA is available for eligible employees who are unable to work remotely and need leave from work to care for the employee's child under the age of 18 years old due to the closing of the child's school or place of care (or unavailability of childcare provider) due to a public health emergency. E-FMLA provides up to 12 weeks of job-protected leave for eligible employees.

#### **Paid Leave**

For the first 10 days of E-FMLA, you may choose to take the leave as unpaid or used accrued paid time off (including vacation or sick leave). After 10 working days, Sun Valley Landscaping will pay employees on approved leave two-thirds of the employee's regular rate of pay for the number of hours the employee would have normally been scheduled to work – up to \$200 per day and up to \$10,000 total per employee.

Example: Mary is a full-time employee who is normally scheduled to work 40 hours per week and is paid \$12 per hour. She has been approved for E-FMLA because her 10-year old child's school is closed indefinitely. Mary may choose to take days 1 through 10 as unpaid or use her accrued paid time off. Starting day 11, Sun Valley Landscaping will pay Mary \$320 per week: \$12 per hour x 40 hours/week = \$480/week. Two-thirds of \$480/week = \$320/week. Mary will receive \$320 per week for the length of her approved leave or up to 12 weeks.

Employees working part-time or irregular schedules will be paid based on the average number of hours the employee worked for the six months prior to taking E-FMLA. For employees who have worked for Sun Valley Landscaping less than six months, the number of average hours reasonably expected at hire will be used to calculate paid leave.

#### **Applying for Leave**

Contact HR for a *Request for E-FMLA Leave* form and provide an email or other documentation of your need for leave.

#### **Job Restoration**

Sun Valley Landscaping will return an employee to the same or equivalent position upon the return from leave.

## Emergency FMLA & Emergency Paid Sick Leave Policy/Posting

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### EMERGENCY PAID SICK LEAVE

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#### Eligibility

Full-time employees will be provided with up to 80 hours of paid sick leave in certain situations, listed below. This is provided to all full-time employees regardless of length of service with Sun Valley Landscaping.

#### Reasons for Leave

An eligible employee may take paid sick leave in the event the employee is:

1. Subject to a federal, state or local quarantine or isolation order related to COVID-19;
2. Advised by a health care provider to self-quarantine due to COVID-19 concerns;
3. Experiencing COVID-19 symptoms and seeking medical diagnosis;
4. Caring for an individual subject to a federal, state or local quarantine or isolation order or advised by a health care provider to self-quarantine due to COVID-19 concerns;
5. Caring for the employee's child if the child's school or place of care is closed or the child's care provider is unavailable due to public health emergency; or
6. 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.

#### Paid Leave

Eligible employees will receive up to 80 hours of paid sick leave, calculated using the employee's regular rate of pay and normally scheduled hours for reasons 1, 2, and 3 above, subject to a maximum of \$511 per day and up to \$5,110 per employee. For reasons 4, 5, and 6 above, eligible employees will be paid two-thirds of the employee's regular rate of pay subject to a maximum of \$200 per day and up to \$2,000 per employee.

Employees may request Paid Sick Leave to cover the 10 days of unpaid leave under E-FMLA when both policies apply in the employee's situation. Leave will not carryover to the following calendar year.

#### Applying for Leave

Contact HR for the *Paid Sick Leave Affidavit* attesting to your need for paid sick leave. Complete and return the form as directed.

This policy is in effect until December 31, 2020. We are monitoring legislation carefully and will modify as needed to remain fully compliant.