

SAMPLE Paid Sick Leave Policy (FFCRA)

[COMPANY NAME] 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 1, 2020. The FFCRA expires on December 31, 2020 and this policy accordingly will expire no later than December 31, 2020.

The FFCRA provides two separate benefits to eligible employees during this unprecedented time, benefits under the new Emergency Paid Sick Leave Act and under an emergency expansion to the Family and Medical Leave Act (“EFMLA”). This policy will summarize the Paid Sick Leave (“EPSL”) benefits under the FFCRA and help employees understand potential eligibility and what employees need to do to apply for the benefit.

Eligibility

All employees of [COMPANY], regardless of their length of service, will be provided with EPSL for any COVID-19 related reason listed below. Full-time employees will be provided with up to 80 hours of EPSL and part-time employees will be provided with pro-rated leave equal to the average number of hours that the employee works over a typical two-week period.

If an employee no longer has a qualifying reason for taking EPSL before they exhaust such leave, they may take any remaining paid sick leave at a later time, until December 31, 2020 (or the expiration of this Policy), if another qualifying reason occurs.

Reasons for Leave

Employees may take EPSL if they are unable to work (or telework) because:

1. They are subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. They have been advised by a health care provider to self-quarantine because of COVID-19;
3. They are experiencing symptoms of COVID-19 and are seeking a medical diagnosis;
4. They are caring for an individual or are advised to quarantine or isolate;
5. They are caring for a child whose school or place of care is closed, or whose childcare provider is unavailable, due to COVID-19 precautions; or
6. They are experiencing substantially similar conditions as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Intermittent Leave

Employees who qualify for EPSL may, in certain circumstances and with the advance permission of their supervisor, use EPSL on an intermittent basis.

Intermittent work (and increments of leave that will be taken under this Policy) need to be agreed upon in writing by the employee and the Company.

Length of Leave and Compensation

Eligible employees are entitled to:

EDITS REQUIRED

Contact certified HR Consultant, Niki Ramirez, for assistance customizing this policy.

nramirez@hranswers.org or (602) 715-1300

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- **Full-time employees:** 80 hours of pay at their regular pay rate. However, when caring for a family member (for reasons 4, 5, and 6 above), sick leave is paid at two-thirds the employee's regular rate.
- **Part-time employees:** Pay for the number of hours the employee works, on average, over a two-week period.

Compensation

- Paid leave under this policy is to be paid at the employee's regular rate of pay, up to \$511 per day (\$5,110 in total) where leave is taken for reasons 1, 2, and 3 described above (generally, an employee's own illness or quarantine); and
- Two-thirds of the employee's regular rate of pay, not to exceed \$200 per day (\$2,000 in total) where leave is taken for reasons 4, 5, or 6 (care for others or school closures)

General Provisions

Employees may elect to use emergency paid sick leave before using any other accrued paid leave.

No leave provided by the Company before April 1, 2020 may be credited against an employee's leave entitlement.

Emergency paid sick leave under this policy cannot be carried over after the expiration of this Policy.

Requesting Leave

Employees who need to take EPSL must provide notice as soon as possible to their supervisor and human resources.

Employees requesting leave will be required to complete the Company-prescribed form provided by their supervisor or human resources.

Retaliation

The Company will not retaliate against employees who request or take leave in accordance with this policy.

Expiration

This policy expires no later than December 31, 2020.

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SAMPLE Family and Medical Leave Policy (FFCRA)

Public Health Emergency Leave

[COMPANY NAME] 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 1, 2020. The FFCRA expires on December 31, 2020 and this policy accordingly will expire no later than December 31, 2020.

The FFCRA provides two separate benefits to eligible employees during this unprecedented time, benefits under the new Emergency Paid Sick Leave Act and under an emergency expansion to the Family and Medical Leave Act (“EFMLA”). This policy will summarize the EFMLA benefits under the FFCRA and help employees understand potential eligibility and what employees need to do to apply for the benefit.

Eligibility

Emergency family and medical leave is available to all employees that have been employed by the Company for at least 30 calendar days.

[Optional for companies with 50+ employees: Eligible employees may take a total of 12 workweeks for traditional FMLA or EFMLA during a 12-month period. Accordingly, eligibility for EFMLA leave depends on how much traditional FMLA leave an employee has already taken during the previous 12-month period. If an employee has taken some, but not all, of the 12 workweeks FMLA leave during the previous 12-month period, they may be eligible to take the remaining portion of leave available. However, if they have already taken 12 workweeks of the traditional FMLA leave during that 12-month period, they are not entitled to take any additional EFMLA leave.]

Reasons for Leave

Leave under this policy is limited to circumstances where you are unable to work (including telework) due to your need to care for your minor child because the child’s school or place of childcare has been closed or is unavailable due to a public health emergency.

For the purposes of this policy, a “child” is a person who is 18 years of age or younger, or 18 years of age or older and incapable of self-care because of a mental or physical disability.

Limitations

Generally, an employee is not allowed to take leave under this policy if another suitable individual, such as a co-parent, co-guardian, or the usual child care provider, is available to provide the care the employee’s child needs.

Intermittent Leave

Leave under this policy may be taken on an intermittent basis only (1) when an employee teleworks or (2) when an employee reports to a worksite and the reason for leave is due to the closure of the employee’s child’s school or place of care or child care provider being unavailable.

Intermittent work (and increments of leave that will be taken under this Policy) need to be agreed upon in writing by the employee and the Company.

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SAMPLE Family and Medical Leave Policy (FFCRA)

Public Health Emergency Leave

Requesting Leave

Employees who feel that they may need to take EFMLA leave must provide notice to their supervisor or human resources as soon as possible.

Employees requesting leave will be required to complete the Company-prescribed form provided by their supervisor or human resources.

Compensation

The first 10 days (two weeks) of leave under this policy are unpaid, but employees may substitute any already accrued paid leave, including emergency paid sick leave that they may have available. [Optional: Employees are required to use any accrued paid leave during the 10-day period.]

The remaining 10 weeks are paid at 2/3 of an employee's regular rate for the number of hours they would otherwise be scheduled to work (with a maximum payment of \$200 per day and \$10,000 total).

Job Restoration

Upon returning to work at the end of leave, employees will generally be placed in their original job or an equivalent job with equivalent pay and benefits. Employees will not lose any benefits that accrued before leave was taken.

[Important – Employers with fewer than 25 employees: Generally, eligible employees who take family and medical leave are entitled to be restored to the position they held when the leave commenced or to obtain an equivalent position with their employer. However, the law provides an exception for employers with fewer than 25 employees. In such circumstances, if an employee takes family and medical leave, the employer does not need to return the employee to their position if:

- The position does not exist due to changes in the employer's economic or operating condition that affect employment and were caused by the coronavirus emergency;
- The employer makes "reasonable efforts" to restore the employee to an equivalent position; and
- If these efforts fail, the employer makes an additional reasonable effort to contact the employee if an equivalent position becomes available. The "contact period" is the one-year window beginning on the earlier of:
 - The date on which the employee no longer needs to take leave to care for the child; or
 - 12-weeks after the employee's paid leave commences.]

Retaliation

The Company will not retaliate against employees who request or take leave in accordance with this policy.

Expiration

This policy expires no later than December 31, 2020.

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