

# SAMPLE Family and Medical Leave Policy (FFCRA)

## *Public Health Emergency Leave*

Under the Families First Coronavirus Act, [**Company name**] provides eligible employees with up to 12 weeks of emergency family and medical leave for a qualifying need related to a public health emergency.

### Eligibility

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

### 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.

### Requesting Leave

If you need to take emergency family and medical leave under this policy, provide notice as soon as possible.

Normal call-in procedures apply to all absences from work.

### 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. [You 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, you will generally be placed in your original job or an equivalent job with equivalent pay and benefits. You 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

## EDITS REQUIRED

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

[nramirez@hranswers.org](mailto:nramirez@hranswers.org) or (602) 715-1300

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- 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 on December 31, 2020.

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# SAMPLE Paid Sick Leave Policy (FFCRA)

Under certain conditions, [**Company name**] provides eligible employees with emergency paid sick leave. This policy is meant to comply with the 2020 Families First Coronavirus Response Act.

## Eligibility

All employees are eligible for emergency paid sick leave if they meet one or more of the requirements, below:

## Reasons for Leave

Employees may take emergency paid sick leave 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.

## Length of Leave and Compensation

Eligible employees are entitled to:

- **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 2, 2020 may be credited against an employee's leave entitlement.

Emergency paid sick leave under this policy cannot be carried over after December 31, 2020.

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