



Department of Employee Relations

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Notice of Leave Eligibility for Emergency Family and Medical Leave (EFMLA) Under FFCRA

April 27th, 2020

Dear []:

We understand that you are currently experiencing a COVID-19 related event that may qualify for a leave of absence under the Emergency Family and Medical Leave Expansion Act (EFMLA). Under EFMLA, eligible employees unable to work due to caring for their child (under the age of 18) because the child's school or childcare has been closed, or is unavailable due to the public health emergency, will be provided with a job-protected leave of absence of up to 12 weeks.

Who is eligible for EFMLA?

Employees who have been employed by the Company for at least 30 days are eligible for EFMLA, regardless of their regular number of work hours.

Is the leave paid or unpaid?

The first 2 weeks (10 workdays) of EFMLA are unpaid unless you have taken FFCRA emergency paid sick leave (if applicable) or you choose to use other available paid leave, excluding sick time.

After the first 2 weeks, your remaining EFMLA will be paid, up to another 10 weeks through December 31, 2020. You are entitled to receive two-thirds (2/3) of your regular rate of pay (based on your average number of hours worked during the 6 months prior to the start of your leave) up to \$200 per day for the 10 weeks (\$10,000 total). If you have not been employed for at least 6 months, the average number of hours will be based on what you normally would be scheduled to work.

Is this different from FMLA and if so, how do both FMLA and EFMLA work together?

EFMLA is an emergency law expanding FMLA and expires on December 31, 2020. If you qualify for leave under both EFMLA and FMLA, the time off will count concurrently. You are not entitled to more than a total of 12 weeks under both policies (except for qualifying military exigency leave of 26 weeks under FMLA).

How much notice do I have to give to use my EFMLA?

You are required to provide reasonable notice. If practicable, we ask that you call in every day unless you have notified us that your EFMLA leave is expected to continue for a certain period of time.

Will I be required to provide some sort of written verification?

Under the current circumstances, we are not requiring written verification at this time. Your EFMLA will be expected to end once the school or childcare reopens or returns to normal operations.

What happens to my insurance while I'm on leave?

Any group insurance coverage you participate in now will continue under the same terms and conditions. We will continue making payroll deductions to cover your employee portion of the premiums.



Will I get my job back when I return to work?

Employees returning to work from EFMLA leave will be restored to the same position they held prior to their leave or an equivalent position. The law provides that an employee has no greater rights upon a return from leave than the individual would have had if s/he had continued to work. Therefore, an employee may be affected by a layoff, reorganization, furlough, change in job duties or other change in employment if the action would have occurred had the employee remained actively at work.

If you have any questions or concerns regarding your eligibility, rights and responsibilities for EFMLA, please contact Human Resources. Providing false or misleading information regarding the need for EFMLA or any FFCRA qualifying event will be grounds for corrective action, up to and including termination of employment.

