

Expansion of the Family and Medical Leave Act

PURPOSE:

The Emergency Family and Medical Leave Expansion Act portion of the Response Act creates a new “public health emergency leave” (PHE leave) under FMLA. For PHE leave, it also expands the application of FMLA to employees that have been employed for at least 30 calendar days (rather than 12 months and 1,250 hours).

SUMMARY:

Employees who are unable to work or telework due to the need for leave to care for a son or daughter under the age of 18 if the school (elementary or secondary) or place of care has been closed or the childcare provider of such son or daughter is unavailable due to a public health emergency. A public health emergency is an emergency with respect to COVID-19 declared by a federal, state or local authority.

COMPENSATION:

- The first 10 days of the 12-week FMLA leave period may be unpaid leave, during which time an employee may substitute (but may not be compelled to take) accrued vacation or sick leave.
- After the first 10 days of leave, The Citadel shall provide paid leave for each day at a rate not less than 2/3 of regular rate of pay for the number of hours the employee would normally be scheduled to work. For those employees with varying work schedules, the number of hours should be based upon the average number of hours scheduled over the previous six-month period or the reasonable expectation of hours at time of hire. In no event will the benefit amount for paid PHE leave exceed \$200 per day and \$10,000 in the aggregate.

NOTICE:

The employee should provide notice of the need for leave as soon as practicable.

DOCUMENTATION:

Documentation will be required and may include (1) recommendation from a public health official or health care provider that relevant employee has symptoms or should be quarantined; (2) documentation or evidence of exposure; or (3) notice of school or childcare provider closure.

JOB RESTORATION:

PHE leave is job-protected leave (like traditional FMLA leave) such that employees are entitled to the same or an equivalent position upon their return to work.

Effective date: April 1, 2020

Expiration: Provisions expire on December 31, 2020