**Public Health Emergency Leave/Expanded FMLA**

**Effective Date:** [XX/XX/XXXX]

**Revision Date:** [XX/XX/XXXX]

Employees may be eligible for public health emergency leave (PHEL), also known as Expanded FMLA through March 31, 2021.

**Employee Eligibility:**

To be eligible for PHEL/Expanded FMLA, an employee must have worked for [Company Name] for at least 30 calendar days prior to the leave.

**Use of PHEL:**

Eligible employees may use up to 12 weeks of job-protected leave to care for their son or daughter under 18 years of age if their school or place of care has been closed, or their childcare provider is unavailable, due to a public health emergency.

**Documentation:**

As soon as practical, an employee taking leave must provide documentation containing:

* The employee's name;
* Date(s) for which leave is requested;
* Qualifying reason for the leave;
* The name of the son or daughter;
* The name of the school, place of care, or childcare provider that has closed or become unavailable; and
* A statement that the employee is unable to work because of a qualified reason and that no other suitable person will be caring for the son or daughter during the period for which the employee takes leave under this policy.

[Company Name] may also request an employee to provide additional material needed to support a request for tax credits under federal law.

**Pay During Leave:**

The first two weeks of PHEL/Expanded FMLA may be unpaid, but the employee may elect to substitute any accrued paid leave, including emergency paid sick leave,during this period. Employees will be paid for PHEL/Expanded FMLA after the first two weeks, at a rate of at least two-thirds their regular rate of pay, up to a maximum of $200 per day.

**Protection of Group Health Insurance Benefits:**

During leave under this policy, eligible employees will receive group health plan coverage under the same terms and conditions as if they had continued to work.

**Job Restoration:**

At the end of PHEL, employees are generally eligible to return to the same or equivalent position they had when the leave began. However, [Company Name] may be exempt from this provision if it has fewer than 25 employees and:

* The employee’s position doesn’t exist after PHEL due to economic conditions or other changes in operating conditions that affect employment and were caused by a public health emergency during the period of leave;
* [Company Name] makes reasonable efforts to restore the employee to a position equivalent to the position the employee held before the leave; and
* [Company Name] makes reasonable efforts to contact the employee if an equivalent position becomes available within the next year.

**Retaliation Prohibited:**

[Company Name] will not take adverse action against an employee for exercising their rights under this policy.

If you have questions about this policy, contact your supervisor or the [HR Contact Title].