



Administrative Policy & Procedure

6-20 Family & Medical Leave Act Addendum

Families First Coronavirus Act (FFCRA)

I. Introduction

The Families First Coronavirus Response Act (the “Act”) requires employers, from April 1 – December 31, 2020, to provide Emergency Family and Medical Expansion Leave (“EFMLEA”) to employees who cannot work or telework due to a need for leave to care for their son or daughter if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.

This Addendum is effective from April 1, 2020 and will expire on December 31, 2020. This Addendum is subject to revision as necessary to meet the requirements of the Act and the operations of the County.

Policy 6-20 will apply to any situation not specifically outlined in this Addendum.

This policy will be interpreted consistent with any regulations issued by the U.S. Department of Labor.

II. Definitions

The definitions below pertain only to this Addendum.

- A. **Child Care Provider** – A provider who receives compensation for providing child care services on a regular basis.
- B. **Eligible Employee** – An employee who has been employed by Chesterfield County for at least 30 calendar days and is unable to work or telework due to a need to care for a son or daughter because the son’s or daughter’s school or place of care has been closed, or the childcare provider of such son or daughter is unavailable due to COVID-19. In accordance with § 3105 of the EFMLEA, the County reserves the right to exclude an employee who is considered a “health care provider” or an “emergency responder” from the benefits provided by the Emergency Family and Medical Leave Expansion Act. Furloughed employees are not “eligible employees” who qualify for benefits under this policy.
- C. **School** – The term school means an elementary school or secondary school.
- D. **Son or Daughter** - A “son or daughter” is your own child, under the age of 18 years old, who is your biological, adopted, or foster child, your stepchild, a legal ward, or a child for whom you are standing in loco parentis—someone with day-to-day responsibilities to care for or financially support a child. A “son or daughter” is also an adult son or daughter (i.e., one who is 18 years of age or older), who (1) has a mental or physical disability, and (2) is incapable of self-care because of that disability.

III. General Provisions

- A. Eligible employees are granted 12 weeks of EFMLEA under this Addendum during the period of April 1 – December 31, 2020. Employees will continue to accrue leave according to Policy 6-1 Leave and Holidays.
- B. Employees will continue to accrue leave according to Policy 6-1 Leave and Holidays.
- C. Any EFMLEA available under the Emergency Family and Medical Leave Expansion Act will be offset by FMLA time already taken this year.

IV. Procedures

- A. Employees must complete the EFMLEA section of the "Request for Benefits Under the Families First Coronavirus Response Act" form and submit it to their director/supervisor and HR for approval. The following information will be required on the form:
1. Name of school and/or childcare provider;
 2. Name and date of birth of child(ren) for which the leave is being taken;
 3. Signature of the employee attesting that they are unable to work or telework due to a closure of their son or daughter's school or childcare provider;
 4. Department Director's signature

In addition to the information listed above, the employee must also provide a notice of closure or unavailability from the employee's child's school, place of care, or childcare provider, including a notice that may have been posted on a government, school, or day care website, published in a newspaper, or emailed to the employee from an employee or official of the school, place of care, or childcare provider. The County must retain this notice or documentation in support of the EFMLEA for four years.

- B. The first 10 days of an employee's EFMLEA are unpaid, however, if qualified, the employee can use up to 80 hours of Emergency Paid Sick Leave at the rate of 2/3 of the employee's regular rate of pay, up to a maximum of \$200/day and a total of \$2000, during the otherwise unpaid period. Employees may also elect to use their accrued Annual, PTO or Part-time leave to receive full pay for the first 10 days.
- C. The remaining 10-week period of EFMLEA will be paid at 2/3 of the employee's regular rate of pay for the number of hours the employee is normally scheduled to work, up to a maximum of \$200/day and \$10,000 total.
- D. Part-time employees will be paid 2/3 of their regular rate of pay based on the following calculation, up to a maximum of \$200/day and \$10,000 total:
- a. The average number of hours the employee was scheduled per day over the six-month period prior to the effective date of the EFMLEA leave; or
 - b. If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day the employee would normally be scheduled to work.
- E. Employees can use their Annual/PTO/Part-time leave to make up the difference between their regular pay and their EFMLEA pay.