SAMPLE EMERGENCY FAMILY AND MEDICAL LEAVE POLICY

(EMPLOYERS WITH FEWER THAN 500 EMPLOYEES)

[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.

Reason 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, 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 are unpaid, but you may substitute accrued paid leave, including emergency paid sick leave.

The remaining 10 weeks are paid at 2/3 of your regular rate for the number of hours you would otherwise be scheduled to work (with a maximum payment of $200 per day and $10,000 total).

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:** 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
- 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.]

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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.