

**4.02 (A). Amendment to Family and Medical Leave Act**

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**Emergency Family and Medical Leave Expansion Act (EFMLEA) Policy**

Due to the changes provided by the Emergency Family and Medical Leave Expansion Act (EFMLEA), the below modifications are made effective March 31, 2020 until December 31, 2020 or until the declared public health emergency ceases.

**I. Policy**

The Village will provide up to 12 weeks of FMLA leave for employees. This 12 weeks is **not** in addition to any other current FMLA balances already used in the calendar year. The first 10 days of leave can be unpaid, but employees can opt to use accrued vacation days or other available paid leave for those days. After the 10 days, the Village will pay employees at least 2/3 of their normal rate of pay for hours they would have worked. However, this paid leave is capped at \$200 per day and \$10,000 in the aggregate.

**II. Eligibility**

Those who have been on the job for at least 30 days, and who are unable to work or telework (telecommute) because they have to care for a minor child if the child's school or place of care has been closed, or if the childcare provider of that child is unavailable due to a COVID-19 public health emergency. The term "public health emergency" means an emergency with respect to COVID-19 declared by a Federal, State, or local authority.

**III. Qualifying Event and Amount of Leave**

The EFMLEA provides employees up to 12 weeks of FMLA leave for time away from work, if the employee is unable to work or telework because of COVID-19. The leave must be granted for the employees caring for close family members under quarantine or isolation or caring for a minor child if the child's school or place of childcare has been closed or is unavailable due to a public health emergency. An employee may be eligible for regular FMLA leave if they have a COVID-19 diagnosis and they meet the normal requirements of the FMLA. An employee who is not ill but merely quarantined because of coming into contact with COVID-19, would not be eligible for EFMLEA or regular FMLA.

While an employee is entitled to 12 weeks of leave under the EFMLEA, the length of the leave is reduced by an FMLA leave previously taken by the employee. This is **not** a separate entitlement. In other words, the Emergency Leave for childcare purposes is automatically reduced by the amount of leave an employee has already taken in the current calendar year, without regard to the reason for the previous leave.

**IV. Exclusion**

The Act allows the Village to exclude from the definition of "eligible employees" under the EFMLEA an employee who is a health care provider or an emergency first responder, or any employee that is essential to the operations of the Village. The Village exercises their

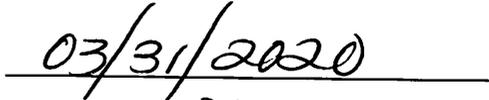
Amendment to the Village of Jackson Employee Policy Manual

right to exclude the following employees: All Police Department employees, All Fire Department employees, All Water Utility employees, All Sewer Utility employees, All Street Department employees, All Building Inspection employees, and All Administration employees.

**V. Payments on EFMLEA Leave**

Under the EFMLEA, a qualifying employee will not be eligible for pay from the Village for the first ten (10) workdays of EFMLEA leave unless the employee has accrued vacation, personal, compensatory, or sick leave which can be substituted for the otherwise unpaid time. After the ten (10) workday period, the employee will be eligible for pay from the Village equal to 2/3 of the employee's regular rate of pay for the remainder of the available FMLA leave associated with the qualifying COVID-19 reason. For full time employees, the paid leave opportunity will be based on the regular rate of pay of the employee for the hours the employee would normally work. Part time employees pay eligibility will be based on their regular hours worked per week – or if variable – the average hours worked in the preceding six (6) months. Paid FMLA leave is allowed only for the reason of closure of the child's school or childcare and need to provide childcare due to the public health emergency and is limited to a total of \$200 per day or \$10,000 in the aggregate, per person.

  
John M. Walther – Administrator

  
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