

CITY OF FERNLEY

6.4.13 Emergency Family and Medical Leave (EFML)

1. Policy

This policy complies with the Families First Coronavirus Response Act (FFCRA) to grant eligible employees protected leave for qualified reasons.

Public employers are covered under the Emergency Family and Medical Leave Expansion Act (EFMLEA) and will comply with the requirements of the EFMLEA and advise employees if they meet the eligibility requirement.

Employers are required to post and keep posted Form WH-1422: *Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under the Families First Coronavirus Response Act* in a conspicuous place that can readily be seen by employees and applicants alike, even if no employees are eligible.

This policy is effective at 12:01 a.m. on April 1, 2020 and will remain in effect until 12:00 p.m. on December 31, 2020. It does not apply retroactively.

2. Eligibility

Employees who have been employed by the **City of Fernley** for 30-calendar days are eligible for EFML leave. All employees meeting the above qualification qualify for EFML, regardless of their seasonal, temporary, etc., status.

3. Duration of Leave

Any eligible employee, as defined above, may be granted a total of 12 weeks of FMLA leave, including EFML leave during a 12-month period. This period is measured backward from the date an employee uses any FMLA leave, including EFML leave. A “week” is defined as a calendar week, regardless of the number of days the employee normally works. Twelve weeks does not entitle a part-time employee working three days a week to 60-leave days, but rather 12 weeks.

4. Reasons for Leave

EFML may be granted for the following reason:

The employee is unable to work or telework due to a need for leave to care for a his/her son or daughter whose school or place of care has been closed, or the childcare provider is unavailable, for reasons related to COVID-19 only if no other suitable person is available to care for the son or daughter during the period of such leave.

5. Compensation During Leave

The first two weeks of EFML leave will be unpaid leave unless the employee has accrued paid leave and is otherwise eligible to use the leave. Employees who are eligible for Emergency Paid Sick Leave (EPSL, see Policy 6.3.3) may elect to use EPSL during the first two weeks.

Weeks 3 through 12 of EFML leave will be compensated at 2/3 the employee’s regular rate of pay, up to \$200 a day and \$10,000 in the aggregate. Employees are required to substitute accrued leave for the pay not covered by EFML.

When substituting accrued paid leave for the pay not covered by EFMLEA, the employee must comply with the **City of Fernley’s** procedural requirements, terms, and conditions of the paid leave policy as

appropriate; once accrued leave is depleted, the remainder of the leave period will then consist of unpaid leave for the pay not covered by EFMLEA.

6. Intermittent Leave

Employees may take EFML leave intermittently while working at the regular worksite or teleworking, and leave may be taken in any increments agreed upon by the **City of Fernley** and employee.

7. Notice of Leave

An employee intending to take EFML leave shall give notice as soon as practicable.

8. Certification of Leave

Employees requesting leave under this policy are required to provide the following supporting documentation:

- The employee's name,
- The date(s) for which leave is requested,
- Qualifying reason for requesting leave, and
- Statement that the employee is unable to work, including telework, for that reason,
- The name of the Son or Daughter being cared for;
- The name of the school, place of care, or childcare provider that has closed or become unavailable; and
- A representation that no other suitable person will be caring for the child during the period for which the employee takes EFML leave.

9. Benefits Coverage During Leave

During a period of EFML leave, an employee will be retained on the **City of Fernley's** health plan under the same conditions that would apply if the employee was not on EFML leave. To continue health coverage, the employee must continue to make any contributions that s/he would otherwise be required to make. Failure of the employee to pay his/her share of the health insurance premium may result in loss of coverage.

If the employee fails to return to work after the expiration of the EFML leave, the employee may be required to reimburse the **City of Fernley** for payment of health insurance premiums during the leave, unless the reason the employee cannot return is due to circumstances beyond the employee's control. The definition of "beyond the employee's control" includes a large variety of situations such as: the employee being subject to layoff; continuation, recurrence, or the onset of an FMLA-qualifying event; or the employee's spouse's unexpected worksite relocation of more than 75 miles from the current worksite.

Employees will accrue sick and annual paid leave for each regularly scheduled hour on paid leave.

10. Anti-Retaliation

An employee shall not be retaliated against for utilizing the leave described in this section. Any employee who believes s/he has been retaliated against in any manner whatsoever should immediately notify the EEO Officer or alternative EEO Officer. The **City of Fernley** will promptly investigate and deal appropriately with any allegation of retaliation. In the event retaliation is substantiated, disciplinary action up to and including termination may be taken.

11. Interaction with FMLA

All provisions included in Policy 6.4 “Family and Medical Leave” not covered in this policy apply.

Related Forms:

Notice of Eligibility and Rights and Responsibilities for Emergency Family and Medical Leave

Designation Notice for Emergency Family and Medical Leave