

WINTHROP UNIVERSITY GUIDELINES
Emergency Family and Medical Leave Expansion Act

PURPOSE:

The Emergency Family and Medical Leave Expansion Act (EFMLA) portion of the Families First Coronavirus (COVID-19) Response Act creates a new public health emergency leave (PHE leave) under FMLA. For PHE leave, the act also expands the application of FMLA to employees that have been employed for at least 30 calendar days, rather than 12 months and 1,250 hours as required under the [Winthrop University Family and Medical Leave Act Policy](#).

GUIDELINES:

Employees who are unable to work, either on campus or in a work-from-home arrangement, may be qualified for public health emergency leave under the EFMLA for the need for leave to care for a son or daughter under the age of 18 because:

- the school (elementary or secondary) or place of care has been closed; or,
- the childcare provider of such son or daughter is unavailable due to a public health emergency.

To be eligible, the employee must have worked a minimum of 30 calendar days. A public health emergency is an emergency with respect to COVID-19 declared by a federal, state or local authority.

Compensation:

- The first 10 days of the 12-week EFMLA leave period is unpaid leave, during which time an employee may substitute either Emergency Paid Sick Leave (EPSL) or accrued vacation or sick leave.
- After the first 10 days of leave, Winthrop shall provide paid EFMLA leave for each day is calculated at two-thirds of an employee's regular rate of pay and will be based on the number of hours the employee would otherwise be normally scheduled to work. Employees can use any accrued leave to augment leave taken pursuant to the EFMLA up to their regular salary rate. For those employees with varying work schedules, the number of hours are based upon the average number of hours scheduled over the previous six-month period or the reasonable expectation of hours at time of hire.
- In no event will the benefit amount for paid PHE leave exceed \$200 per day and \$12,000 in the aggregate.

Notice: The employee should provide notice of the need for leave as soon as practicable.

A completed EFMLA request form will be required and must include:

- Identification of school or childcare provider that is closed, and the name and age of the child/children in need of care.

Job restoration: PHE leave is job-protected leave (like traditional FMLA leave) such that employees are entitled to the same or an equivalent position upon their return to work, except if the position no longer exists due to the operational changes made in response to the public health emergency.

Effective date: April 1, 2020.

Expiration: Provisions expire on December 31, 2020