**OVERVIEW:**

Pandemics are a very rare occurrence, but the recent outbreak of Covid-19 has been especially dangerous and disruptive to individuals, families, businesses, and the entire national and global economy. Click or tap here to enter text.(Click or tap here to enter text.) has a Paid Time Off (PTO) policy that includes Click or tap here to enter text. (see the Time section of the Employee Handbook for details). [IF YOUR COMPANY IS SMALLER THAN 50 EMPLOYEES – Additionally, due to the size of the company, the general provisions of FMLA do not apply.] The following Expanded Family Medical & Leave Act (FMLA) Leave policy complies with recent changes in the legal landscape and aligns with Click or tap here to enter text.’s PTO policy as it covers consecutive weeks of leave related exclusively to the COVID-19 outbreak.

(**NOTE:** *[IF YOUR COMPANY ALLOWS OR WILL ALLOW REMOTE WORK FOR SOME CLASSIFICATIONS OF EMPLOYEES ADD THE FOLLOWING]* Click or tap here to enter text. *also provides for employees to work remotely. If the employee is able and capable of working remotely, this Expanded FMLA leave policy will not need to be used. Instead, the employee is encouraged to work remotely at the employee’s discretion and with permission of their direct supervisor and will be paid accordingly at their full rate of pay as normal.*)

Click or tap here to enter text. cares for each and every employee and their family members deeply. As a result, and in compliance with the Families First Coronavirus Response Act 2020 (FFCRA) and its impact on FMLA through a special expanded leave, effective April 1, 2020 and through March 31, 2021 (as modified by the Omnibus Funding and COVID-19 relief bill signed into law on December 28, 2020), Click or tap here to enter text.’s employees may be eligible for this leave with special rights.

**Employee Eligibility:**

All current employees who have been employed by Click or tap here to enter text. for at least 30 days and are actively scheduled are eligible for leave under this policy.

Employees laid off or otherwise terminated on or after 3/1/2020, who are rehired on or before 3/31/2021, are eligible for leave upon reinstatement if they had previously been employed by Click or tap here to enter text. for 30 or more of the 60 days prior to their layoff or termination.

**Qualifying Leave Reasons:**

Qualifying leave may be granted to eligible employees who are unable to work (or perform remote work) due to a need to care for their child when a school or place of care has been closed, or when the regular childcare provider is unavailable due to a public health emergency with respect to COVID-19.

“Child” means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

* Under 18 years of age
* 18 or older and incapable of self-care because of a mental or physical disability

“Childcare provider” means a provider who receives compensation for providing childcare services on a regular basis, including:

* A center-based childcare provider.
* A group home childcare provider.
* A family childcare provider (one individual who provides childcare services for fewer than 24 hours per day, as the sole caregiver, and in a private residence).
* Other licensed provider of childcare services for compensation.
* A childcare provider that is 18 years of age or older who provides childcare services to children who are either the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece or nephew of such provider, at the direction of the parent.

"School" means an elementary or secondary school.

**Leave Duration:**

Employees will have up to 12 weeks of leave to use from April 1, 2020, through March 31, 2021, for the purposes stated above.

[*IF YOUR COMPANY HAS 50 OR MORE EMPLOYEES, INCLUDE THE FOLLOWING –* This time is included in and not in addition to the total FMLA leave entitlement of 12 weeks in a 12-month period.

For example, if an employee has already taken 6 weeks of FMLA leave, that employee would be eligible for a maximum of 6 weeks of FMLA leave under this policy (12 weeks total of FMLA minus (-) the 6 weeks used prior to FFCRA’s Expanded FMLA Leave equals (=) 6 weeks remaining for either FFCRA’s expanded FMLA Leave or any other FMLA leave).]

**Increments & Intermittent Use of Leave**

[*INCREMENTAL AND INTERMITTENT LEAVE IS OPTIONAL BUT STRONGLY ENCOURAGED BY THE DEPT. OF LABOR. EMPLOYERS ARE NOT REQUIRED TO INCLUDE BUT DOING SO DEMONSTRATES YOUR COMPANY’S REASONABLE ATTEMPT TO BE FLEXIBLE*]

Employees may take expanded FMLA leave intermittently and in any increment agreed to with Managing Partner(s). For example, an employee may only need 4 hours per day of leave to care for his or her child or may only need to do so on Tuesdays and Thursdays. Managers and employees are expected to be flexible in scheduling wherever possible.

**Calculation of Pay:**

The initial 10 days of this Expanded FMLA is unpaid although Click or tap here to enter text. employees may apply the PTO policy towards their first 5 days of qualifying leave, or they may elect to use the paid leave provided under the Emergency Paid Sick Leave Act (but not both) to cover part or all of this initial 10 day period. After the initial 10 days, leave will be paid at two-thirds of an employee's regular rate of pay for the number of hours the employee would otherwise be scheduled to work. Pay will not exceed $200 per day and $10,000 in total, or $12,000 in total if using emergency paid sick leave for the first two weeks. Any unused portion of this pay will not carry over to the next year.

**NOTE:** *Any unused portion of this pay will carry over to the next year but the total amount of time and pay limits do not reset with the change in calendar or fiscal year. For example, if 3 weeks and $3,000.00 of pay are used in 2020, only 9 weeks and $9,000.00 are available effective 1/1/2021 – 3/31/2021 when this policy expires.*

For employees with varying hours, one of two methods for computing the number of hours paid will be used:

* If the employee has worked 6 months or more, the average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type.
* If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

[***NOTE****: AS AN OPTION, IT IS PERMISSIBLE FOR EMPLOYEES TO USE ACCRUED PTO TIME IN ADDITION TO THE 2/3 PAY AS LONG AS THE COMBINED TOTAL DOES NOT EXCEED 100% OF PAY. EXAMPLE = 1/3 HR OF PTO FOR EACH HOUR OF EXPANDED FMLA LEAVE TAKEN TO EQUAL 100% OF NORMAL PAY PER HOUR*]

**Employee Status and Benefits During Leave:**

While an employee is on leave, Click or tap here to enter text. will continue any benefits (including health benefits if enrolled) during the leave period at the same level and under the same conditions as if the employee had continued to work. While on paid leave, Click or tap here to enter text. will continue to make any applicable payroll deductions to collect the employee’s share (if any) of the premium(s). During any unpaid portions of leave, the employee must continue to make this payment per instructions from the HR Department [*OR APPROPRIATE MEMBER OF LEADERSHIP IN YOUR COMPANY IF NO HR DEPARTMENT*].

If the employee contributes to a life insurance or disability plan, the employee will continue making payroll deductions while the employee is on paid leave. During any portion of unpaid leave, the employee may request the continuation of such benefits and pay his or her portion of the premiums, or Click or tap here to enter text. may elect to maintain such benefits during the leave and pay the employee’s share of the premium payments. If the employee does not continue these payments, Click or tap here to enter text. may discontinue coverage during the leave. If Click or tap here to enter text. maintains coverage, Click or tap here to enter text. may recover the costs incurred for paying the employee’s share of any premiums, whether or not the employee returns to work.

**Requesting Leave:**

All employees requesting FMLA leave must provide written notice of the need for leave to the HR manager [*OR APPROPRIATE MEMBER OF LEADERSHIP IN YOUR COMPANY IF NO HR DEPARTMENT*] as soon as practicable. Verbal notice will otherwise be accepted until written notice can be provided.

Notice for the need for leave must include:

* The name and age of the child (children) being cared for
* The name of the school, place of care, or childcare provider that closed or became unavailable due to COVID-19 reasons
* A statement representing that no other suitable person is available to care for the child or children during the period of requested leave. For children over the age of 14, a statement indicating the special circumstances that require the employee to provide care during daylight hours.

On a basis that does not discriminate against employees on FMLA leave, Click or tap here to enter text. may require an employee on FMLA leave to report periodically on the employee’s status and intent to return to work.

**Employee Status After Leave:**

Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits, and other employment terms. If the position the employee held before leave started no longer exists due to economic conditions or operational changes that are made because of the public health emergency, and no equivalent position is available, the employee will not be returned to employment. However, for the period of one year after qualifying leave under this policy ends, MMM will make reasonable efforts to contact the employee if an equivalent position becomes available.

[*IF YOUR COMPANY SIZE IS LARGER THAN 25 EMPLOYEES, CONSIDER ADOPTING THE FOLLOWING LANGUAGE INSTEAD OF THE ABOVE PARAGRAPH:*

Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits, and other employment terms. The Click or tap here to enter text. may choose to exempt certain key employees from this requirement and not return them to the same or similar position when doing so will cause substantial and grievous economic injury to business operations. Key employees will be given written notice at the time FMLA leave is requested of their status as a key employee.]

Please direct all questions or concerns related to this policy to the HR Department [*OR APPROPRIATE MEMBER OF LEADERSHIP IN YOUR COMPANY IF NO HR DEPARTMENT*].