



Topic	Family and Medical Leave Act of 1993, 29 U.S.C. 2612(a)(1)	HR-6201 Emergency Family and Medical Leave Expansion Act, Division C, Section 3102
Length of Legislation, Section 3102(a)(1)(F)		Emergency Declaration COVID-19: April 2, 2020 - ending on December 31, 2020 providing amendments to FMLA
Notice to Employees, Section 5103(a), (b)		Employer must post DOL-approved notice. DOL must provide model notice no later than 7 days after enactment of act, or by March 25, 2020.
<b>Definitions</b>		<b>Section 110. Public Health Emergency Leave</b>
Eligible employees, Section 110(a)(1)(A)	Employee eligible after 1 year of employment (Sections 101(2)(A) and 101(2)(B)(ii) and 102(a)(1)(F)	At least 30 days of employment. Employers may elect to exclude health care providers or emergency responders from these provisions.
Reasons for Leave, Sections 110 (a)(2)(A)(B)(C)(D)	As provided in Section 102(a)(1)(A)-(E)	Qualifying need related to a public health emergency (unable to work or telework due to need to care for son or daughter under 18 years of age if the school or place of care has been closed, or the care provider is unavailable due to the public health emergency)
Employer Threshold, Section 110(a)(1)(B)	50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year, Section 101(4)(A)(i)	New language substitutes this language: "Fewer than 500 employees" however, all public agencies are covered regardless of size.
Unpaid Leave for Initial 10 Days, Section 110(b)(1)	Generally, employee may elect or employer may require use of accrued VL, PL or SL for leave, Section 102(d)	First 10 days may consist of unpaid leave, however during first 10 days employees may use Emergency Sick Leave or accrued VL, PL, or SL. Employer may not require use of accrued leave in lieu of Emergency Sick Leave, Section 5102(e)
Paid Leave, Section 110(b)(2)(A)	No requirement for employer to pay; employees are entitled to leave, but may use applicable accruals to remain in pay status, Section 102(a)(1)(F),	Employer shall provide paid leave for each day of FMLA leave the employee takes after the first 10 unpaid days.
Paid Leave Calculation, Section 110 (b)(2)(B)	N/A	Based on 2/3 of regular FLSA rate of pay for the number of hours the employee would normally be scheduled to work NOT TO EXCEED \$200 per day and \$10,000 aggregate. However, there is no prohibition on the employer voluntarily paying the difference for employees who would otherwise exceed these caps, although employers will not receive any federal reimbursement for this extra amount. Note, public agencies are not eligible for any federal reimbursement.
Varying Schedule Hours Calculation, Section 110 (b)(2)(C)	N/A	Based on 2/3 of regular FLSA rate of pay for the average # of hours employee was scheduled to work over previous 6 month period; or if employee did not work during the 6 month period, the average number of hours per day the employee would normally have been scheduled to work
Notice, Section 110(c)	As provided by 102(e).	If foreseeable, employee shall provide employer with notice of leave as is practicable, Section 110(c)
Restoration to Position, Section 110(d)	Generally, employees entitled to be restored to position held when the leave commenced or an equivalent position, Section 104(a)(1)	Same restoration rule applies except that if employer has <25 employees, employee does not need to be restored if: <ul style="list-style-type: none"> <li>A) The employee takes leave under Section 102(a)(1)(F);</li> <li>B) Position held no longer exists due to economic or other operating conditions.</li> <li>C) The employer makes reasonable efforts to restore employee to an equivalent position.</li> <li>D) If reasonable efforts fail, contact employee if an equivalent position becomes available for 1-year post-public health emergency conclusion or the date that is 12 weeks after the date the employee's leave under 102(a)(1)(F) commences. (Sections 110(d)(1)(2)(3))</li> </ul>