

The Academy of Alameda

Emergency Family and Medical Leave Expansion Act (“E-FMLA”)

Purpose

The Academy of Alameda enacted this policy in accordance with the Families First Coronavirus Response Act (“FFCRA”) to provide paid time off to eligible employees for qualifying child care reasons.

Eligible Employees

All employees (including part-time and temporary employees) who work for The Academy of Alameda for a minimum of 30 days are eligible to use E-FMLA as set forth in this policy.

Definitions

For purposes of this policy, the following definitions are incorporated:

“Child care provider” means a provider who receives compensation for providing child care services on a regular basis, including an ‘eligible child care provider’ (as defined in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

“Public health emergency” means an emergency with respect to COVID-19 declared by a Federal, State or local authority.

“School” means an ‘elementary school’ or ‘secondary school’ as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“Child” is the employee’s own child, which includes a biological, adopted, foster child, stepchild, a legal ward, or a child for whom you are standing in loco parentis who is under the age of 18 years of age; or 18 years or older who is incapable of self-care because of a mental or physical disability.

Permitted Use

Eligible employees may use E-FMLA if they are unable to work (or telework) due to a need for leave to care for their child if their child’s school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency. This may be taken if no other suitable person is available to care for the child during the period of the leave.

Paid Leave Received

Employees are entitled to up to twelve weeks of time off under E-FMLA. The first two weeks are unpaid, but may be paid if the employee elects to use COVID-PSL or other applicable The Academy of Alameda paid benefits during this time. The remaining ten weeks are paid at two-thirds of the employee’s regular rate of pay, up to a daily maximum of \$200 and an aggregate total of \$10,000. The amount paid is also based on the number of hours the employee would otherwise normally be scheduled to work.

Part-time employees are entitled to the number of hours they work on average over a two-week period. For those with varying schedules, The Academy of Alameda will determine the number of hours, which generally includes a backward looking calculation of hours worked in the previous six months.

Limits on Use

E-FMLA is only available for use while qualifying reasons exist or through December 31, 2020, whichever is earlier. Please also note that any time off for FMLA reasons during the relevant period will count against remaining availability of E-FMLA. For instance, if an employee took three weeks of FMLA during the

relevant time period, the employee will have nine weeks available under E-FMLA for use. In this example, the first two weeks of the available nine weeks would be unpaid and the remaining seven weeks would be paid in accordance with the above calculations.

Intermittent Leave

If The Academy of Alameda and the Employee agree, an employee who needs time off for E-FMLA, may take time off intermittently.

Use Of Paid Benefits

After the first two workweeks (10 work days), employees may elect to use, or The Academy of Alameda may require the use of, other applicable accrued unused AoA paid leave benefits concurrently with E-FMLA.

Maintenance of Health Benefits

The Academy of Alameda will provide continued coverage under The Academy of Alameda's group health plan if the employee participates in the group health plan at the time leave is taken. The employee is responsible for paying the same portion of the premium costs the employee paid prior E-FMLA. Unless otherwise noted, the employee's contribution portion will be deducted from the employee's pay. The Academy of Alameda will provide instructions to employees as their payment for benefit contributions during any unpaid time off under E-FMLA.

Notification

The employee must completely fill out and submit a Request for Leave Form and provide reasonable advance notification of the need to use E-FMLA, if foreseeable. Documentation from the employee's school or child care provider regarding the closure or unavailability must be submitted with the Request for Leave Form.

If the need to use E-FMLA is not foreseeable, the employee must submit the Request for Leave Form as soon as practicable. However, paid leave may not be provided until the requested certification is submitted and approved. If you need assistance in completing or submitting your form, please contact Summer Hottinger, Director of HR.

Termination

Employees will not receive pay in lieu of unused E-FMLA. Unused E-FMLA will not be paid out upon termination.

Restoration to Position

Generally, an employee who takes E-FMLA leave shall be entitled, upon return from such leave, to be restored either (A) to the position of employment held by the employee when the leave commenced; or (B) to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. In accordance with applicable law, restoration to a position may not be possible if certain conditions exist which include, but are not limited to, economic conditions or other changes in operating conditions of The Academy of Alameda that affect employment and are caused by a public health emergency.

No Discrimination or Retaliation

The Academy of Alameda prohibits discrimination or retaliation against employees for requesting or using E-FMLA.

Other

Please note that under certain circumstances, The Academy of Alameda may be exempt from the requirements of E-FMLA. In addition, employees may be eligible for time off under The Academy of Alameda's FMLA policy if the employee has a serious health condition related to COVID-19, or to care for the employee's spouse, child or parent with a serious health condition related to COVID-19.

Other terms and conditions of FMLA may apply to this leave. Please see Summer Hottinger, Director of HR for additional information.

This E-FMLA policy may be modified, altered, or otherwise amended or deleted in The Academy of Alameda's sole and absolute discretion.