

# Public Health Emergency Leave

**Effective Date: 04/01/2020**

Under the Emergency Family and Medical Leave Expansion Act, employees may be entitled to public health emergency leave (PHEL). The Emergency Family and Medical Leave Expansion Act takes effect on April 1, 2020 and expires on December 31, 2020.

**Employee Eligibility:** To be eligible for PHEL, an employee must have worked for Choices Pregnancy Center for at least 30 calendar days prior to the leave.

**Use of PHEL:** Eligible employees may use up to 12 weeks of job-protected leave to care for their child under 18 years of age if their school or place of care has been closed, or their childcare provider is unavailable, due to a public health emergency.

**Pay During Leave:** The first 10 days of PHEL may be unpaid, but the employee may elect to substitute any accrued paid leave, including emergency paid sick leave, during this period. Employees will be paid for PHEL after the first 10 days, at a rate of at least two-thirds their regular rate of pay, up to a maximum of \$200 per day.

**Protection of Group Health Insurance Benefits:** During leave under this policy, eligible employees are entitled to receive group health plan coverage on the same terms and conditions as if they had continued to work.

**Job Restoration:** At the end of PHEL leave, employees are generally entitled to return to the same or equivalent position they had when the leave began. However, CPC may be exempt from this requirement if it has fewer than 25 employees and:

- The employee's position doesn't exist after PHEL due to economic conditions or other changes in operating conditions that affect employment and were caused by a public health emergency during the period of leave;
- CPC makes reasonable efforts to restore the employee to a position equivalent to the position the employee held before the leave; and
- CPC makes every reasonable efforts to contact the employee if an equivalent position becomes available within the next year.

**Notice of Eligibility for, and Designation of, Leave:** Employees requesting leave are entitled to receive written notice from CPC telling them whether they are eligible for PHEL and, if not eligible, the reasons why they are not eligible. When eligible for leave, employees are entitled to receive written notice of: (1) their rights and responsibilities in connection with such leave; (2)

CPC's designation of leave as PHEL-qualifying or non-qualifying, if not PHEL-qualifying, the reasons why; and (3) the amount of leave, if known, that will be counted against the employee's leave entitlement.

**Retaliation Prohibited:** CPC will not take adverse action against an employee for exercising their rights under the law.

If you have questions about this policy, contact your supervisor or the HR Administrator.