



## **FMLA Leave Expansion and Emergency Paid Sick Leave Policy**

Effective: January 1, 2021

**Policy Summary:** The COVID paid leave time provided by the FFCRA expired on 12/31/2020. Due to the recent passing of the Consolidated Appropriations Act, 2021, the following updates have been made to DeLong's, Inc. FMLA Expansion and Emergency Paid Sick Leave Policy:

- Paid leave will only be available for reasons 1 and 3.
  - This is part of the same original 80-hour entitlement. It does not start over as of 1/1/2021.
  - Proper reporting and documentation are still required.
- No-pay/No-point leave will be provided for reasons 2, 4, 5, and 6, or for leave extending beyond the 80-hour entitlement.
  - Proper documentation and reporting will be required to prevent earning attendance points.
- The Expanded FMLA, which provided up to 10 additional weeks of  $\frac{2}{3}$  pay for the loss of childcare for COVID-related reasons is no longer in effect as of 1/1/2021.

Please refer to the full policy for further details.

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**Policy Disclosure:** This policy is intended to fully comply with the Families First Coronavirus Response Act (FFCRA), the Coronavirus Aid, Relief and Economic Security Act (CARES), and the Consolidated Appropriations Act, 2021. The information contained within this policy is deemed to be compliant, factual, and accurate as of the date stated in the header of this document. However, due to the continuously evolving guidance and interpretation of the Department of Labor (DOL) and Internal Revenue Service (IRS), this policy is subject to immediate change. DeLong's, Inc. (hereafter referred to as, "the Company"), will put forth every effort to provide updated policies and information as soon as logistically feasible. However, change in requirements or guidance from these governing agencies will take effect as soon as the Company is made aware, with or without prior notice to employees.

### **Purpose and Scope**

Under the FFCRA, employee's entitlement to Emergency Paid Sick Leave and Expanded FMLA ended December 31, 2020. In accordance with the Consolidated Appropriations Act, 2021, DeLong's, Inc. has will extend some of the FFCRA Emergency Paid Sick Leave between January 1, 2021 through March 31, 2021. This policy outlines which entitlements will be extended. Our existing FMLA leave policy still applies to reasons for leave outside of those specified in this policy.

### **Emergency Paid Sick Leave**

#### **Eligibility**

All full and part-time employees unable to work (or telework) are entitled to leave under this provision.

Reasons for Leave:

1. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to either number 1 or 2 above.
5. The employee is caring for his or her child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the secretary of health and human services in consultation with the secretary of the treasury and the secretary of labor.

Effective January 1, 2021, employees are eligible to receive 100% pay for reasons number one (1) and three (3) above.

All other reasons above will not be entitled to compensation during the leave, but the Company will not assign attendance points, provided that the appropriate documentation is provided.

“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; or
- 18 years of age or older and incapable of self-care because of a mental or physical disability.

Amount of Paid Sick Leave

All eligible full-time employees will have up to a total of 80 hours of paid sick leave available to use for reasons one (1) or three (3) above. Eligible part-time employees are entitled to the number of hours worked, on average, over a two-week period. For employees with varying hours, one of two methods for computing the number of hours paid will be used:

- 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. Or,
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

The 80-hour (or prorated amount for part-time employees) entitlement does not reset as of January 1, 2021. This is the same single 80-hour (or prorated amount) entitlement that was effective April 1, 2020. Any leave used between April 1, 2020 and December 31, 2020 will reduce the amount of available time as of January 1, 2021. If an employee has exhausted all 80 hours (or prorated amount) prior to January 1, 2021, they will not have any hours available for use in 2021.

Rate of Pay

Paid emergency sick leave will be paid at the employee's regular rate of pay, or minimum wage, whichever is greater, for leave taken for reasons one (1) or three (3) above. Pay will not exceed \$511 per day and \$5,110 in total.

Paid leave will not apply to any other reason listed above.

Interaction with other Paid Leave

Employees may use emergency paid sick leave under this policy before using any accrued PTO for the qualifying reasons stated above.

Procedure for Requesting and Documenting Emergency Paid Sick Leave

Employees must notify HR/EHS of the need **and specific reason** for leave under this policy. Employees will be required to submit the electronic Sick Leave Request form from the COVID-19 employee page on the DeLong’s, Inc. Verbal notification will be accepted until practicable to provide written notice. The employee will also be required to provide the appropriate documentation related to their reason for leave.

This applies to requests for paid leave time and to requests for point-protected leave. Failure of the employee to show good-faith effort to meet either the request or documentation requirements may result in the denial of requested paid or point-protected leave time.

Once leave has begun, the employee and HR/EHS will determine reasonable procedures for the employee to report periodically on the employee's status, intent to continue to receive paid sick or point-protected time and required supporting documentation. It will be the employee’s responsibility to fulfill these requirements.

If leave is not scheduled in advance, the employee must still follow call-in procedures as established in the Company’s Attendance and Time Policy. Failure to do so will result in a no-call/no-show incident and a 0.5 attendance point, regardless of the protected status of the leave.

Required Supporting Documentation

The employee will be responsible for furnishing the appropriate supporting documentation regarding their utilization of emergency paid sick leave or point-protected leave. At a minimum, the following documentation will be required:

<b>Reason Number</b>	<b>Documentation Required</b>
1	A copy of the applicable Federal, State, or local quarantine or isolation order.
2	Documentation from the healthcare provider who advised self-quarantine, including the provider’s name.
3	Proof of seeking diagnosis.
4	Caring for someone subject to Reason 1: Copy of applicable order.
	Caring for someone subject to Reason 2: Documentation from healthcare provider, including provider’s name.
5	Copy of notice from school/childcare provider stating closure/unavailability.
6	Copy of declination stating specification.

It is requested that all supporting documentation be submitted electronically so as to limit unnecessary contact and contamination between staff members.

### Carryover

Paid emergency sick leave and point-protected leave under this policy will expire March 31, 2021. Any unused paid sick leave will not carry forward beyond that date.

### Job Protections

Employees who appropriately utilize emergency paid sick leave or point-protected leave under this policy will not be discharged, disciplined, or discriminated against for work time missed due to this leave.

Employees who falsify documentation related to utilization of this leave, or are otherwise dishonest with the Company regarding this leave, may be subject to progressive discipline. It is important to note that no employee is entitled to all steps of progressive discipline in order. Steps may be combined or skipped depending on the severity of the situation.

### **Questions Regarding Leave**

All questions regarding this policy and leave time should be directed to HR/EHS. Due to Company policies regarding social distancing, we request questions be asked via the phone or electronic communication whenever possible. HR may easily be reached via:

- Phone: **Please leave a message if not answered**

Amber Hall	573-635-6121 x 1264 (Office)	573-225-8149 (Cell)
Bryant Jurgensmeyer	573-635-6121x 1257 (Office)	573-821-8690 (Cell)
Kyla Asel	573-635-6121 x 1260 (Office)	573-645-1292 (Cell)

- Email:
  - amberh@delongsinc.com
  - bryantj@delongsinc.com
  - kylaa@delongsinc.com
- Text: “All Employees” contact via the Remind messaging platform
- Fax: 573-564-4715

### **Changes to the Policy**

The Company will make every effort to provide timely notice to employees should this policy change as a result of continued clarification and guidance from the DOL and IRS. However, changes as required or suggested by these governing agencies will take effect as soon as the Company is made aware of such information, regardless of prior notice of the change to employees.