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Emergency Family Medical Leave Act: Leave Scenarios

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As more employees physically return to work, employers are facing questions regarding an employee's leave entitlement to care for children due to the closure of the child's school or place of care or because of the unavailability of the child's care provider. In addition, many employers are beginning to face challenges in coordinating the employee's Emergency Family Medical Leave Act (EFMLA) entitlement with other statutory leaves, specifically the traditional Family Medical Leave Act (FMLA), the California Families Rights Act (CFRA), the California Pregnancy Disability Leave Law (PDL), and the FFCRA's Emergency Paid Sick Leave Act (EPSLA). We have included five scenarios that show the coordination of EFMLA with an employee's other statutory leave rights and their employer paid leaves. These scenarios assume that the employee meets all qualification and eligibility standards for each of the referenced leave.

Some of these scenarios involve an employer voluntarily paying more than the FFCRA requires. The scenarios are not intended as guidance in terms of leave payments that qualify for tax credits for eligible employers. We encourage employers to seek guidance from their tax consultants on those issues. Finally, note that "weeks" is used instead of "workweeks" in the scenarios.

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