Emergency Family and Medical Leave Act (E-FMLA)

Emergency Family & Medical Leave Act amends and expands the traditional FMLA on a temporary basis to provide job-protected leave up to 12 weeks and paid leave up to 10 weeks due to the public health emergency created by COVID-19. These benefits expired on December 31, 2020; however, the San Bernardino County Board of Supervisors approved the extension of emergency leave benefits through September 30, 2021.

Eligibility

Employees must meet both of the requirements as summarized below:

- An employee must be employed by the County for 30 days prior to the commencement of the leave of absence.
- An employee is unable to work (or telecommute) due to care for their child (under the age of 18) if the child's school or place of care has been closed due to a public health emergency.

Note: There are exclusions for Healthcare Workers and Emergency Responders that result in them being ineligible for E-FMLA, however, employees in these groups may be eligible for job protected leave under traditional FMLA.

Benefits Covered

The first two weeks (10 working days) of E-FMLA is unpaid and an employee may code/integrate with their personal leave balances. After the first two weeks of unpaid leave (for up to 10 additional weeks), an employee may receive 2/3 of their regular rate of pay, up to $200 per day and an aggregate maximum of $10,000. E-FMLA payments may be fully or partially integrated with leave balances to receive up to 100% of your base salary.

This plan runs concurrent to traditional FMLA, for example, if an employee is currently on FMLA for a serious health condition and then their child's school closes due to a public health emergency, the employee would not receive more than 12 weeks total for both reasons.

The use of intermittent leave will be permitted as needed where an employee has been given the option to report to a worksite or telecommute.

How to Request Emergency-FMLA?

File claim with MetLife by phone or online:
- Call MetLife at 1.877.638.8269; or
- Go to https://mybenefits.metlife.com
  - Create login:
    - Company name: County of San Bernardino

Please note: MetLife administers the tracking of all FMLA leaves, however, MetLife is not responsible for E-FMLA payments. Employees can code E-FMLA time in EMACS and receive E-FMLA benefit payment through their paycheck. Please refer to "How to Code Time" section for direction.

Upon requesting E-FMLA, based on a school closing or place of care provider unavailability, the employee may be asked to include a statement in email or letter that should include:

- The name and age of the child (or children) to be cared for,
- The name of the school that has closed or place of care that is unavailable, and
- A representation that no other person will be providing care for the child during the period for which the employee is receiving family medical leave and,
- With respect to the employee's inability to work or telework because of a need to provide care for a child older than fourteen during daylight hours, a statement that special circumstances exist requiring the employee to provide care.

How to Code Time
Once employee's supervisor verifies E-FMLA is approved by MetLife, employee will have access to code **EMFML**. EMFML time reporting code (2/3 of employee's regular rate of pay up to established maximums) may be coded for the remaining time available under E-FMLA up to 10 weeks.

Benefit payments may be fully or partially integrated with leave balances to receive up to 100% of your base salary.

Please note: Time reporting coding for employees must be completed by 5:00 pm on the last day (Friday) of the pay period.