



## **FAMILIES FIRST CORONAVIRUS RESPONSE ACT**

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Signed into law March 18, 2020, the Families First Coronavirus Response Act requires public agencies, (federal/state governments, political subdivisions, schools) of any size and private employers with fewer than 500 employees to provide job-protected leave for qualifying needs related to a public health emergency under the Family and Medical Leave Act and paid sick leave under the Emergency Paid Sick Leave Act to eligible employees affected by the COVID-19 pandemic. Provisions of the Act, Emergency Family and Medical Leave Act and Emergency Paid Sick Leave Act, go into effect April 1, 2020, through December 31, 2020. You can read [the law in its entirety here](#).

## **EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT**

**Effective Date:** April 1, 2020, through December 31, 2020

**Covered Employer:** Public agencies (federal/state governments, political subdivisions, schools) of any size and private employers with fewer than 500 employees.

**Eligible Employee:** Any full-time or part-time employee that has been on the employer's payroll for 30 calendar days. The Act permits employers to exclude health care providers and emergency responders from this emergency FMLA entitlement.

**Emergency FMLA Entitlement:**

Eligible employees are entitled to take up to twelve (12) weeks of Emergency FMLA leave for "a qualifying need related to a public health emergency."

Eligibility is limited to circumstances where an employee is unable to work (or telework) to care for a minor child if the child's school or place of child care has been closed or is unavailable due to a public health emergency.

- Eligible employees shall be granted unpaid leave or may take available accrued sick or annual leave during the first ten (10) days of leave.
- The remaining ten (10) weeks are paid at not less than 2/3 of the employee's regular rate of pay for the number of hours the employee would otherwise be scheduled to work. The maximum payment is \$200 a day and a \$10,000 total.
- For employees with variable hours each week, paid leave would be equal to the average number of hours worked per day over the previous six months.
- An eligible employee is entitled to twelve (12) weeks of Emergency FMLA leave.
- Emergency FMLA leave is job-protected, and the employer would restore an employee to the same or equivalent position upon their return to work.

# EMERGENCY PAID SICK LEAVE ACT

**Effective Date:** April 1, 2020, through December 31, 2020

**Covered Employer:** Public agencies (federal/state governments, political subdivisions, schools) of any size and private employers with fewer than 500 employees.

**Eligible Employee:** Any full-time or part-time employee is immediately eligible for paid sick leave. Unlike the emergency FMLA requirements, there is no 30-calendar day employment requirement. The Act permits employers to exclude health care providers and emergency responders from this emergency entitlement.

**Emergency Paid Sick Leave Entitlement:**

Full-time employees who are unable to work or telework are eligible for up to eighty (80) hours of paid sick leave at their regular rate of pay because:

- The employee is subject to federal, state or local quarantine or isolation order related to COVID-19
- The employee has been advised by a health care provider to self-quarantine because of COVID-19
- The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis

Full-time employees who are unable to work or telework are eligible for up to eighty (80) hours of paid sick leave at two-thirds (2/3) of the employee's regular rate or minimum wage, whichever is greater when caring for an immediate family member because:

- The employee is caring for an individual subject or advised to quarantine or isolation
- The employee is caring for a son or daughter whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 precautions
- The employee is experiencing substantially similar conditions as specified by the Secretary of Department of Health and Human Services.

**Part-time employees:** Part-time employees are eligible to take the number of hours they would normally work during a two-week period.

\*\*The law limits paid leave to \$511 per day (\$5,110 in total) where leave is taken for an employee's own illness or quarantine; and \$200 per day (\$2,000 in total) where leave is taken for reasons to care for others or school closures.

**Employers should also note that they cannot:**

- Require an employee to use other paid leave before using the paid sick time provided in the new legislation.
- Require an employee to find a replacement to cover his or her scheduled work hours.
- Retaliate against any employee who takes leave in accordance with the Act.
- Retaliate against an employee who files a complaint or participates in a proceeding related to the Act—including a proceeding that seeks to enforce the Act.

For a thorough Q&A Fact Sheet in regards to the FFCRA, please visit:

<https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

We know this is a stressful time but we encourage you to continue all safety measures to limit the spread of the virus and prevent infection. Be smart, be safe!