

FAQ

Families First Coronavirus Response Act (H.R.6201)

On March 18, 2020, President Trump signed additional emergency relief legislation known as the Families First Coronavirus Response Act (Families First Act). Passed because of the escalating coronavirus situation, the Families First Act creates expanded employee benefits and protections related to COVID-19, including a new federal paid sick leave law, an emergency expansion of the Family and Medical Leave Act and expanded unemployment insurance provisions.

Effective April 2nd, 2020

WHAT'S NEW WITH PAID SICK LEAVE?

Who is covered and how much leave is required?

Employers with fewer than 500 employees and public agencies with at least one employee must provide full-time employees with up to 80 hours of paid sick leave if the employees are unable to work due to COVID-19. Part-time employees are entitled to paid sick leave based on the number of hours the employees work, on average, over a two-week period.

Effective April 2nd, 2020

FMLA IS EXPANDED?

What is the expansion?

The Emergency Family and Medical Leave Expansion Act amends the current FMLA, allowing leave for eligible employees who can't work because their minor child's school or childcare service is closed due to a COVID-19 emergency declared by a federal, state or local authority.

What are the qualifying reasons for leave?

- The employee is subject to a federal, state, or local quarantine order related to COVID-19.
- The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- The employee is caring for an individual who is subject to either number 1 or 2 above.
- The employee is caring for their child if the school or source of care has been closed or is unavailable, due to COVID-19 precautions.

What are the pay requirements?

Paid sick leave must be paid at the employee's regular rate of pay, or minimum wage, whichever is greater, for leave taken for reasons 1-3 above. An Employee taking leave for reasons 4-6 may be compensated at two-thirds of his or her regular rate of pay, or minimum wage, whichever is greater.

What is expanded and who is eligible?

Employees are eligible if they work for an employer with fewer than 500 employees and who have been on the payroll for at least 30 calendar days.

Is this a paid leave?

The first 10 days of this leave may be unpaid; however, employees may elect to substitute available paid time off during this time. After the initial 10 days, employers must pay eligible employees at least two-thirds of the employees' regular rate of pay based on the number of hours the employees would otherwise have been scheduled to work. These paid-family-leave benefits are capped at \$200 a day (or \$10,000 total).

WHAT ABOUT JOB PROTECTION?

As with standard FMLA leave, the emergency leave is protected, meaning an employer must return the employee to the same or equivalent position upon their return. But, small employers with fewer than 25 employees are exempted if the position does not exist due to economic conditions or other changes in operating conditions that affect employment and are caused by a public health emergency.