

# **Families First Coronavirus Response Act H.R. 6201** **signed March 18, 2020; expires December 31, 2020.**

**Under the act, employers with up to 500 employees\* must offer:**

- **Two weeks (10 days) of paid sick leave** for COVID-19-related reasons for eligible employees.
- Two weeks (10 days) translates to up to 80 hours for full-time workers and up to the amount equal to the number of hours the employee works on an average two-week period for part-time workers.
- Paid sick leave may end when the need is over even if less than 10 days has been used although it is possible the remaining unused amount may be available if they qualify again.
- There is no length of service requirement for employees to be eligible.
- Under the paid sick leave provision, employees who are unable to work (or telework) may take leave if they:
  - are subject to a Federal, State, or local quarantine or isolation order related to COVID-19 (100% of pay capped at \$511 per day); *we recommend visiting the local government website for confirmation*
  - have been advised by a health care provider to self-quarantine due to concerns related to COVID-19 (100% of pay capped at \$511 per day); *while requesting a doctor's note is not practical during this time you may ask if they have been advised by a medical professional*
  - are experiencing symptoms of COVID-19 and seeking a medical diagnosis (100% of pay capped at \$511 per day); *it may be difficult to verify symptoms and seeking a medical diagnosis*
  - are caring for an individual who is subject to a quarantine or isolation order related to COVID-19, or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19 (2/3 pay capped at \$200 per day); *note this is not limited to just immediate family; again while requesting a doctor's note is not practical during this time you may ask if they have been advised by a medical professional; it is probably okay if the 2/3 amount is less than minimum wage because it is not compensable time*
  - are caring for a son or daughter if the school or place of care for the child has been closed, or childcare provider is unavailable due to COVID-19 precautions (2/3 pay capped at \$200 per day); *the child must be under 18; this closure does not have to be due to an official public health emergency; we recommend visiting the school district website for confirmations*
  - are experiencing any other substantially similar condition as specified by the Secretary of Health and Human Services (2/3 pay capped at \$200 per day). *There is no list, per say, so this is very broad. Generally speaking, COVID-19 symptoms are similar to the flu with fever, coughing and shortness of breath.*

*Information is intended for informational purposes as is accurate as of March 19, 2020*



PROTECTING TOMORROW...TODAY.

**Under the act, employers with up to 500 employees\* must offer:**

- **Twelve weeks of family leave (10 weeks will be paid family leave)** for an employee with a minor child (under 18 years old) who is unable to work (or telework) in the event of the closure of the child's school or place of care due to a COVID-19 **public health emergency declaration by the Federal, State and/or local governments.** *we recommend visiting the government websites; note: the 12-week period does not extend any time under the FMLA act, it simply adds another reason for leave and specifies payment.*
- The employee must have worked at least thirty calendar days for the employer before they were impacted by COVID-19 and may be full-time or part-time.
- Under the expanded paid family leave provision, the benefits are as follows:
  - The first 10 days are unpaid, but the employee can use the 10 days of paid sick leave as defined above during this time if applicable or may opt to use other sources of pay such as PTO. The employer may not force them to use their PTO. *Realistically, the employee will probably fall under the 10 days paid sick leave to cover this time.*
  - The benefit must replace at least two-thirds of the employee's wages up to a maximum of \$200 per day (and \$10,000 in aggregate).
  - Wages for part-time workers must reflect the number of average hours as calculated using the past six months or if they have not worked six months just the hours the employee would otherwise be normally scheduled to work.

**Under the act, employers with up to 500 employees\* must not:**

- Discharge, discipline, or in any other manner discriminate against any employee who—
  - takes leave in accordance with this Act; and
  - has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act (including a proceeding that seeks enforcement of this Act) or has testified or is about to testify in any such proceeding.

\*The Act allows an employer of an employee who is a health care provider or an emergency responder to elect out of providing paid family leave to these employees.

\*The Labor Department will have the authority to exempt from the paid family leave requirement small businesses with fewer than 50 employees if the requirement to provide leave would jeopardize the viability of the business. *We recommend implementing paid family leave if at all possible. No guidance yet from the DOL on how to gain an exemption.*

*Information is intended for informational purposes as is accurate as of March 19, 2020*