

EFFECTIVE APRIL 1, 2020: FAMILIES FIRST CORONAVIRUS RESPONSE ACT

On March 18, 2020, President Trump signed the Families First Coronavirus Response Act into law.

The Act requires employers with fewer than 500 employees to provide emergency paid sick leave and family leave to employees dealing with the impact of COVID-19. Amounts paid to employees are capped and are 100% reimbursable via tax credits.

EMERGENCY PAID SICK LEAVE:

Covered employers are required to provide full-time employees with 10 days (80 hours) of paid sick leave (and for part-time employees, the number of hours of paid sick time equal to the number of hours they work, on average, over a two-week period) if the employee cannot work or telework for the following circumstances related to COVID-19:

- Employee is subject to a government quarantine or isolation order related to COVID-19;
- Employee has been advised by healthcare providers to self-quarantine due to COVID-19;
- Employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- Employee is caring for an individual subject to a quarantine order or self-quarantine;
- Employee is caring for children if schools are closed or their caregivers are unavailable because of a public health emergency; or
- Employee is experiencing substantially similar conditions as those specified by the Secretary of Health and Human Services.

All employees, regardless of length of service are eligible for leave. **The emergency Paid Sick Leave is in addition to whatever sick leave is already offered by employers. Employers may not require an employee to use other paid leave offered by the employer before the employee uses the paid sick time under the Act.** Nothing prohibits employers from changing their leave programs after the Act goes into effect.

RATE OF PAY:

Employers must compensate employees at the higher of: (i) their regular rate of pay, (ii) the federal minimum wage, or (iii) the local minimum wage, subject to the following limitations:

- Payments are capped at \$511 per day and \$5,110 in the aggregate; OR
- Employees absent to care for a sick family member or a child unable to attend school, or who are experiencing substantially similar conditions as those specified by the Secretary of Health and Human Services are compensated at two-thirds of the rate they would otherwise receive, capped at \$200 per day and \$2,000 in the aggregate.



FAMILY AND MEDICAL LEAVE EXPANSION ACT:

The Act provides 12 weeks of job-protected leave for employees who are unable to work or telework because they are caring for children whose schools are closed or daycares are unavailable because of a public health emergency.

Employees who have been working for at least 30 calendar days are eligible for this benefit.

RATE OF PAY:

- After 10 days, employees are paid at two-thirds of their regular rate.
- Employees may use accrued personal or sick leave during the first 10 days.
- Payments made to employees for this type of leave are capped at \$200 per day and \$10,000 in the aggregate.

EXEMPTIONS:

- Employers of employees who are healthcare providers or emergency responders may elect to exclude employees from eligibility for paid leave.
- The Department of Labor can exempt small businesses with fewer than 50 employees under certain circumstances.