

H.R. 6201, Families First Coronavirus Response Act's Paid Leave

The bill is in effect **April 2, 2020**. It applies to all employers with less than 500 employees providing for emergency paid sick leave and mandated paid family and medical leave for all employees. The amount of wage replacement and time off is determined by how many hours an employee works, if they are classified as full-time or part-time and the reason for leave.

The terms full time and part time are not defined in the bill but generally full - time employees are those who work thirty (30) or more hours per week on average and part-time employees work, on average, less than thirty (30) hours per week. No exceptions are made in the bill for temporary, seasonal or on call employee classifications.

We have covered the two sections that apply to leave policies. There are other sections to this bill which are related to funding of other programs such as SNAP and funding unemployment funds.

Penalties apply for non – compliance.

A posting requirement is in effect and should be ready in seven days.

Tax credits are available to employers for wages required by reason of the Emergency Paid Sick Leave Act and Emergency Family and Medical Leave Expansion Act.

Emergency Paid Sick Leave

- **No carryover of time**
- **Employers with existing policies must maintain existing policies and offer the Emergency Paid Sick Leave in addition to their existing policies.**
- **Employers may not require an employee to use other leave time first.**
- **Employer may not require employee to find a replacement worker to cover the employee's hours.**
- **Available for immediate use.**
- **Employee is eligible from first date of hire.**
- **No retaliation for use.**
- **Available to care for anyone; not limited to family members.**
- **Wage replacement must at least be minimum wage or greater.**

Full time employees:

If the leave is due to a quarantine or isolation order, an employee is advised by a health provider to self-quarantine; or an employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis the maximum amount of leave is eighty (80) hours or ten (10) days. 100% wage replacement capped at \$511 per day and \$5,110 in total during the leave.

If the leave is needed to care for son or daughter whose school is closed or childcare is unavailable due to COVID-19; care for an individual who is subject to quarantine or self-quarantine; or a substantially similar condition; the maximum amount of leave is eighty (80) hours or ten (10) days. 2/3% wage replacement capped at \$200 per day and \$2,000 in total during the leave.

Part time employees:

The same wage cap amounts and reasons for leave apply. The amount of leave time available is based on the average hours worked over a 2-week period.

Emergency Family and Medical Leave Expansion Act

In effect **April 2, 2020** – December 31, 2020

***This is a temporary expansion of the Family Medical Leave Act (FMLA). Only this exception applies to employers with 500 or less employees. Employers with 50 or more employees working within 75 miles of each other are subject to the FMLA in its entirety including the temporary expansion.**

Public Health Emergency: It may only be used for a qualified need related to a public health emergency (COVID-19)

Qualifying Need: Related to public health emergency in which the employee is unable to work or telework.

Eligible Employee: The Act applies to employees who have worked for an employer for thirty (30) or more calendar days.

Job Protection: Employers with fewer than 50 employees are exempt with the job protection requirement if the imposition of such requirements would jeopardize the viability of the business as a going concern.

Leave Time: The first ten (10) days of leave are unpaid. Employees may elect to use other types of paid leave offered by the employer during this time, but an employer may not require an employee to do so. The employer shall provide paid leave for each day of leave an employee takes after the first ten days of leave are used.

Full- time employees:

Eligible for up to 12 weeks of job protected leave payable at two-thirds of pay capped at \$200/day or \$10,000 in total.

Part- time employees:

Same wage calculation applies and wage caps. Hours pro-rated based on the hours an employee is normally scheduled.