

EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT

APPLIES ONLY TO EMPLOYEES WHOSE CHILDREN HAVE LOST SCHOOL OR CHILD CARE

- Adds Lack of Child Care as qualifying FMLA reason
- 1st 10 days (up to 80 hours) unpaid, next 10 weeks paid
- Son or daughter must be 18 or under and the school or place of care has been closed or is unavailable due to COVID-19
- Child care provider must provide care on a regular basis and **must receive compensation**
- Employee is eligible if they have been employed 30 days
- Cannot require employee to use their own time 1st
- Pay is at 2/3 regular pay amount
- Maximum amount of pay is \$200 day and \$10,000 total
- Law Enforcement, firefighters, EMS, healthcare providers may be excluded

EMERGENCY PAID SICK LEAVE ACT

- 6 circumstances under which an employee will qualify
 1. Employee is subject to federal, state or local quarantine or isolation order related to COVID-19
 2. Employee has been advised by their healthcare provider to self-quarantine
 3. Employee is showing symptoms of COVID-19 and is seeking but has not yet received a medical diagnosis
 4. Employee is caring for someone subject to a federal, state or local quarantine or isolation order related to COVID-19 or who has been advised by their healthcare provider to self-quarantine for COVID-19 reasons
 5. Employee is caring for his or her son or daughter because the child's school or childcare facility has been closed or the childcare provider is no longer available because of a COVID-19 related reason
 6. Employee is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.
- Maximum of 80 hours of paid sick leave for full time employees
- Childcare provider does not have to be a paid provider (can be unpaid friend or family member)
- Cannot require employee to use their own time 1st
- Pay amount: reasons 1-3 above = Full pay (subject to maximum below), reasons 4-6 above = 2/3 pay (subject to maximum below),
- Maximum amount: reasons 1-3 above = \$511/day or \$5,110 total, reasons 4-6 above = \$200/day or \$2,000 total
- 80 hours of Emergency Sick Leave may be counted against employee's annual FMLA entitlement if leave is taken for a serious health condition or to care for an immediate family member with a serious health condition
- Law Enforcement, firefighters, EMS, healthcare providers may be excluded

IMPORTANT NOTES

- Employees who are caring for his or her son or daughter because the child's school or childcare facility has been closed or the childcare provider is no longer available because of a COVID-19 related reason may effectively qualify for both Emergency FMLA and the Paid Sick Leave Act. The 1st 80 hours would be paid under the Sick Leave Act at 2/3 time, subject to the daily limits, and the next 10 weeks would be paid at 2/3 time under the Emergency Family and Medical Leave Act, also subject to the daily limits.
- If needed, employees may substitute their own accrued paid time to make up 1/3 of the unpaid time
- Wages under both Acts are not subject to 6.2% social security for either the employee or the employer
- https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave#_ftnref7