

On March 18, President Trump signed the Families First Coronavirus Response Act (H.R. 6201), which provides individuals with paid sick and emergency FMLA leave and among other things, creates tax credits for affected employers, expands food and nutrition services, allows for emergency state unemployment insurance grants, and increases Medicaid funding to states. This Act and its requirements expire on December 31, 2020.

Emergency Family and Medical Leave Expansion Act

- Available to employees on the job for at least 30 days at an Employer of less than 500 employees
- Up to **12 weeks** of job protected leave to employees **unable to work or telework** due to caring for a minor child whose school or child-care provider has closed.
- After initial 10 days of unpaid leave, (Employee may choose to, but is not required to, use other accrued leave, including the paid sick leave described below) employees will receive no less than **2/3 of their usual pay with a cap of \$200 per day and \$10,000 total**.
- An employee must be restored to the same or equivalent position after leave.
- Employers with less than 25 employees are not subject to this requirement if the employee's position no longer exists due to changes in economic conditions or operations caused by the coronavirus emergency, but such employers must make reasonable efforts to reinstate and to contact the employee if an equivalent position becomes available within one year.

Emergency Paid Sick Leave Act

- Available immediately regardless of time employed at an Employer of less than 500 employees
- Provide paid sick time of **80 hours** for **full-time** and provide **average hours for a two-week period** for **part-time** employees.
- Paid sick leave paid at the employee's regular rate and capped at **\$511 per day and \$5,110 total** to (i) comply with a quarantine or isolation order related to coronavirus; (ii) seek diagnosis for coronavirus; or (iii) self-isolate on the advice of a health care provider due to coronavirus.
- Paid sick leave paid at 2/3 the employee's regular rate and capped at **\$200 per day and \$2000 total** to (i) to care for an individual who, due to coronavirus, is complying with a quarantine or isolation order, seeking diagnosis, or self-isolating on the advice of a health care provider; (ii) to care for a child whose school is closed or child-care provider is unavailable due to coronavirus; or (iii) if the employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and Secretary of Labor.
- The leave in this act shall be provided **in addition to any other paid leave provided by an employer** prior to the date of this Act, and employers may not require employees use other paid leave provided by the employer before using the paid sick leave under the Act. Employers also may not require that employees find a replacement.
- Employees working under a multi-employer collective agreement and whose employers pay into a multi-employer plan are covered.

The Secretary of Labor may issue regulations (i) excluding certain health care providers and emergency responders from these Acts; and (ii) exempting small businesses with fewer than 50 employees from these Acts if it would jeopardize the viability of the business. Employers of health care providers and emergency responders may elect to exclude such employees from these Acts. At the time of publication, no regulations have been issued.