

## **FAMILIES FIRST CORONAVIRUS RESPONSE ACT**

### **What is it?**

The Families First Coronavirus Response Act (FFCRA) is a federal statute that provides (1) employees with paid sick leave for COVID-19 related reasons, and (2) paid leave for employees who cannot work because they must care for a child that cannot attend school or otherwise be cared for as usual for COVID-19 related reasons. The FFCRA is in operation April 1, 2020 through December 31, 2020. The FFCRA does not operate in isolation, but instead affects, and is affected by, various other statutes, including the Fair Labor Standards Act and the Family and Medical Leave Act.

### **To whom does the FFCRA apply?**

The FFCRA applies to all private employers with fewer than 500 employees and generally to public agencies, like local governments. There are exemptions for private small businesses with fewer than 50 employees, and exclusions of health care providers, emergency responders, and federal government employees.

## **PAID SICK LEAVE**

### **Which employees are entitled to paid sick leave?**

Employees are entitled to paid sick leave regardless of how long they have worked for the employer, though exclusions exist for health care providers, emergency responders, and federal government employees.

### **Under what conditions are employees entitled to paid sick leave?**

Employers must provide paid sick leave to employees who are unable to work, including unable to work remotely, for six reasons having to do with COVID-19. The six reasons are where the employee

- (1) is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- (2) has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- (3) is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
- (4) is caring for an individual who is subject to an order as described in (1), or who has been advised as described in (2);
- (5) is caring for his or her son or daughter whose school or place of care has been closed or whose child care provider is unavailable due to COVID-19 related reasons; or
- (6) 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 the Secretary of Labor.

**How much paid sick leave is an employee entitled to receive?**

Full-time employees are entitled to up to 80 hours of paid sick leave. Generally, part-time employees are entitled to up to the number of hours that they work on average over a two-week period, although special rules may apply to part-time employees with varying schedules.

The amount of the paid sick leave is based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for reasons 1-3 above, up to \$511 daily and \$5,110 total; and
- 2/3 for reasons 4 and 6 above, up to \$200 daily and \$2,000 total.

**EXPANDED FAMILY AND MEDICAL LEAVE**

**Which employees are entitled to paid expanded family and medical leave?**

Employees must have been employed by the employer for at least 30 calendar days. An employee is entitled to take up to twelve workweeks of expanded family and medical leave during the period April 1, 2020 through December 31, 2020.

**Under what conditions are employees entitled to paid expanded family and medical leave?**

An employee may take expanded family and medical leave because he or she is unable to work due to a need to care for his or her child whose school or place of care has been closed, or whose child care provider is unavailable, for reasons related to COVID-19. An employee has need to take this leave only if no suitable person is available to care for his or her child during the period of such leave.

**How much paid expanded family and medical leave is an employee entitled to receive?**

Employees are entitled to up to 12 weeks of expanded family and medical leave, though the first two weeks are *unpaid* expanded family and medical leave. After the first two weeks, the remainder of the expanded family and medical leave is paid at 2/3 for up to \$200 daily and \$10,000 total.

**Can an employee take paid sick leave and paid expanded family and medical leave?**

Yes. An employee who qualifies for both can take paid sick leave and paid expanded family and medical leave concurrently. The employee would be receive paid sick leave for the first two weeks, which would simultaneously serve as the first two unpaid expanded family and medical leave weeks, and then begin paid expanded family and medical leave for the remaining 10 weeks, or portions used thereof.

If you have any questions about the FFCRA, how it interacts with other laws and your policies, its relationship to unemployment benefits, or any other issue that may arise, please contact us. FHMBK is prepared to assist, guide, and advise you through the FFCRA and its complexities.

FOR MORE INFORMATION, CONTACT:

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