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**SICK LEAVE AND FMLA PROVISIONS OF THE FAMILIES FIRST CORONAVIRUS REPOSE
ACT**

EFFECTIVE APRIL 2, 2020

PAYROLL TAX CREDITS

EMERGENCY PAID SICK LEAVE

Covered Employers

All private employers with 500 or fewer employees. All public employers are covered by the Act, regardless of size. (Less than 50 employees may be exempted but awaiting guidance)

Covered Employees

All employees of covered employers except health care providers or emergency responders

Mandatory Payment of Sick Leave

80 Hours Maximum of Paid Sick Leave for Full Time Employees

Average Number of Hours Worked Over a 2-Week Period for Part Time Employees

Leave to care for the employee him/herself: **\$511 per day (\$5110 in aggregate)**

Regular rate of pay or minimum wage, whatever is higher for number of hours employee would typically work per day

Leave to care for family member or child whose school or place of care is closed:

2/3 regular rate of pay or minimum wage, whatever is higher: (\$200 per day /\$2000 in aggregate)

Varying Schedule: Daily rate is calculated by taking average worked per day over a 6-month period

If employee has not worked 6 months, then reasonable expectation at time of hire

Eligibility

Immediate. No probationary period. Does not carry over after 12/31/20

The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19

The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19

The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis

The employee is caring for **an individual** who is subject to an order as described above or has been advised by a health care provider as described above.

The employee is caring for a son or daughter if the child's school or place of care has been closed or the child's care provider is unavailable due to the virus

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 the Secretary of Labor

Multi-employer bargaining agreement: Keep following

EMPLOYERS CANNOT REQUIRE EMPLOYEES TO USE EMPLOYER-PROVIDED PAID TIME OFF BEFORE USING THE LEAVE PROVIDED UNDER THIS LAW UNLESS YOUR POLICY SPECIFICALLY PROVIDES

EMERGENCY FAMILY AND MEDICAL EXPANSION ACT (FMLA)

Covered Employers

All private employers with 500 (Not 50) or fewer employees. All public employers are covered by the Act, regardless of size. (Less than 50 employees may be exempted but awaiting guidance)

Covered Employees

All employees who have worked at least 30 days (not 1250 hours) of covered employers except health care providers or emergency responders

ONLY ONE QUALIFYING REASON FOR THIS LEAVE:

To care for an employee's son or daughter under the age of 18 if the child's school or place of care is closed, or the child's care provider is unavailable due to the virus

Amount of Leave and Pay

Twelve weeks of total FMLA leave

First 10 days is unpaid unless employee is eligible for the emergency sick leave outlined above

Can't require employees to take their own paid time off during the ten-day period but employees can opt to take their own paid leave

\$200 per day/\$10,000 aggregate

Varying schedule: Same 6-month analysis as above for emergency sick leave

Multi-employer bargaining agreement: Keep following

Reinstatement

Same or similar job unless less than 25 employees and there is hardship as defined (Less than 50 employees may be exempted but awaiting guidance)