

FAMILIES FIRST CORONAVIRUS RESPONSE ACT



1

DISCLAIMER: This session is for training purposes only and does not constitute legal advice. For more specific guidance, contact your employment law attorney, Winters Law Firm at (803) 581-8190, or Chris Johnson at (803) 799-9311.

The information provided here today is current as of March 31, 2020 but is fluid and subject to change almost immediately. Please check back for updates periodically.

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- ► Families First Coronavirus Response Act (H.R. 6201)
- ➤ Effective date of April 1, 2020; Expires December 31, 2020
- ► Includes \$8.3 billion supplemental funding
- Additional legislation and assistance to come
- FFCRA assesses the needs of the individual and the employer

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3

- ▶Three components we are going to talk about today:
 - ► Expansion of FMLA
 - ► Emergency Paid Sick Leave
 - ► Emergency Unemployment Insurance

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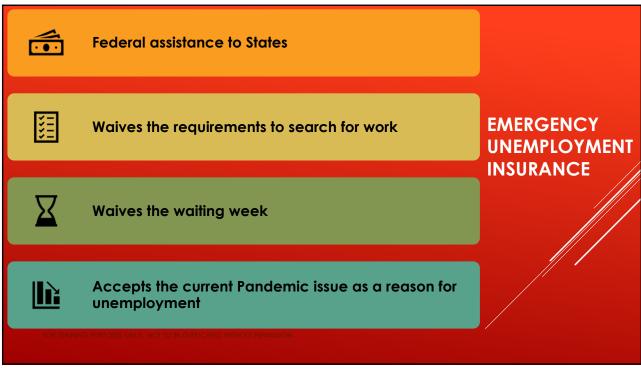




- ▶ First 10 days
 - **▶** Unpaid
 - ► May substitute paid leave (from employer, or Emergency Paid Sick Leave)
- **▶** Remainder
 - ▶ Paid at 2/3 of regular pay
 - ▶ Capped at \$200/day, or \$10,000 aggregate
- ▶ 12 Weeks total combined paid and unpaid (including previous FMLA usage)

LEAVE REQUIREMENT

7



- ► Applies to <u>all public employers</u> and private employers with 500 or less
- ▶ Effective April 1, 2020; expires December 31, 2020
- ▶ Potential hardship exemption
- ▶ Public Sector employers with one employee
- ► Health care providers and emergency responders may elect to exclude its employees from this Paid Sick Leave

EMERGENCY PAID SICK LEAVE

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AVAILABLE FOR EMPLOYEE'S OWN NEEDS:

- ► Individual is under quarantine or isolation order by a local, State or Federal official
- ►Individual advised to self-quarantine by healthcare provider
- ►Individual is experiencing symptoms of COVID-19 and is seeking a medical diagnosis

EMERGENCY PAID SICK LEAVE

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AND ALSO:

- ▶ Individual is caring for another who is subject to an order for quarantine or has been advised by a health care provider to self quarantine due to concerns related to COVID-19.
- ▶ Individual is engaged in the caregiving due to a Coronavirusrelated school closing or other care facility or care program for a child who is under age 18, or over 18 and unable to provide self-care.
- ► Individual is experiencing substantially similar condition, as set out in rules to be issued by HHS.

EMERGENCY PAID SICK LEAVE

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11

- ► Full Time = 80 Hours
- ▶ Part Time = equivalent of two weeks
- ► Reasons 1, 2, and 3 (sick/quarantine) Full rate but capped at \$511 per day and \$5,110 aggregate
- ► Reason 4 and 5 (caring for others) 2/3 and capped at \$200.00 per day and \$2,000 aggregate
- ► Reason 6 (substantially similar/HHS) 2/3 and capped at \$200.00 per day and \$2,000 aggregate

EMERGENCY PAID SICK LEAVE

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- This is additional leave for employees
- ► Employers may NOT require exhaustion of existing paid leave prior to use of Emergency Paid Sick Leave
- Emergency Paid Sick Leave does not carry over from one year to the next and will cease after the need for the leave ends.
- ▶ Not paid out to terminated employees.
- Calendar days may not be treated as an emergency leave day if the employee has received any form of compensation from an employer including wages, accumulated leave or unemployment compensation.
- ► NO DOUBLE DIPPING!

EMERGENCY PAID SICK LEAVE

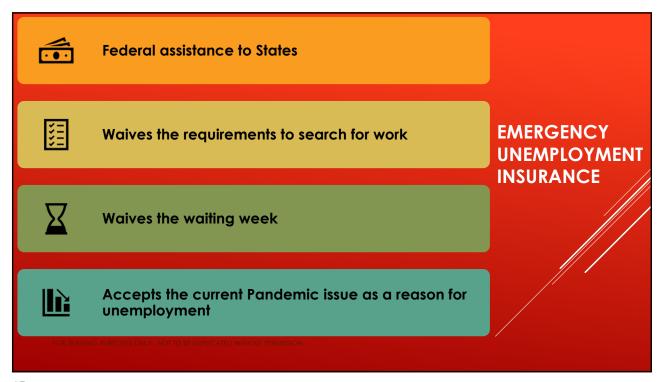
13

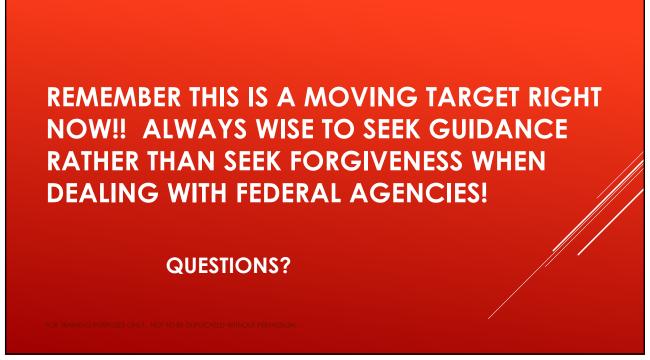
STILL HAVE TO WORRY ABOUT COMPLIANCE!

- ► Mandatory Quarantine Non-exempt paid for work performed; Exempt – paid weekly salary unless NO work performed in that week
- ► Remote Work require your employees to maintain time records.

FAIR LABOR STANDARDS ACT

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