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.
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

Three components we are going to talk about today:

- Expansion of FMLA
- Emergency Paid Sick Leave
- Emergency Unemployment Insurance
FAMILY AND MEDICAL LEAVE ACT

- Amended to include a "Qualifying Need Related to a Public Health Emergency"
- Eligibility reduced to employment for thirty days
- Private employers of 500 or less and all public employers

- First ten days are unpaid
- Subsequent time off paid at not less than 2/3 of regular rate of pay
- Job Restoration

CRITICAL DEFINITIONS

- Qualifying Need...
- Eligible Employee
- Employer Threshold
- Child Care Provider
- School
**LEAVE REQUIREMENT**

- **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)

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**EMERGENCY UNEMPLOYMENT INSURANCE**

- Federal assistance to States
- Waives the requirements to search for work
- Waives the waiting week
- Accepts the current Pandemic issue as a reason for unemployment
Applies to all public employers 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

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
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 Coronavirus-related 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**

*FOR TRAINING PURPOSES ONLY. NOT TO BE DUPLICATED WITHOUT PERMISSION.*

- 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**

*FOR TRAINING PURPOSES ONLY. NOT TO BE DUPLICATED WITHOUT PERMISSION.*
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

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
EMERGENCY UNEMPLOYMENT INSURANCE

Federal assistance to States

Waives the requirements to search for work

Waives the waiting week

Accepts the current Pandemic issue as a reason for unemployment

REMEMBER THIS IS A MOVING TARGET RIGHT NOW!! ALWAYS WISE TO SEEK GUIDANCE RATHER THAN SEEK FORGIVENESS WHEN DEALING WITH FEDERAL AGENCIES!

QUESTIONS?