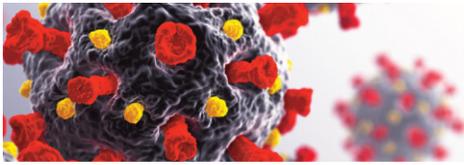


## Summary of Families First COVID-19 Response Act (Enacted March 18, 2020)

	Emergency Paid Sick Leave	Emergency Family and Medical Leave
<b>Covered Employers</b>	Private sector employers with <i>fewer</i> than 500 employees. Public agencies that employ 1 or more persons.	Private sector employers with <i>fewer</i> than 500 employees. Public employers regardless of size.
<b>Leave for What Purposes</b>	<p><b>Must provide paid sick time “to the extent the employee is unable to work (or telework) due to a need for leave because:</b></p> <ol style="list-style-type: none"> <li>(1) The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19.</li> <li>(2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.</li> <li>(3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.</li> <li>(4) The employee is caring for an individual who is subject to an order or self-quarantine as described above.</li> <li>(5) The employee is caring for a son or daughter if school or child care is closed/unavailable.</li> <li>(6) The employee is experiencing “any other substantially similar condition” specified by HHS (catch all).</li> </ol>	<p>Any employee who has been employed for at least 30 days is entitled to:</p> <p><b>12 weeks of job protected leave when:</b></p> <ul style="list-style-type: none"> <li>• “The employee is unable to work (or telework) due to the need for leave to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.”</li> </ul> <p><b>“Public Health Emergency”</b> is defined to mean</p> <ul style="list-style-type: none"> <li>• An emergency with respect to COVID-19 declared by a Federal, State or local authority.</li> </ul>

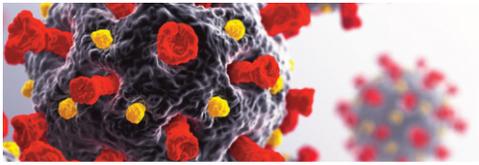
*Please note: This is a summary of preliminary information, so please contact your Fisher Phillips attorney for the most up to date information or with any questions.*



**Summary of Families First COVID-19 Response Act**  
 (Enacted March 18, 2020)

	<b>Emergency Paid Sick Leave</b>	<b>Emergency Family and Medical Leave</b>
<b>Duration</b>	Two weeks (80 hours for full-time employees and typical number of hours over two weeks for part-time employees).	Up to twelve weeks (the first 10 days of which are unpaid). <ul style="list-style-type: none"> <li>The employee may elect to substitute any accrued paid leave (including emergency paid sick leave) during this 10-day period. The employer may not require the employee to substitute paid leave.</li> </ul>
<b>Exemptions</b>	<p><b>Exemption</b>            An employer of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the application of this section.</p> <p><b>Secretary of Labor has the authority for good cause to issue regulations:</b></p> <ul style="list-style-type: none"> <li>To exclude certain health care providers and emergency responders from the definition of “eligible employee.”</li> <li>To exempt small businesses with fewer than 50 employees from leave to for a son or daughter if school or child care is closed/unavailable when the imposition of such requirement would jeopardize the viability of the business as a going concern.</li> <li>“As necessary” (catch-all).</li> </ul>	<p><b>Exemption</b>            An employer of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the application of this section.</p> <p><b>Secretary of Labor has the authority for good cause to issue regulations:</b></p> <ul style="list-style-type: none"> <li>To exclude certain health care providers and emergency responders from the definition of “eligible employee”</li> <li>To exempt small businesses with fewer than 50 employees from the new law when the imposition of such requirements would jeopardize the viability of the business as a going concern</li> </ul>

*Please note: This is a summary of preliminary information, so please contact your Fisher Phillips attorney for the most up to date information or with any questions.*



## Summary of Families First COVID-19 Response Act (Enacted March 18, 2020)

	Emergency Paid Sick Leave	Emergency Family and Medical Leave
<b>Rate of Pay</b>	<p>The higher of their regular rate of pay, the federal minimum wage, or the local minimum wage for qualifying reasons (1), (2) and (3), above.</p> <ul style="list-style-type: none"> <li>• <b>Capped at \$511 per day and \$5,110 in the aggregate per person.</b></li> </ul> <p>Two-thirds the regular rate of pay for qualifying reasons (4), (5) and (6), above.</p> <ul style="list-style-type: none"> <li>• <b>Capped at \$200 per day and \$2,000 in the aggregate per person.</b></li> </ul>	<p>After 10 days, employees are compensated at 2/3 of their regular rate of pay.</p> <ul style="list-style-type: none"> <li>• <b>Capped at \$200 per day and \$10,000 in the aggregate per person.</b></li> </ul>
<b>Funding (Tax Credits)</b>	<p>Each quarter, private sector employers subject to the requirement are entitled to a tax credit equal to the amount of qualified sick leave wages paid by the employer (subject to the same caps as apply to the leave amount paid).</p>	<p>Each quarter, private sector employers subject to the requirement are entitled to a tax credit equal to the amount of qualified sick leave wages paid by the employer (subject to the same caps as apply to the leave amount paid).</p>
<b>Relationship to Other Laws/Policies</b>	<ul style="list-style-type: none"> <li>• The bill also states that it shall not be construed in any way to diminish the rights of benefits that an employee is entitled to under any other federal, state or local law.</li> </ul>	<ul style="list-style-type: none"> <li>• There is nothing in the new law to suggest this gives an employee more than a total of 12 weeks of leave in a 12-month period under the FMLA.</li> <li>• This enactment adds new qualifying reasons for leave under the FMLA, but does not expand the total of 12 weeks under the FMLA.</li> </ul>
<b>Effective Date and Sunset</b>	<p>No later than 15 days after enactment. Sunsets December 31, 2020.</p>	<p>No later than 15 days after enactment. Sunsets December 31, 2020.</p>

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