

Families First Coronavirus Response Act – Paid Leave Provisions

Please find below a summary of the paid leave provisions in H.R. 6201 as passed and revised by unanimous consent.

Emergency Family and Medical Leave Expansion (Division C)

Applicability: employers with fewer than 500 employees, who have been on the job at least 30 calendar days

Who pays: employer

Leave:

- Paid leave is to be capped at \$200 per day and \$10,000 in the aggregate. Those figures correspond to 50 days, which would be 10 weeks, instead of the 12 weeks in the passed bill.
- The first 10 days for which an employee takes leave **may** consist of unpaid leave
 - *Note:* It is ambiguous as to whether *may* should be *shall* – Section 110(b)(2)(A) states “an employer shall provide paid leave for each day of leave under section 102(a)(1)(F) that the employee takes after taking leave under such section for 10 days.”
- An employee **may elect** to substitute any **accrued** leave (vacation, personal, medical, sick) for this period of unpaid leave
- After the first 10 days, employers must provide paid leave at 2/3 of regular rate of pay
- No calendar day is emergency leave day if individual **received** ANY form of compensation from employer, including wages or any form of accrued paid leave for such day, or was eligible for unemployment compensation for the week in which such day occurs

Eligibility Requirements: Adopts the concept of “qualifying need” and means the employee is unable to work or telework due to a need for leave to care for the son or daughter if the school or place of care is closed, or the child care provider is unavailable due to coronavirus.

Duration of relief: one year from date of qualifying need or 12 weeks after leave commences, whichever is earlier

Effective date: not later than 15 days after enactment

- *Note:* It is ambiguous if this gives employers discretion to begin on day one

This Act lasts until December 31, 2020.

Emergency Paid Sick Leave Act (Division F)

Applicability: employers that employ fewer than 500 employees, regardless of how long the employee has been employed

Who pays: employer

Eligibility – an employee who is unable to work or telework because:

- The employee is subject to a Federal, State, or local quarantine order
- The employee is advised by public health provider to self-quarantine
- The employee is experiencing symptoms and is seeking a diagnosis
- The employee is caring for an individual subject to a quarantine order or advised to self-quarantine
- Employee is caring for son or daughter if the school or place of care is closed, or the child care provider is unavailable due to coronavirus
- Employee is experiencing any other substantially similar condition as specified by HHS Secretary in consultation with Treasury and Labor Secretaries

Leave:

- Full-time employees: 80 hours
- Part-time employees: a number of hours equal to the number of hours that such employee works on average, over a 2-week period

For employers that currently provide paid sick leave:

- An employee may first use paid sick leave under this Act (employer may not require the employee to first use other paid sick leave)

Amount of pay:

- Paid at (greater of) regular rate of pay or minimum wage but capped at \$511 per day and \$5,110 in the aggregate for quarantine, self-quarantine, or experiencing symptoms (first three eligibility criteria above)
- Paid at 2/3 of (greater of) regular rate or minimum wage but capped at \$200 per day and \$2,000 in the aggregate for caring for a family member or for a son of daughter whose school or place of care is closed, or the child care provider is unavailable (last three eligibility criteria above)
- Thus, the cap is 10 days.

Duration of relief:

- 80 hours for full-time employees
- Paid sick leave shall not carry over to the next year

Effective date: not later than 15 days after enactment

- *Note:* It is ambiguous if this gives employers discretion to begin on day one

Requirements end December 31, 2020.