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**Federal- The Families First Coronavirus Response Act –
Important Provisions for Employment**

A. Paid Sick Leave (The Emergency Paid Sick Leave Act)

If the employer has fewer than 500 employees, full time employees are entitled to eighty (80) hours of paid sick leave for the following reasons:

1. The employee is subject to a quarantine or isolation order from the government related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is seeking a medical diagnosis if the employee is experiencing symptoms of coronavirus;
4. The employee is caring for an individual who is subject to an order described in (1) above or has been advised as described in (2) above.
5. The employee is caring for a son or daughter whose school or place of care has closed, or childcare provider is unavailable, due to coronavirus precautions.
6. The employee is experiencing any other substantially similar condition specified by the Secretary of HHS in consultation with the Secretaries of Labor and the Treasury.

NOTE: Part-time employees are entitled to the number of hours paid sick time equal to the number of hours they work, on average, over a 2-week period.

Rate of Pay -

_____The rate of pay is the regular rate of pay, except if for care for a family member or child (i.e. reasons 4,5 or 6 above), in which case it is two-thirds of the regular rate of pay. In no case will pay be more than \$511 per day and \$5,110 in the aggregate for reasons 1-3 above, or more than \$200 per day and \$2,000 in the aggregate for uses 4-6 above.

Use - Employers cannot require employees to utilize other paid leave before using the paid leave provided by this bill. Paid sick time is available regardless of how long the employee has been employed by the employer. The leave in the Act does not diminish any right or benefit the employee is entitled to under law, collective bargaining agreement or existing employer policy. Employers are not required to pay for unused leave on separation. The leave also will not carry over from one year to another

Exemptions -The Secretary of Labor may issue regulations to exclude certain health care providers and emergency responders by allowing their employers to opt out; and to exempt small businesses with fewer than 50 employees when the requirements would jeopardize the viability of the business as a going concern.

Notice - The employer must post a notice that will be prepared or approved by the Secretary of Labor.

Expiration - These provisions expire on December 31, 2020.

Effective Date - Not later than 15 days after the date of enactment. Enactment was March 18th, so the effective date is April 2, 2020.

B. **Paid Job Protection Leave Under the Family and Medical Leave Act (“Emergency Family and Medical Leave Expansion Act”)**

Expands FMLA benefits (12 weeks of job protected leave per year) in the following circumstances.

NOTE: For these circumstances, the leave would be paid, not unpaid as for other FMLA leaves. See Payment Leave Section for Rates.)

Employers Affected - The provisions for this particular type of leave (not the others already existing under the FMLA) affects employers with fewer than 500 employees.

Eligible Employees - Employees must be on the employer’s payroll for 30 days.

Reasons for which this type of Leave may be Used -

- To care for a child (under 18) of an employee if the child’s school (elementary or secondary) or place of care has been closed, or the childcare provider is unavailable, due to a public health emergency with respect to coronavirus.

Payment for Leave

Although the law provides that the first ten (10) days of the leave are unpaid, the employee may choose to substitute accrued time off or other medical or sick leave during this period, but the employer may not require that. After the ten days of unpaid leave, the employers must continue paid leave at a rate of not less than two-thirds of the employee’s usual rate of pay for the number of hours the employee would otherwise be normally scheduled to work (unless the schedule varies for which there are special rules). In no event shall such paid leave exceed \$200 per day and \$10,000 in the aggregate per employee.

Job- Protection

This leave is job-protected so that the employer must return the employee to the same or equivalent position upon return to work, except for the following.

For employers with less than 25 employees, the requirement does not exist if the employee's job no longer exists due to the coronavirus pandemic, in which case, the employer must make reasonable efforts to restore employees to an equivalent position over a one-year period.

Exemptions - The Secretary of Labor may issue regulations exempting: (1) certain health care providers and emergency responders from taking leave under the bill; and (2) small businesses with fewer than 50 employees from the requirements of the bill if it would jeopardize the viability of the business. Also, employers of healthcare providers or emergency responders may elect to exclude such employees.

Expiration Provisions - This amendment to the FMLA expires December 31, 2020.

Effective Date - Not later than 15 days after the date of enactment. Enactment was March 18th, so the effective date is April 2, 2020.

C. Tax Credits for Paid FMLA and Sick Leave

There are provisions for refundable tax credits for employers paying paid emergency sick leave or paid FMLA. The credit is allowed against the tax imposed by the employer portion of Social Security taxes.