

# EMPLOYEE RIGHTS

## PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

### ▶ PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- $\frac{2}{3}$  for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at  $\frac{2}{3}$  for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

### ▶ ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days* prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

### ▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

- |   |   |
|---|---|
| <ol style="list-style-type: none"><li>1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;</li><li>2. has been advised by a health care provider to self-quarantine related to COVID-19;</li><li>3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;</li><li>4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);</li></ol> | <ol style="list-style-type: none"><li>5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or</li><li>6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.</li></ol> |
|---|---|

### ▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



**WAGE AND HOUR DIVISION**  
UNITED STATES DEPARTMENT OF LABOR

For additional information  
or to file a complaint:  
**1-866-487-9243**  
TTY: 1-877-889-5627  
[dol.gov/agencies/whd](https://dol.gov/agencies/whd)



## **Families First Coronavirus Response Act – Policy Amendment**

### **Purpose**

To comply with the Families First Coronavirus Response Act and to assist employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave. This policy will be in effect from April 1, 2020, until December 31, 2020. All existing county leave policies remain in place to the extent they are not superseded by FFCRA. This policy amendment shall be interpreted consistent with the US Department of Labor's rules.

### **Emergency Paid Sick Leave**

All full-time and part-time employees employed and are unable to work (or telework) due to one of the following reasons for leave are eligible for additional paid sick leave. Full-time employees are eligible for 80 hours of paid leave while part-time employees are eligible for the number of hours of leave that the employee works on average over a two-week period.

1. The employee is subject to a federal, state or local quarantine or isolation order 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 experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to either number 1 or 2 above.
5. The employee is caring for his or her child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the secretary of health and human services in consultation with the secretary of the treasury and the secretary of labor.

### **Rate of Pay for Emergency Paid Sick Leave**

For reasons (1),(2), or (3) as outlined above the employee is eligible for their regular rate of pay with a cap of \$511 per day and \$5,110 in the aggregate.

For reasons (4), (5), or (6) as outlined above the employee is eligible for 2/3rds of the employee's regular rate of pay with a cap of \$200 per day and \$2,000 in the aggregate.

Employees whose pay is subjected to the above limitations may supplement their Emergency Paid Sick Leave with any existing available leave to meet the employee's

regular salary but in no cases may their salary exceed 100% of their existing wage. Paid leave under the Emergency Paid Sick Leave Act cannot be carried over year to year.

### **Expanded FMLA Leave**

In addition to the Emergency Sick Leave Policy employees employed for more than 30 days who are unable to work (or telework) due to the need to take care of their child when the school or place of care has been closed, or the regular childcare provider is unavailable due to a public health emergency with respect to COVID-19 shall be entitled to an additional 10 weeks of expanded FMLA leave.

Leave taken under this section shall be paid at 2/3rds the employee's regular rate of pay with a cap of \$200 per day and \$10,000 in the aggregate. The employer may allow the employee to supplement the 2/3rds salary with any previously provided sick or vacation leave, if the employee has any, to bring the employee's salary to no greater than 100% of their regular wage.

This Expanded FMLA Leave only supplements the eligibility entitling an employee to use FMLA. This expansion is not in addition to the 12 week cap on FMLA previously provided. Employees who have previously spent FMLA during the annual period will have those times subtracted from their overall eligibility.

### **Definitions for Expanded FMLA Leave**

"Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

(A) under 18 years of age; or

(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

"Childcare provider" means a provider who receives compensation for providing childcare services on a regular basis, including:

- a center-based childcare provider
- a group home childcare provider
- a family childcare provider (one individual who provides childcare services for fewer than 24 hours per day, as the sole caregiver, and in a private residence)
- other licensed provider of childcare services for compensation
- a childcare provider that is 18 years of age or older who provides childcare services to children who are either the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, at the direction of the parent.

"School" means an elementary or secondary school.

## **PROCEDURE FOR REQUESTING EMERGENCY PAID SICK LEAVE**

Employees must notify Human Resources of the need and specific reason for leave under this policy. Once emergency paid sick leave has begun, the employee will be expected to return to work at the end of the 80 hours of allotted time, unless the employee has communicated to Human Resources that they will return earlier or the employee has initiated additional leave, either through Extended FMLA, FMLA or use of the employees sick or vacation leave.

### **Special Emergency Responders and Health Care Providers Provision**

Certain Emergency Responders and Health Care Providers may be disqualified from taking leave under categories 4-6 of the Emergency Paid Sick leave or Expanded Family Medical Leave Act. For those employees, prior approval of their department head in consultation with the Human Resource department will be required.