

On March 18, 2020, President Trump signed into law [The Families First Coronavirus Response Act](#) (H.R. 6201). The law is effective April 1, 2020 and expires on December 31, 2020. While this act has extensive provisions in response to COVID-19, the following areas are important for employers to note:

Expanded FMLA

### **What is expanded?**

The Emergency Family and Medical Leave Expansion Act amends the current Family and Medical Leave Act (FMLA), allowing leave for eligible employees who can't work (or telework) because their minor child's school or childcare service is closed due to a COVID-19 emergency declared by a federal, state or local authority.

### **Who is eligible?**

Eligible employees include employees who work for an employer with fewer than 500 employees and who have been on the payroll for at least 30 calendar days.

Most employees of the federal government are covered by Title II of the Family and Medical Leave Act, which was not amended by this Act, and are therefore not covered by the expanded family and medical leave provisions of the FFCRA. However, federal employees covered by Title II of the Family and Medical Leave Act are covered by the paid sick leave provision.

### **Is this paid leave?**

The first 10 days of this leave may be unpaid; however, employees may elect to substitute available paid time off, such as vacation, personal or sick leave, during this time.

After the initial 10 days, employers must pay eligible employees at least two-thirds of the employees' regular rate of pay (as defined under the Fair Labor Standards Act) based on the number of hours the employees would otherwise have been scheduled to work. These paid-family-leave benefits are capped at \$200 a day (or \$10,000 total).

### **What is the effective date?**

The expanded FMLA provisions take effect April 1, 2020 and expire on December 31, 2020.

Paid Sick Leave

### **Who is covered?**

Employers with fewer than 500 employees and public agencies with at least one employee.

### **Which employees are eligible?**

All employees, regardless of how long they have worked for the employer are eligible for paid sick leave, with the exception that an employer of health care providers or emergency responders may elect to exclude such employees.

### **How much leave is required?**

Covered employers must provide full-time employees with up to 80 hours of paid sick leave if the employees are unable to work (or telework) due to COVID-19. Part-time employees are entitled to paid sick leave based on the number of hours the employees work, on average, over a two-week period.

### **What are the qualifying reasons for leave?**

Qualifying reasons for this paid sick leave include:

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 son or daughter if the school or place of care of the son or daughter has been closed, or the childcare provider of such son or daughter 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.

**What are the pay requirements?**

Paid sick leave must be paid at the employee's regular rate of pay, or minimum wage, whichever is greater, for leave taken for reasons 1-3 above. An Employee taking leave for reasons 4-6 may be compensated at two-thirds of his or her regular rate of pay, or minimum wage, whichever is greater.

**What if the employee has other paid leave available?**

An employer may not require an employee to use other types of paid leave provided by the employer before the employee uses the paid sick time available under this law.

**What is the effective date?**

The-paid-sick leave provisions take effect April 1, 2020 and expire on December 31, 2020.

Source: [www.shrm.org](http://www.shrm.org)

UC Informaiton: <https://www.uc.pa.gov/Pages/covid19.aspx>

EEOC Guidance re: taking Temperatures of Employees: [https://www.eeoc.gov/facts/pandemic\\_flu.html](https://www.eeoc.gov/facts/pandemic_flu.html)