

FAMILIES FIRST CORONAVIRUS RESPONSE ACT

On March 18, 2020, President Donald Trump signed H.R. 6201, known as the Families First Coronavirus Response Act, into law. The bill provides free coronavirus (COVID-19) testing, paid leave and enhanced unemployment insurance benefits for people affected by the coronavirus. The bill takes effect April 1, 2020 and will expire on December 31, 2020.

With regard to the paid leave provisions, the bill:

- Provides that employers with less than 500 employees and covered public-sector employers must provide up to 12 weeks of job-protected FMLA leave for a qualifying need related to the coronavirus to employees who have been on the payroll for 30 calendar days. The qualifying need is limited to situations where an employee is unable to work or telework due to school or childcare closures related to the coronavirus.
 - The first ten days are unpaid unless the employee opts to substitute accrued vacation, personal, or sick leave during this time.
 - The remainder of the FMLA leave is required to be paid at 2/3 pay (with the amount not exceeding \$200 per day and \$10,000 in the aggregate).
 - The bill additionally exempts employers with less than 25 employees from the job-protected aspects of the emergency FMLA leave so long as a set of conditions are met.
 - Further, the bill permits the Secretary of Labor to exempt employers with less than 50 employees from the emergency FMLA leave requirement if the required leave would jeopardize the viability of their business.
 - Employers may also exclude employees who are health care providers or emergency responders from such leave.

- Requires that employers with less than 500 employees and covered public-sector employers provide paid sick time to workers.
 - Specifically, paid sick leave is required under the following scenarios:
 - When quarantined or isolated subject to federal, state, or local quarantine/isolation order;
 - When advised by a health care provider to self-quarantine (due to concerns related to COVID-19);
 - When experiencing symptoms of COVID-19 and seeking a medical diagnosis;
 - When caring for an individual doing #1 or #2 (2/3 pay);
 - When caring for a child whose school or place of care is closed due to COVID-19 (2/3 pay); or
 - When the employee is experiencing any other substantially similar condition (2/3 pay).
 - The employee is not required to be on the payroll for 30 calendar days for this leave.
 - Specifically, the bill provides 80 hours of paid sick leave to full-time employees while part-time employees are entitled to the typical number of hours they are scheduled to work in a two week period.
 - As with the FMLA leave, the bill contains language allowing the Secretary of Labor to exempt small businesses with less than 50 employees from the paid sick leave requirement if the required leave would jeopardize the viability of their business. Healthcare providers and emergency responders may also be excluded from paying sick leave.
 - The bill limits an employer's requirement of paid leave to \$511 per day (\$5,110 in the aggregate) or \$200 per day (\$2,000 in the aggregate) based upon the reasoning for the sick leave.

In addition, the bill provides funding for economic assistance, requires health plans to cover COVID-19 testing at no charge, and contains a refundable tax credit for employers, including self-employed individuals, that are required to offer paid leave benefits due to the coronavirus pandemic.

We will be following up with additional details.