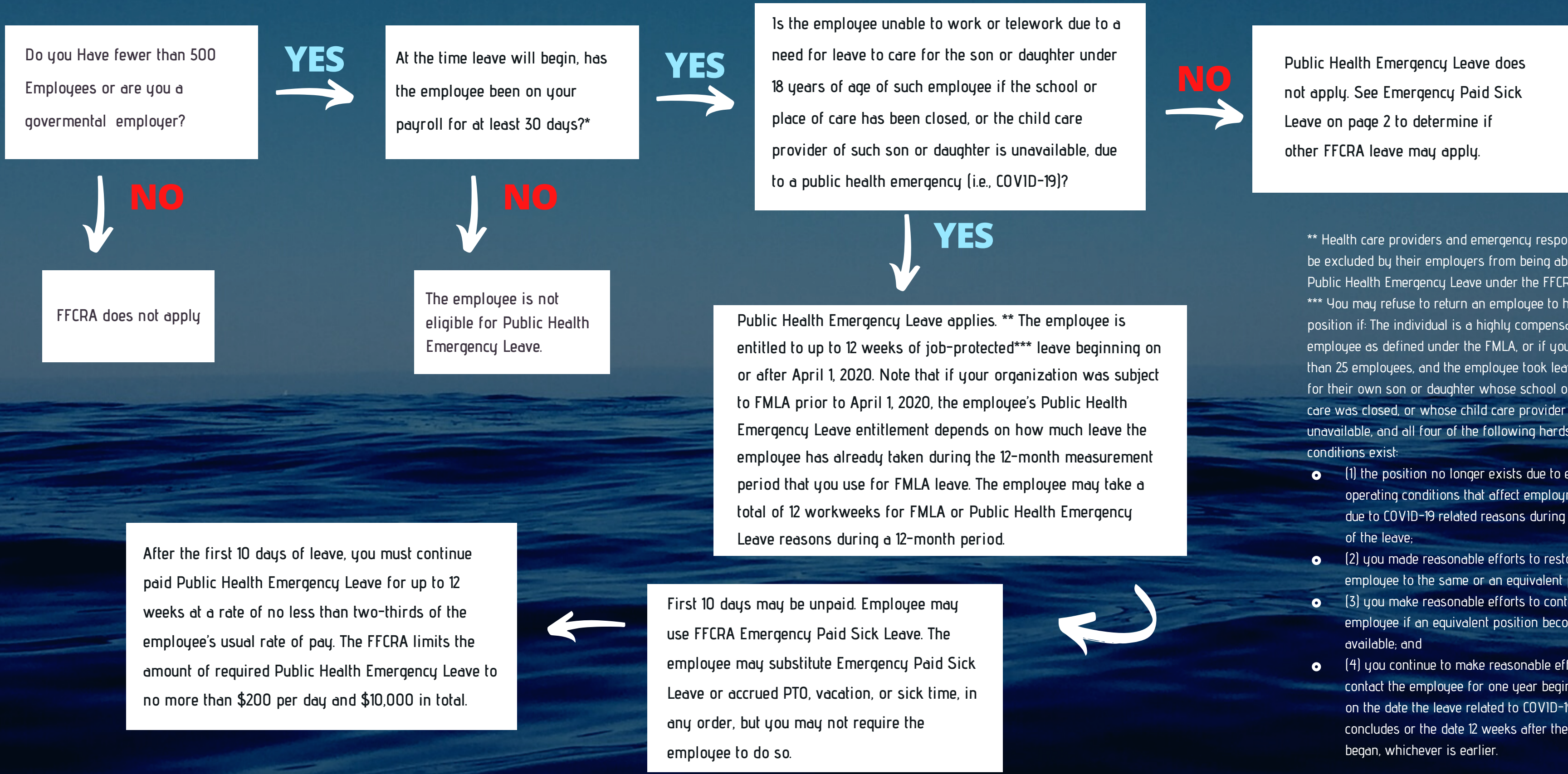


Families First Coronavirus Response Act (FFCRA) Leave

FMLA Expansion (FMLAE)



** Health care providers and emergency responders may be excluded by their employers from being able to take Public Health Emergency Leave under the FFCRA.

*** You may refuse to return an employee to his or her position if: The individual is a highly compensated "key" employee as defined under the FMLA, or if you have fewer than 25 employees, and the employee took leave to care for their own son or daughter whose school or place of care was closed, or whose child care provider was unavailable, and all four of the following hardship conditions exist:

- (1) the position no longer exists due to economic or operating conditions that affect employment and due to COVID-19 related reasons during the period of the leave;
- (2) you made reasonable efforts to restore the employee to the same or an equivalent position;
- (3) you make reasonable efforts to contact the employee if an equivalent position becomes available; and
- (4) you continue to make reasonable efforts to contact the employee for one year beginning either on the date the leave related to COVID-19 reasons concludes or the date 12 weeks after the leave began, whichever is earlier.

Do you Have fewer than 500 Employees or are you a governmental employer?

YES
→

Is the employee unable to work or telework due to one of the following reasons?

- 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; or
- 3.The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis?

NO
→

Is the employee unable to work or telework due to one of the following reasons?

- a.The employee is caring for an individual who either is subject to a quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- b.The employee is caring for a son or daughter whose school or place of care has been closed, or the child care provider is unavailable due to COVID-19 or
- c.The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services?

NO
→

Emergency Paid Sick Leave does NOT apply

NO
↓

FFCRA does not apply

YES
↓

Emergency Paid Sick Leave applies.*
When Emergency Paid Sick Leave is for reasons (1), (2), or (3) above, the employee is entitled to 100% of regular rate of pay (capped at \$511 per day/\$5,110 aggregate) for up to 80 hours (prorated for part-time employees).

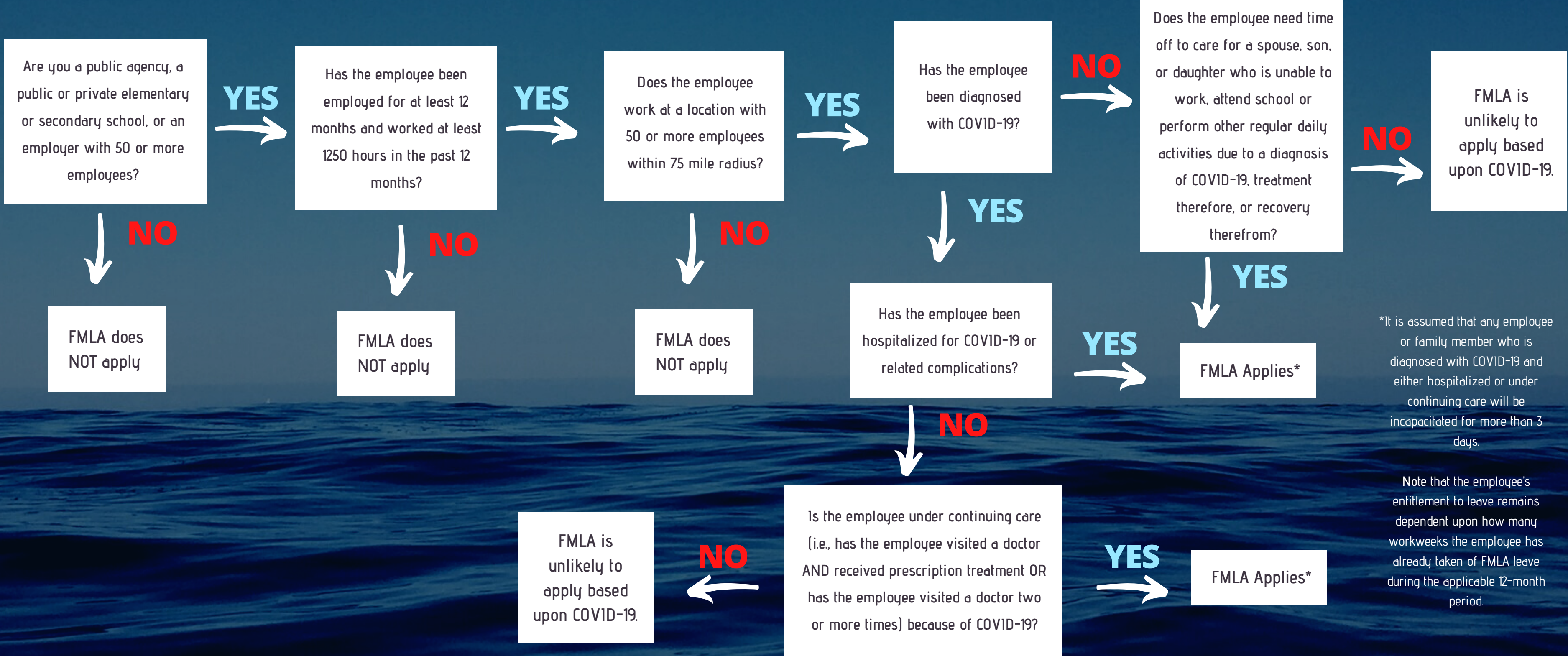
YES
↓

Emergency Paid Sick Leave applies.*
When Emergency Paid Sick Leave is for reasons (a), (b), or (c) above, the employee is entitled to 66.67% of regular rate of pay (capped at \$200 per day/\$2,000 aggregate) for up to 80 hours (prorated for part-time employees).

* Emergency Paid Sick Leave applies in addition to any other employer-paid time off. The employee may choose to use existing paid vacation, personal, medical, or sick leave from your paid leave policy to supplement the amount your employee receives from paid sick leave, up to the employee's normal earnings. However, you are not required to permit an employee to use existing paid leave to supplement the amount your employee receives from paid sick leave or expanded family and medical leave. An employee who was laid off any time after March 1, 2020, will be eligible for Paid Emergency Sick Leave if he or she is then rehired by you. Health care providers and emergency responders may be excluded by their employers from being able to take Emergency Paid Sick Leave under the FFCRA.

Families First Coronavirus Response Act (FFCRA) Leave

Family and Medical Leave Act Leave & COVID-19



*It is assumed that any employee or family member who is diagnosed with COVID-19 and either hospitalized or under continuing care will be incapacitated for more than 3 days.

Note that the employee's entitlement to leave remains dependent upon how many workweeks the employee has already taken of FMLA leave during the applicable 12-month period.

The intent of this analysis is to provide general information regarding the provisions of current federal laws and regulation. It does not necessarily fully address all your organization's specific issues. It should not be construed as, nor is it intended to provide, legal advice. Your organization's general counsel or an attorney who specializes in this practice area should address questions regarding specific issues.