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COVID-19 - NEW FEDERAL EMERGENCY PAID SICK LEAVE REQUIREMENTS

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On March 18, 2020, President Trump signed H.R. 6201 – Families First Coronavirus Response Act into law. The law becomes effective 15-days after enactment and will sunset December 31, 2020. H.R. 6201 requires an employer with fewer than 500 employees to provide up to 80-hours of paid sick leave to employees. For full text see <https://www.congress.gov/bill/116th-congress/house-bill/6201>.

FEDERAL LAW NOW REQUIRES EMPLOYERS WITH LESS THAN 500 EMPLOYEES TO PROVIDE UP TO 80-HOURS* OF PAID SICK LEAVE FOR THE FOLLOWING:

- (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 medical diagnosis.**
- (4) The employee is caring for an individual who is subject to an order described in subparagraph (1) or has been advised as described in subparagraph (2).**
- (5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child-care provider of such son or daughter is unavailable.**
- (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.**

THIS IS IN ADDITION TO ANY STATE PAID LEAVE REQUIREMENTS

RATE OF PAY: Employees are compensated at the higher their regular rate, the federal minimum wage, or the local minimum wage, but not to exceed \$511 per day and \$5,110 in the aggregate. However, if the employee is absent to care for a sick family member, a child unable to attend school, or because they meet the criteria for similar conditions, they are compensated at 2/3 the rate they would otherwise receive, but not to exceed \$200 per day and \$2,000 in the aggregate. Employers may seek tax credits for reimbursement.

EXEMPTIONS: The Secretary of Labor/Department of Labor has discretion to exempt: (1) health care providers and emergency responders from the definition of employers; and (2) small businesses with fewer than 50 employees from the requirement of subparagraph (5) above if it would jeopardize the viability of the business as an ongoing concern.

*For part-time employees, a number of hours equal to the number of hours that such employee works, on average, over a 2-week period.