

FAMILIES FIRST CORONAVIRUS RESPONSE ACT (“FAMILIES FIRST”)

- I. Unpaid Leave Prior to April 2, 2020
 - A. H.B. 6201 implemented Family First on March 18, 2020, with an effective date of April 2, 2020.
 - B. During working days prior to April 2, 2020, leave taken for any reason is unpaid. However, employees may elect to substitute any PTO or other accrued leave for unpaid leave during this period.

- II. Emergency Paid Sick Leave Act
 - A. Paid leave taken between April 2, 2020 – December 31, 2020 for qualifying reasons
 - B. Eligible Employees – All Employees except health care providers and emergency responders
 - C. Qualifying Reasons for Leave
 - 1. Employee is subject to a Federal, State, or local quarantine or isolation order related to coronavirus.
 - 2. Employee has been advised by a health-care provider to self-quarantine due to coronavirus.
 - 3. Employee is experiencing symptoms of coronavirus.
 - 4. Employee is caring for an individual who is subject to an order in (1) or has been advised to self-quarantine due to the coronavirus.
 - 5. Employee is unable to work or telework due to a need for leave –
 - a. to care for their child under 18 years of age if the school or place of care has been closed; or
 - b. the childcare provider of their child is unavailable due to a public health emergency.
 - 6. Employee is experiencing a similar condition specified by HHS.
 - D. Wages Paid by Employer

1. For Eligible Employees taking leave for qualified reasons 1-3 described above:
 - a. 80 hours fully paid sick leave for full-time employees
 - b. Pro rata for part-time employees
 - c. Maximum of \$511 per day or \$5,110 in the aggregate.
2. For Eligible Employees taking leave for qualified reasons 4-6 described above:
 - a. 80 hours partial (2/3rd normal wages) paid sick leave for full-time employees
 - b. Pro rata partial sick leave for part-time employees
 - c. Maximum of \$200 per day or \$2,000 in the aggregate.

III. Emergency Family & Medical Leave Expansion Act (EFMLEA)

- A. Unpaid and Paid leave taken between April 2, 2020 – December 31, 2020 for qualifying reasons
- B. Amends FMLA - All other provisions of the FMLA remain applicable.
- C. Eligible Employees – Worked for Employer for at least 30 days. Health care providers and emergency responders are not eligible.
- D. Qualifying Reasons for Leave
 1. Employees who are unable to work or telework due to a need for leave –
 - a. to care for their child under 18 years of age because the school or place of care has been closed; or
 - b. The childcare provider of their child is unavailable due to a public health emergency.
- E. Wages Paid by Employer from April 2, 2020
 1. Initial ten (10) days of leave are unpaid.
 - a. Employee may use accrued PTO or leave; or

- b. Use Emergency Paid Sick Leave if qualified.
2. Remaining ten (10) weeks of FMLA paid at 2/3rd of Employee's regular rate, not to exceed \$200 per day and \$10,000 in the aggregate.

TIMELINE EXAMPLE

Hypothetical: Full-time and long-term Employee is currently unable to work or telework because Employee's minor children are out of school due to the school being closed, and Employee has not found alternative care for Employee's minor children:

Prior to April 2	Employee would be on unpaid and unprotected leave. Employee may use PTO.
April 2 – April 16	Employee may be entitled to 80 hours of Emergency Paid Sick Leave, paid at 2/3 rd of Employee's regular rate, at a maximum of \$200 per day or \$2,000 in the aggregate.
April 16 – June 25	Employee may be entitled to an additional 10 weeks of Paid Leave under the EFMLEA, paid at 2/3 rd of Employee's regular rate, at a maximum of \$200 per day or \$10,000 in the aggregate.