



Summary of Families First Coronavirus Response Act - FFCRA

Last week Washington, the House passed the Families First Coronavirus Response Act (FFCRA). It was then amended it before it went to the Senate. On March 17, the Senate passed the revised version without changes.

Emergency Paid Sick Leave setting up a paid sick leave requirement for all employers with fewer than 500 employees to give to their employees:

- who have the virus;
- are in quarantine or caring for someone in quarantine
- caring for a child under 18 whose school is closed.

Emergency Paid Sick Leave must be in addition to any benefits that employees already accrue and cannot reduce existing employee benefits or rights. An employer cannot require an employee to take other paid vacation, paid sick leave, or paid personal leave before taking Emergency Paid Sick Leave.

Full-time workers receive 80 hours of paid sick leave, part-time workers receive time based on average hours they work in a two-week period.

- Pay is capped at \$511 per day (and \$5,110 total) for employees with the virus or in quarantine.
- Pay is capped at \$200 per day (and \$2,000 total) for employees caring for someone in quarantine or for a child whose school closed.

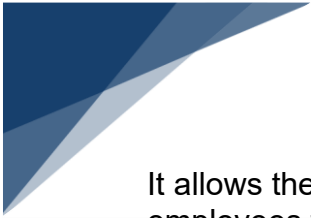
Emergency Paid Sick Leave expires on December 31, 2020.

Amended Family and Medical Leave Act sets up a temporary emergency paid leave program (through December 31) requiring private and government employers to provide up to 12 workweeks of leave for an employee requesting leave to care for a child under 18 whose school or day care facility is closed.

The first 10 days of Emergency Family Medical Leave may be unpaid, but the employee must be allowed to use accrued paid leave in order to be paid during the first 10 days.

After the first 10 days, the employer must provide continue to provide leave and pay the employee based on their rate of pay and scheduled hours up to \$200 per day or \$10,000 total to the employee.

After returning from Emergency FML, the employer must restore the employee to their former position. An employer with fewer than 25 employees need not restore the employee to their former position if the position no longer exists (unless that position is restored).



It allows the Labor Department to exempt small businesses with fewer than 50 employees from this new leave requirement if it would put them in jeopardy

In return, employers receive tax credits for 100 percent of what they pay out to employees and a 67 percent refundable tax credit for self-employed people caring for a child/family member. Self-employed benefits are capped at either \$200 per day or the average daily income rate, whichever is smaller.

The bill also requires private health plans to cover COVID-19 diagnostic testing authorized/approved by the FDA.

President Trump has signed the \$100 billion legislation.

If you have additional questions, contact your employment attorney.

In addition, the Administration has requested an additional \$45.8 billion to be allocated to federal agencies to continue to combat the coronavirus. Up next, Congress will seek to pass a “stimulus” i.e. RESCUE Businesses Act for the “Phase III” coronavirus economic relief bill which is intended to address the economic downturn and financial strain the virus has caused.

The Chamber would like to thank Senators Marco Rubio, Rick Scott and Congressman Michael Waltz for providing details of this legislation.