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Families First Coronavirus Response Act (The "Act") Emergency Paid Sick Leave Act ("Sick Leave Act")

On March 18, 2020, President Trump signed into law the Families First Coronavirus Response Act. The Act is effective from April 2, 2020 to December 31, 2020. Similar to the FMLA Expansion Act, the Sick Leave Act requires employers to provide employees with paid sick leave under certain circumstances. The key provisions of the Sick Leave Act are outlined below.

1. Covered Employers — Same as the FMLA Expansion Act.
2. Qualified Employees — Contrary to the FMLA Expansion Act, there is no minimum duration of employment for an employee to be entitled to sick time under the Sick Leave Act.
3. Reason for Leave — The qualified reasons for sick leave under the Sick Leave Act are more expansive than under the FMLA Expansion Act. One or more of the following are qualified reasons for sick leave:
 - a. Quarantine as a result of COVID-19;
 - b. A recommendation to quarantine;
 - c. Symptoms of coronavirus and the need to seek medical attention;
 - d. To care for an individual (including people outside an employee's family) subject to a mandatory quarantine in (a) or a recommendation to quarantine in (b);
 - e. To care for the employee's son or daughter under 18 years of age if the child's school or place of care has been closed, or the childcare provider of such son or daughter is unavailable due to an emergency related to COVID-19.
 - f. If the employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of Treasury and the Secretary of Labor.
4. Required Leave Benefits — Full-time employees are entitled to up to 80 hours of paid sick time. Part-time employees are entitled to pay for the average number of hours worked in a typical two-week period. The look-back period is 6 months for part-time employees. Carryover of sick leave from year to year is prohibited.

Sick leave benefits are limited to \$511 per day per employee or \$5,110 in the aggregate for leave taken under Paragraphs 3(a), (b) or (c) above, and \$200 per day per employee or \$2,000 in the aggregate for leave taken under Paragraphs 3(d), (e) or (f) above. For sick time taken under Paragraphs 3(d), (e) or (f), compensation is paid at the rate of two-thirds regular pay.

Unlike the FMLA Expansion Act, employers are prohibited from requiring employees to use other paid leave before allowing them to use sick leave under the Sick Leave Act. Employers are also prohibited from requiring employees who use sick leave to cover their hours, or search for someone to cover their hours, while on leave.

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5. Job Restoration — While there are no specific job restoration provisions in the Sick Leave Act, the law prohibits the unlawful discharge, discipline or discrimination against an employee who takes sick leave or who files a complaint or otherwise participates in a proceeding under the Sick Leave Act.
6. Employer Tax Credits — Same as FMLA Expansion Act, except the credit is capped at \$511 per day per employee for sick time taken pursuant to Paragraphs 3(a), (b) and (c) above, and \$200 per day per employee for sick time taken pursuant to Paragraphs 3(d), (e) and (f) above.
7. Notice to Employees — Employers are required to post and keep posted a notice of the requirements of the Sick Leave Act in a conspicuous location where other employment notices are posted. The Secretary of Labor will provide a model notice no later than March 25, 2020.

If you have questions about how these changes may affect your organization, please contact J&B Shareholders, [Joseph F. Spitzzeri](#), [Genevieve M. LeFevour](#), [Brian C. Langs](#) or [Christopher J. Carlos](#).