**FAMILY FIRST CORONAVIRUS RESPONSE ACT**

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Effective Date 4/2/2020 (expires 12/31/2020)

**EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT**

**Employer**

* Less than 500 employees (Department of Labor has authority to issue regulations exempting employers with less than 50 employees whose business viability may be jeopardized by compliance.)

**Eligible Employees**

* Full and part-time employees employed 30 calendar days (but Department of Labor has authority to exclude certain health care workers and first responders from the definition of employee.)

**Qualifying Condition**

Unable to work or telework due to need for leave to care for a son or daughter because daycare or school is closed, or care provider is unavailable due to COVID issues. (Provider defined as caregiver who is regularly compensated so would not apply to Grandparents or other babysitters who are not paid for their services.)

**Benefits**

First 10 days unpaid, after 10 days 2/3 regular rate up to $200 per day.

**Return to Work**

Employee must be returned to prior position. (exception for Employers with less than 25 employees if employee’s position eliminated due to situation and reasonable efforts to offer equivalent position fail. Must make reasonable efforts to contact employee if equivalent position becomes available within 12 months.)

**Liability**

Same as FMLA but Employers with less than 50 employees are exempt from civil actions for violations.

**EMERGENCY PAID SICK LEAVE ACT**

**Covered Employers**

* Less than 500 employees (Department of Labor has authority to issue regulations exempting employers with less than 50 employees whose business viability would be jeopardized by compliance.

**Eligible Employees**

* Any full or part time employee regardless of length of employment.
* Department of Labor has authority to exclude certain health care providers and emergency responders from the definition of eligible employees.

**Qualifying Conditions**

Unable to work or telework because:

* Subject to Federal, State or local quarantine or isolation order due to COVID.
* Advised by healthcare provider to self-quarantine due to COVID concerns.
* Experiencing symptoms of COVID and seeking diagnosis.
* Caring for an individual quarantined or isolated by government or order or by their physician.
* Caring for their son or daughter because school or daycare is closed or childcare provider unavailable due to COVID concerns.
* Experiencing other substantially similar conditions specified by Federal agencies.

**Exclusions**

Employer of healthcare providers or emergency responders may exclude those employees.

**Benefits**

* Up to 80 hours for full-time employees and average hours worked over two weeks for part-time.
* Regular pay rate up to $511 per day for personal health; two-thirds (2/3) regular rate of pay up to $200 when absence to care for others.
* Cannot require employee to use other accrued paid leave prior to this leave.
* Department of Labor to issue guidelines within 15 days from enactment (April 2, 2020.)

**Notice Posting Requirement**

Employers must post Department of Labor approved notice to be published by Department of Labor 7 days after enactment (March 25, 2020.)

**Retaliation**

Employee who takes leave under Act or files a complaint relating to act is protected from retaliation.

**Liability**

Liability for failure to comply or wrongful termination – same as FLSA, double damages for willful conduct and attorney fees.

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