

Families First Coronavirus Act (FFCRA or “the Act”)

President Trump signed into law the Families First Coronavirus Response Act (FFCRA or “the Act”) on Wednesday, March 18, 2020. The **FFCRA does not take effect until Thursday, April 2nd.**

Here is a summary of the Act’s “Employer Paid Leave Requirements” directly from the Department of Labor’s website <https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>:

1. Two weeks (up to 80 hours) of **paid sick time** at the employee’s regular rate of pay where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or,
2. Two weeks (up to 80 hours) of **paid sick time** at two-thirds the employee’s regular rate of pay because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor.
3. Up to an additional 10 weeks of **paid family leave** at two-thirds the employee’s regular rate of pay where an employee is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19. (The DOL lists on their website that certain parts of this provision may not apply to employers with 50 or less employees. Specific regulations from the DOL are expected to be released in April 2020.)

KEEP IN MIND:

1. Covered employers = all public employers; and private employers with less than 500 employees.
2. An employee must have worked for you for at least 30 days to be eligible for paid leave.
3. Private small businesses with fewer than 50 employees may qualify for exemption from the requirement to provide leave due to school closings or child care unavailability if the leave requirements would jeopardize the viability of the business as a going concern.
4. Every dollar of required paid leave (plus the cost of the employer’s health insurance premiums during leave) will be 100% covered by a dollar-for-dollar refundable tax credit available to the employer. For more information, please see the Department of the Treasury’s website: <https://home.treasury.gov/>.
5. Paid sick time provided under this Act does not carry over from one year to the next. Employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment.
6. An employee may elect to substitute any accrued vacation leave, personal leave, or medical or sick leave for the first two weeks of partial paid leave under this section. (But the employer cannot force a covered employee to use sick or vacation time before they receive paid leave.)