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**SICK LEAVE AND FMLA PROVISIONS OF THE FAMILIES FIRST CORONAVIRUS REPOSE  
ACT**

**EFFECTIVE APRIL 1, 2020**

**DOLLAR FOR DOLLAR PAYROLL TAX CREDITS**

**EMERGENCY PAID SICK LEAVE**

**Covered Employers**

All private employers with 500 or fewer employees and certain public employers. Employers with Less than 50 employees may qualify for an exemption if the leave requirements would jeopardize the viability of the business as a going concern BUT ONLY IF THE HARDSHIP RELATES TO LEAVE FOR CHILD CARE

**Covered Employees**

All employees of covered employers except health care providers or emergency responders

**Mandatory Payment of Sick Leave**

80 Hours Maximum of Paid Sick Leave for Full Time Employees

Average Number of Hours Worked Over a 2-Week Period for Part Time Employees

**Leave to care for the employee him/herself: \$511 per day (\$5110 in aggregate)**

Regular rate of pay or minimum wage, whatever is higher for number of hours employee would typically work per day; INCLUDES OVERTIME HOURS WOULD HAVE WORKED BUT PAID AT STRAIGHT TIME - 80 HOURS

**Leave to care for family member or child whose school or place of care is closed:**

2/3 regular rate of pay or minimum wage, whatever is higher: (\$200 per day /\$2000 in aggregate)

Varying Schedule: Daily rate is calculated by taking average worked per day over a 6-month period

If employee has not worked 6 months, then reasonable expectation at time of hire

### **Eligibility**

Immediate. No probationary period. Does not carry over after 12/31/20

The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19

The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19

The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis (Not per DFEH - NOT REQUIRED TO GO TO DOCTOR)

The employee is caring for an individual who is subject to an order as described above or has been advised by a health care provider as described above.

The employee is caring for a son or daughter if the child's school or place of care has been closed or the child's care provider is unavailable due to the virus

The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor

Multi-employer bargaining agreement: Keep following

**EMPLOYERS CANNOT REQUIRE EMPLOYEES TO USE EMPLOYER-PROVIDED PAID TIME OFF BEFORE USING THE LEAVE PROVIDED UNDER THIS LAW - BUT CAN AGREE TO THE USE TO SUBSTITUTE OR SUPPLEMENT WAGES**

## **EMERGENCY FAMILY AND MEDICAL EXPANSION ACT (FMLA)**

### **Covered Employers**

All private employers with **500 (Not 50) or fewer** employees. Certain public employers are covered by the Act, regardless of size. (Certain provisions may not apply to certain employers with fewer than 50 employees; Department of Labor guidance for exemption is set forth in current FAQ's ( ))

### **Covered Employees**

All employees who have worked **at least 30 days (not 1250 hours)** of covered employers except health care providers or emergency responders

### **ONLY ONE QUALIFYING REASON FOR THIS LEAVE:**

To care for an employee's son or daughter under the age of 18 if the child's school or place of care is closed, or the child's care provider is unavailable due to the virus

### **Amount of Leave and Pay**

Twelve weeks of total FMLA leave

First 10 days is unpaid unless employee is eligible for the emergency sick leave outlined above or wants to take their own accrued leave

Can't require employees to take their own paid time off during the ten-day period but employees can opt to take their accrued own paid leave

**\$200 per day/\$10,000 aggregate**

Varying schedule: Same 6-month analysis as above for emergency sick leave

Multi-employer bargaining agreement: Keep following

### **Reinstatement**

Same or similar job unless less than 25 employees and there is hardship as defined (Less than 50 employees may be exempted - see current DOL FAQ's)