



## FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The Families First Coronavirus Response Act (“FFCRA”) creates two new federal benefit programs to help employees cope with the coronavirus pandemic: Emergency Paid Sick Leave & Emergency Family and Medical Leave. Here are key facts about both programs:

- **Effective Date:** April 2, 2020
- **Impacts:** all businesses with *fewer than 500* employees
- **Emergency Paid Sick Leave**
  - Provides up to two (2) weeks of paid sick leave to *all* employees who miss work for any of the following reasons:
    - Employee is subject to a government-ordered coronavirus quarantine
    - Employee has been advised by a healthcare provider to self-quarantine due to coronavirus
    - Employee is caring for an individual who is subject to either of the above
    - Employee is experiencing symptoms of coronavirus and seeking a medical diagnosis
    - Employee is caring for a child whose school, daycare, or other childcare provider is closed/unavailable due to coronavirus precautions
  - Full-time employee benefit is calculated using a 40-hour workweek
  - Part-time employee benefit is calculated using the average number of hours that they work over a two-week period
  - Employees caring for themselves receive 100% of their regular rate of pay, up to \$511/day and \$5,110/aggregate
  - Employees caring for others receive 2/3 of their regular rate of pay, up to \$200/day and \$2,000/aggregate

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- **Emergency Family and Medical Leave**
  - Provides up to twelve (12) weeks of job-protected leave to eligible employees
  - Eligible employees are those who:
    - Have worked for the employer at least 30 days; and
    - Must miss work because they are unable to work or telework due to a need for leave to care for a child whose school, daycare, or other paid childcare provider is closed/unavailable due to a government-declared public health emergency
  - First two (2) weeks of leave can be unpaid
  - Next ten (10) weeks of leave must be paid at the rate of 2/3 of the employee’s regular pay, up to \$200 per/day and \$10,000/aggregate
- **Supplement Existing Benefits.** Employers must provide Emergency Paid Sick Leave & Emergency Family and Medical Leave *in addition to* existing benefits. For example, if you already provide PTO, employees may elect to use Emergency Paid Sick Leave and PTO in any sequence. Likewise, employees may elect to use PTO during Emergency Family and Medical Leave, but you cannot require it.
- **Exemptions.** The Secretary of Labor is authorized to issue the following exemptions by regulation:
  - To exempt employers with *fewer than 50* employees from coverage *if* Emergency Paid Sick Leave or Emergency Family and Medical Leave would “jeopardize the viability of the business as a going concern.”
  - To exempt certain health care providers and emergency responders from coverage
- **Funding.** The federal government will reimburse employers for the costs of providing Emergency Paid Sick Leave & Emergency Family and Medical Leave through a refundable payroll tax credit

The FFCRA will evolve as the Secretaries of Labor, HHS & the Treasury issue regulations. Please contact us if you have any questions or concerns about how the FFCRA impacts your business.