

March 26, 2020

The Emergency Paid Sick Leave Act and The Emergency Family and Medical Leave Expansion Act

The Emergency Paid Sick Leave Act (EPSLA) and The Emergency Family and Medical Leave Expansion Act (EFMLEA) provide benefits for employees and credits for employers. The Acts apply to businesses with fewer than 500 employees and applies to all employees regardless of whether they are full-time or part-time. EFMLEA applies only to employees who have been employed by the employer for at least 30 days prior to the designated leave. EPSLA covers employees regardless of the 30-day limitation.

The Acts go into effect on April 2, 2020 and will remain in effect until December 31, 2020.

The EPSLA temporarily mandates workers be paid for up to 2 weeks when they are unable to report to work for coronavirus-related reasons. Employees are eligible for this paid sick leave when they are:

- 1.) subject to a federal, state, or local quarantine or isolation order related to COVID-19;
- 2.) advised by a health care provider to self-quarantine due to COVID-19 concerns;
- 3.) experiencing COVID-19 symptoms and seeking medical diagnosis;
- 4.) caring for an individual subject to federal, state, or local quarantine or isolation order or advised by a health care provider to self-quarantine due to COVID-19 concerns;
- 5.) caring for the employee's child if the child's school or place of care is closed or the child's care provider is unavailable due to public health emergency; or
- 6.) 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.

EFMLEA allows employees take up to 12 weeks of job-protected leave to allow an employee, who is unable to work or telework, to care for the employee's child (under 18 years of age) if the child's school or place of care is closed or the childcare provider is unavailable due to a public health emergency.

Under EPSLA, employees must be paid no less than their regular rate of pay, up to \$511 per day, for reasons 1-3 above and no less than two-thirds of their regular rate of pay, up to \$200 per day, for reasons 4-6. Under EFMLEA employees must be paid no less than two-thirds of their regular rate of pay, up to \$200 per day.

Full-time employees are entitled to 80 hours of leave. Part-time employees are entitled to leave based on the average number of hours they work in a given two-week period.

Employers will receive a tax credit in an amount equal to 100% of the qualified sick leave paid by the employer for each calendar quarter. The credit can be taken against the employer's portion of the Social Security taxes. The credits are capped at the maximum leave payments and limited to the periods described above.