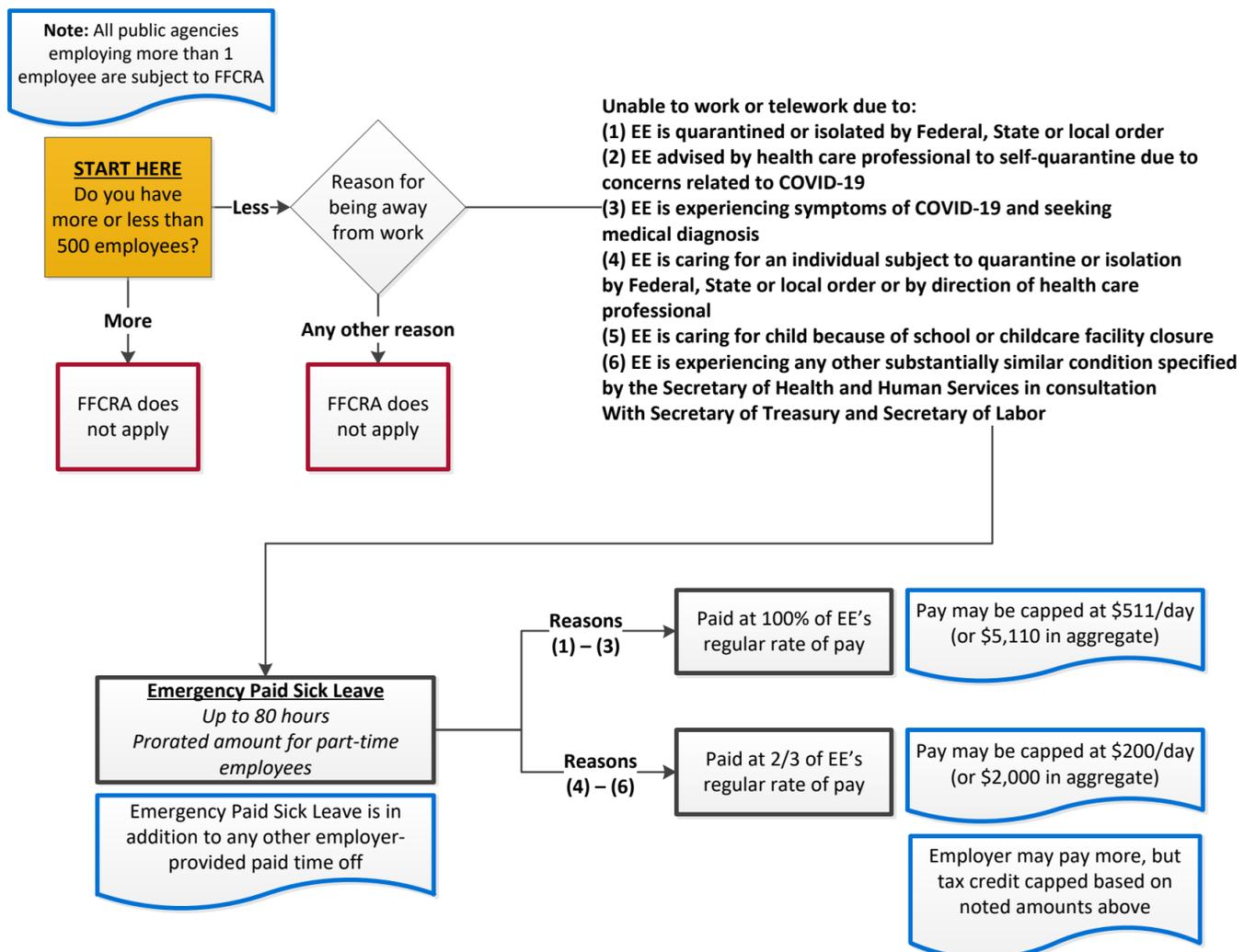
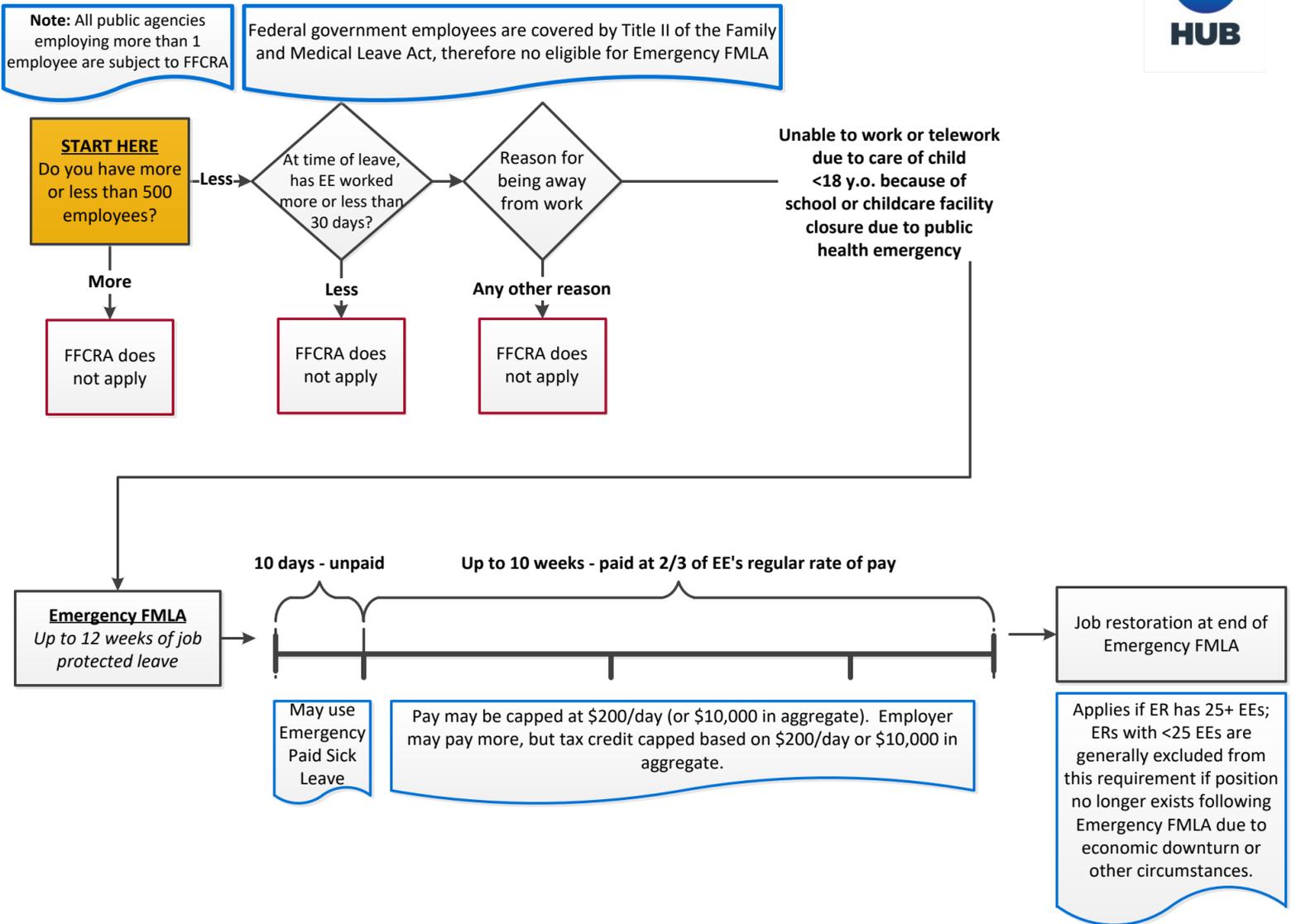


Families First Coronavirus Response Act (FFCRA) Effective April 1, 2020 – December 31, 2020



Other Notable Mentions

Special Rules

- Employer of an employee who is a health care provider or an emergency responder may elect to exclude such employee from Emergency FMLA and Emergency Paid Sick Leave
- Secretary of Labor may exempt small businesses with fewer than 50 employees if imposition of the programs' requirements would jeopardize the viability of the business

Emergency FMLA

- Using Emergency FMLA on an intermittent basis – still not clear
- Employee notice to company of need for leave – as soon as practicable

Emergency Paid Sick Leave

- Employee notice to company of need for leave – as soon as practicable
- Employee may use Emergency Paid Sick Leave before any other employer-provided paid time off; employer may not require employee to use other paid time off before Emergency Paid Sick Leave
- Emergency Paid Sick Leave does not preempt any local paid sick leave requirements that already exist
- No year-end carryover of unused Emergency Paid Sick Leave
- Unused Emergency Paid Sick Leave is not paid out upon separation of employment
- Employers may not retaliate against employees for use of Emergency Paid Sick Leave
- Employee cannot be required to find replacement

Calculating Rate of Pay for Emergency FMLA and Emergency Paid Sick Leave

- Full time employees: Regular rate of pay, hours normally scheduled to work
- Part time employees, variable hour employees: Average number of hours employees worked for six months prior to taking leave
- Employees with less than six months of service: Average number of hours the employee would normally be scheduled to work over two-week period