

**MPCC Roundtable
August 11, 2020 TPO Update**



*These updates are a small sample of important topics and information we provide and discussed with our members in helping them manage through FFCRA and everything HR. For questions about this week's topic or additional information about TPO Membership and the products and services we provide, please contact Michaelle Stanford, PHR-ca, M.A. at michaelles@tpohr.com. **TPO Note:** As a reminder, these updates are provided for informational purposes only. For unique situations to your business, please consult with your Human Resource provider or employment expert.*

FFCRA Benefit Reminder as the School Term Begins

Employees may take an **Expanded Paid family and medical leave of absence** that provides return to work job protections. This leave is for when the employee is unable to work (or telework/remote work) due to a need to care for the employee's child under 18 years of age if the school or place of care has been closed or the child care provider is unavailable due to a public health emergency related to COVID-19. The first 10 days are unpaid, the remaining 10 weeks are paid (with maximum amounts listed in the law). <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>

According to the Department of Labor, generally, the Act provides that employees of covered employers are eligible for:

- *Two weeks (up to 80 hours) of **paid sick leave** 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*
- *Two weeks (up to 80 hours) of **paid sick leave** 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 to 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; and*
- *Up to an additional 10 weeks of **paid expanded family and medical leave** at two-thirds the employee's regular rate of pay where an employee, who has been employed for at least 30 calendar days, 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.*

Covered Employers: The paid sick leave and expanded family and medical leave provisions of the FFCRA apply to certain public employers, and private employers with fewer than 500 employees.^[1] Most employees of the federal government are covered by Title II of the Family and Medical Leave Act, which was not amended by this Act, and are therefore not covered by the expanded family and medical leave provisions of the FFCRA. However, federal employees covered by Title II of the Family and Medical Leave Act are covered by the paid sick leave provision.

Small businesses with fewer than 50 employees may qualify for exemption from the requirement to provide leave due to school closings or childcare unavailability if the leave requirements would jeopardize the viability of the business as a going concern. **Caution:** While there are some exemptions for specific industries and the Secretary of Labor has authority to issue exemptions for employers with less than 50

employees where it “jeopardizes the viability of the business,” employers are advised to review the requirements carefully to ensure compliance.

CDC Examples: When to Start and End Quarantine

The Center for Disease Controls (CDC) has a helpful landing page on their website that visually shows four common examples of when to start and end quarantine after close contact.

What counts as close contact?

- You were within 6 feet of someone who has COVID-19 for a total of 15 minutes or more
- You provided care at home to someone who is sick with COVID-19
- You had direct physical contact with the person (hugged or kissed them)
- You shared eating or drinking utensils
- They sneezed, coughed, or somehow got respiratory droplets on you

CDC Reminder: Even if you test negative for COVID-19 or feel healthy, you should stay home (quarantine) since symptoms may appear 2 to 14 days after exposure to the virus

One of the CDC scenarios follows and is an excellent visual example of considering multiple factors before having contact with others outside the home.

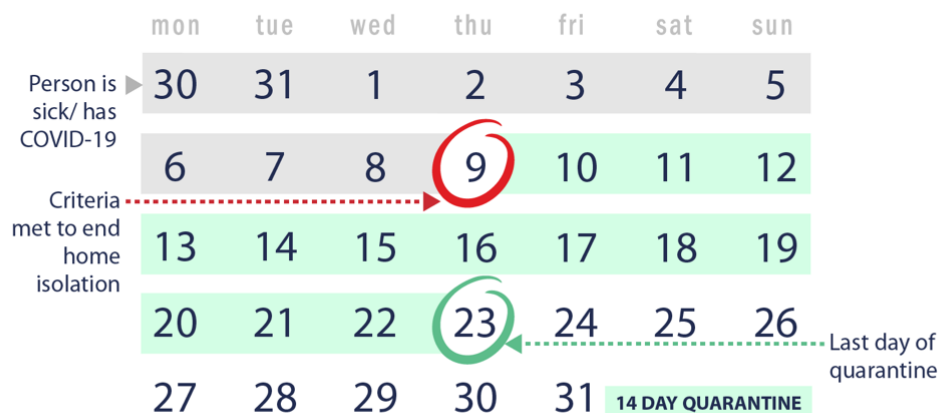
<https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html>

Scenario 4: Live with someone who has COVID-19 and cannot avoid continued close contact

I live in a household where I cannot avoid close contact with the person who has COVID-19. I am providing direct care to the person who is sick, don't have a separate bedroom to isolate the person who is sick, or live in close quarters where I am unable to keep a physical distance of 6 feet.

You should avoid contact with others outside the home while the person is sick, and quarantine for 14 days after the person who has COVID-19 meets the [criteria to end home isolation](#).

Date the person with COVID-19 ends home isolation + 14 days = end of quarantine



Please note if your quarantine starts at noon on day 1, then it would end at noon on the last day.