



Coronavirus Laws Requiring Paid Employee Leave and Expansive Paid FMLA Passes Congress

On Wednesday, March 18, 2020, the U.S. Senate voted to approve a coronavirus relief bill that was passed by the U.S. House of Representatives over the weekend. The Families First Coronavirus Response Act (HR 6201) requires employers to provide paid leave for some employees related to the COVID-19 pandemic, in addition to expanding the qualified reasons and eligibility for FMLA. The Act takes effect no later than 15 days after it is signed by the president.

I. Emergency Paid Sick Leave

The Act requires 2 weeks/80 hours of paid sick leave for government workers, and employees of companies with fewer than 500 employees. Leave must be made available immediately to 1) workers who are symptomatic or are under an order or advice to quarantine or self-isolate, 2) workers who have to care for a family member under such an order or advice, or 3) those who have a child whose school or child care facility has closed due to the coronavirus.

The paid leave for *employees who are actively sick with COVID-19, or under government or health care provider quarantine*, is 100% of salary, to a maximum of \$511 per day, and \$5,110 for the 2 weeks of leave.

The paid leave for *employees under self-directed isolation or self-directed quarantine, or caring for a child because their school or child care is closed for COVID-19 concerns*, is paid at $\frac{2}{3}$ of salary, capped at \$20 per day and \$2,000 over the 2 weeks.

II. Emergency Family and Medical Leave Act

The Act provides FMLA rights for some employees of companies with fewer than 500 employees, requiring partially paid leave after 10 days when an employee is unable to work or telework due to school or child care closures related to the coronavirus (note the first 10 days will be covered by the paid sick leave above in many cases).

After the first 10 days (paid under the emergency sick leave detailed above), the leave will be paid at $\frac{2}{3}$ salary, capped at \$200 per day and \$10,000 for the full 12 weeks.

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Employees will be eligible for FMLA leave under this Act as long as they have been employed for 30 days (rather than the 1 year/1250 hours of service requirement).

III. Coverage for COVID-19 Testing

Effective immediately, the Act requires group health plans and health insurance issuers to cover COVID-19 testing without imposing any cost sharing (such as deductibles, copayments or coinsurance) or prior authorization or other medical management requirements.