



April 8, 2020

FAQs on Emergency Paid Sick and Extended Leave due to the COVID-19 Crisis

In response to the COVID-19 crisis, Congress passed two legislative packages, the Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid, Relief, and Economic Security (CARES) Act that take critical steps to help all workers get the assistance they need during this public health emergency.

The Families First Coronavirus Response Act (FFCRA) requires employers with under 500 employees to guarantee up to two weeks of paid leave for sick workers and gives workers with children that have impacted by the pandemic the ability to take up to 12 weeks of job-protected emergency extended leave. The bill includes tax relief for small and medium-sized businesses that fulfill their obligations to provide paid sick, family, and medical leave to workers. This benefit is a tax credit to the employer and paid out to the worker by the employer in payroll.

The paid leave provisions are effective on April 1, 2020, and apply to leave taken between April 1, 2020, and December 31, 2020.

Emergency Paid Sick Leave

The Families First Coronavirus Response Act (FFCRA) provides emergency paid sick leave to tens of millions of U.S. workers who work for employers with fewer than 500 employees. Employers required to provide emergency paid sick leave under this bill (those with fewer than 500 employees) will be fully reimbursed for wages paid and the employer's contribution to employee health insurance premiums during the leave period.

FAQs for Employees on Emergency Paid Sick Leave Program

1.Q: What workers are eligible for the emergency paid sick leave provided by the Families First Coronavirus Response Act?

A: Employees at companies with fewer than 500 employees, government employees, and employees who work under a multiemployer collective agreement and whose employers pay into a multiemployer plan.

2.Q: How much emergency paid sick leave are eligible employees entitled to?

A: Full-time workers will receive 100% of their regular pay (up to \$511 per day) if they are taking time off to self-quarantine, seek a diagnosis or preventive care, or receive treatment for COVID-19. Full-time workers who are taking care of a family member or caring for a child whose school is closed or whose childcare provider is unavailable will receive two-thirds of their regular pay (up to \$200 per day).

Part-time employees will receive pay for 100 percent of the typical number of hours they work in an average two-week period (up to \$511 per day) IF they are taking time off to self-quarantine, seek a diagnosis or preventative care, or receive treatment for COVID-19. Those part-time workers who are taking care of a family member or caring for a child whose school is closed or whose childcare provider is unavailable will receive two-thirds of their regular pay (up to \$200 per day)

FAQs for Employers on Emergency Paid Sick Leave Program

1. Q: I am a private sector employer with 500 or fewer employees. Will the federal government reimburse me for the emergency paid sick leave that I am required to provide for my employees?

A: Yes. This is a funded mandate. Employers required to provide emergency paid sick leave under this bill (those with fewer than 500 employees) will be fully reimbursed for wages paid *and* the employer's contribution to employee health insurance premiums during the leave period within three months.

The reimbursement will be processed as a refundable tax credit that counts against your payroll tax. All employers pay this regardless of non-profit/for-profit status.

As part of your quarterly tax payments, you will submit emergency paid sick leave expenses. If your costs more than offset your tax liability, you will get a refund from the IRS.

2. Q: I am a private sector employer with 500 or more employees. Do the paid leave provisions in the Families First Coronavirus Response Act apply to me?

A: No. Private sector employers are only required to comply with the Acts if they have fewer than 500 employees.

3. Q: How does the small business exemption work?

A: The small business exemption is only available for businesses with fewer than 50 employees. If providing child care-related paid sick leave and expanded family and medical leave at your business would undermine the viability of your business and you want to elect the small business exemption, you should document why your business with fewer than 50 employees meets the criteria set forth by the Department, which will be addressed in more detail in forthcoming regulations.

Emergency Paid Extended Leave

The Families First Coronavirus Response Act extends paid sick leave to workers caring for children whose schools or childcare are closed due to COVID-19 for up to 12 weeks of job protected leave, that includes two weeks of unpaid leave and 10 weeks of paid leave.

FAQs for Employees on Emergency Paid Extended Leave

1. Q: What workers are eligible for the emergency paid extended leave provided by the Families First Coronavirus Response Act?

A: Employees at companies with fewer than 500 employees, state and local government employees and certain other government employees, and employees who work under a multiemployer collective agreement and whose employers pay into a multiemployer plan who are not able to work because they are caring for children whose schools or child care are closed.

2. Q: How much emergency paid extended leave are eligible employees entitled to?

A: Eligible full-time and part-time workers are entitled to 12-weeks of job-protected leave to care for children whose schools or childcare are closed due to COVID-19. These 12 weeks of job-protected leave includes two weeks of unpaid leave and 10 weeks of paid leave.

Eligible employees may elect or be required to overlap the initial two weeks of unpaid leave with two weeks of other paid leave they have available.

Eligible employees will receive an employer-provided benefit that is no less than two-thirds of their normal pay for the final 10 weeks of their 12 weeks of job-protected leave.

FAQs for Employers on Emergency Paid Extended Leave Program

1. Q: I am a private sector employer with 500 or fewer employees. Will the federal government reimburse me for the emergency paid extended leave that I am required to provide for my employees?

A: Yes. This is a funded mandate. Employers required to provide emergency paid extended leave under this bill (those with fewer than 500 employees) will be fully reimbursed for wages paid *and* the employer's contribution to employee health insurance premiums during the leave period within three months.

The reimbursement will be processed as a refundable tax credit that counts against your payroll tax. All employers pay this regardless of non-profit/for-profit status.

As part of your quarterly tax payments, you will submit emergency paid sick leave expenses. If your costs more than offset your tax liability, you will get a refund from the IRS.

Additional Resources

[Families First Coronavirus Response Act: Employee Paid Leave Rights Fact Sheet](#)

[Families First Coronavirus Response Act: Employer Paid Leave Requirements Fact Sheet](#)

[Additional Q&A from the Department of Labor](#)

If you have questions or concerns that are not answered in this FAQ sheet, please fill out this [form](#) and my office will try to assist you.