

## Family First Coronavirus Response Act: Paid Leaves

*Does the new federal law give me the right to take paid leave? Unfortunately, the answer is complicated. The law gives millions of workers the right to take paid sick leave and paid family medical leave to deal with the Coronavirus. However, due to pressure from corporate interests, and some politicians, the law leaves out many workers. SEIU is demanding that, in future bills, Congress expand paid leave protections to cover all workers.*

**THESE LAWS ARE IN EFFECT BEGINNING APRIL 1, 2020**

<b>QUESTION:</b>	<b>Emergency Paid Sick Leave</b>	<b>Emergency Paid Family and Medical Leave</b>
<b>Am I covered?</b>	<p>The law covers:</p> <ul style="list-style-type: none"> <li>(1) Federal, State, and Local Government Employees; and</li> <li>(2) Employees of private-sector businesses with fewer than 500 employees</li> </ul> <p>Employers can exempt emergency responders and “health care providers,” including doctors, nurse-practitioners, and other providers who certify the existence of health conditions. The law does not appear to include most nurses and hospital staff, but employees may try to argue that it does.</p> <p>Also, the Secretary of Labor has authority to issue new regulations that exclude employees of certain businesses with fewer than 50 employees and exclude more types of health care providers and emergency responders</p>	<p>The law covers employees who have worked for more than 30 calendar days for:</p> <ul style="list-style-type: none"> <li>(1) A State or Local Government; or</li> <li>(2) A private-sector business with fewer than 500 employees</li> </ul> <p>The law excludes most Federal government employees.</p> <p>Employers can exempt emergency responders and “health care providers,” including doctors, nurse-practitioners, and other providers who certify the existence of health conditions. The law does not appear to include most nurses and hospital staff, but employees may try to argue that it does.</p> <p>Employers with fewer than 25 employees do not have to restore an employee to their position after returning from leave if the Coronavirus causes economic conditions that result in the elimination of the position.</p> <p>Also, the Secretary of Labor has authority to issue new regulations that exclude employees of certain businesses with fewer than 50 employees and exclude more types of health care providers and emergency responders</p>
<b>How much leave can I take?</b>	Full-time employees can take 80 hours of leave. Part-time employees can take leave for the average amount of hours that they work in a two-week period.	Twelve weeks.
<b>How much does my employer have to pay me while I take leave?</b>	<p>Employers must pay employees at their regular rate of pay for purposes #1-3 above, subject to a \$5,110 total cap.</p> <p>Employers must pay employees at two-thirds of their regular rate of pay for purposes #4-6 above, subject to a \$2,000 total cap.</p>	Employers do not have to pay employees for the first 10 days of this leave, but employees may use other accrued paid leave during those 10 days. After 10 days, employers must pay employees at two-thirds their regular rate of pay, subject to a \$10,000 total cap.

<b>QUESTION:</b>	<b>Emergency Paid Sick Leave</b>	<b>Emergency Paid Family and Medical Leave</b>
<b>What can I use it for?</b>	<p>Employees who are covered can use emergency paid sick leave if they are unable to work (or telework) because they need leave for any of the following purposes:</p> <ol style="list-style-type: none"> <li>(1) To comply with a government quarantine or isolation order related to Coronavirus;</li> <li>(2) To comply with a health care provider's advice to self-quarantine due to Coronavirus;</li> <li>(3) To seek a medical diagnosis while experiencing Coronavirus symptoms;</li> <li>(4) To care for an individual who is engaging in activities described in #1 or #2;</li> <li>(5) To care for a child if a school or place of care has been closed, or the child care provider of the child is unavailable, due to Coronavirus; or</li> <li>(6) While experiencing a "substantially similar condition" specified by HHS.</li> </ol>	<p>An employee who is covered can use this leave if they are unable to work (or telework) because they need leave to care for their child under 18 years of age if the child's school or place of care has been closed, or the child's child-care provider is unavailable, due to the Coronavirus.</p>
<b>Do I have to tell my employer that I am taking leave?</b>	<p>Yes, after the first working day during which you take leave under this law.</p>	<p>Yes, if the need for leave is foreseeable, the employee must inform the employer as soon as is practicable.</p>
<b>How does this law affect my other rights?</b>	<p>You may be entitled to more paid sick leave under State local law or a union contract.</p>	<p>You may be entitled to more paid sick leave under State local law or a union contract.</p>
<b>Does unused leave carry over into next year?</b>	<p>No, this law expires December 31, 2020.</p>	<p>No, this law expires December 31, 2020.</p>
<b>Employer prohibitions:</b>	<p>Employers may not:</p> <ol style="list-style-type: none"> <li>(1) Require employees to use other paid leave before taking this leave;</li> <li>(2) Fire or discipline employees for taking this leave; or</li> <li>(3) Require employees to find or look for a replacement before taking this leave.</li> </ol>	<p>Employers may not fire or discipline employees for taking this leave.</p>