



PIERCE DAVIS & PERRITANO LLP



## The Families First Coronavirus Response Act

In an effort to provide emergency relief for both individuals and small businesses from the economic impact of the COVID-19 outbreak, President Trump signed into law the **Families First Coronavirus Response Act** (the Act) on March 17, 2020.

We summarize the provisions of the Act as to **Paid Sick Leave and Paid Family Leave** below:

Small and mid-size employers with 500 or fewer employees must provide:

- Up to 80 hours – or two weeks – of paid sick leave at the employee’s normal salary, up to \$511 per day; and
- Up to 12 weeks of paid family and medical leave at 67 percent of the employee’s normal salary, up to \$200 per day.

The maximum aggregate total that an employee can earn under the “Emergency Paid Sick Leave” portion of the Act is \$5,110 for absence due to self-care, and \$2,000 for absence due to care for others.

The maximum aggregate amounts of paid family leave under the Family Medical Leave Act (FMLA) expansion provided by the Act is \$10,000.

Paid sick time benefits are available to employees who:

- Are subject to a federal, state or local quarantine or isolation order related to COVID-19;
- Have been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19; or
- Are experiencing symptoms of COVID-19 and seeking a medical diagnosis.

## The Families First Coronavirus Response Act: Paid Sick Leave and Paid Family Leave Provisions

The Act covers 2/3 salary for 2 weeks for an employee who is caring for an individual who is subject to a government order to quarantine or isolate or has been advised by a healthcare provider to self-quarantine.

The full 12 weeks of family leave is **only** available to individuals who must remain home to take care of a child who does not have schooling or childcare options due to the coronavirus pandemic. An employee also must have worked for his or her employer at least 30 days to qualify for the family leave benefits. Paid family leave will not be available until an employee has already been out of work for a 10-day period. Part-time workers of covered companies will also benefit. They will get paid sick leave equivalent to the number of hours they typically work over a two-week period.

While the Act requires employers to restore employees to equivalent positions upon their return to work, it does exempt employers with less than 25 employees from restoration if the original position no longer exists due to economic conditions that are caused by this public health emergency and the employer made reasonable efforts to restore the employee to an equivalent position.

Government employers **must** provide the paid sick leave and family leave benefits, but large companies of over 500 employees are not beholden to the Act's paid sick leave and family leave requirements. Employees of these large employers will rely on the company's own policies.

The paid sick leave and family leave benefits go into effect no later than April 2, 2020 and will remain available until December 31, 2020.

**Our attorneys have extensive experience representing municipalities, governmental entities and private employers in all aspects of employment law including wrongful termination, discrimination and sexual harassment litigation. The firm has defended employers against claims under all state and federal employment laws, including Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans With Disabilities Act (ADA), the Family and Medical Leave Act (FMLA), the Fair Labor Standards Act, the Massachusetts Whistleblower's Act, and other employment-related laws. We practice in both state and federal courts, as well as state and federal administrative agencies (MCAD and EEOC).**

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