

**Families First Coronavirus Response Act**  
**Use Chart**

The Families First Coronavirus Response Act applies to all private employers with less than 500 employees.

An employer with fewer than 50 employees (small business) is exempt from providing (a) paid sick leave due to school or place of care closures or child care provider unavailability for COVID-19 related reasons and (b) expanded family and medical leave due to school or place of care closures or child care provider unavailability for COVID-19 related reasons when doing so would jeopardize the viability of the small business as a going concern. A small business may claim this exemption if an authorized officer of the business has determined that:

1. The provision of paid sick leave or expanded family and medical leave would result in the small business’s expenses and financial obligations exceeding available business revenues and cause the small business to cease operating at a minimal capacity;
2. The absence of the employee or employees requesting paid sick leave or expanded family and medical leave would entail a substantial risk to the financial health or operational capabilities of the small business because of their specialized skills, knowledge of the business, or responsibilities; or
3. There are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services provided by the employee or employees requesting paid sick leave or expanded family and medical leave, and these labor or services are needed for the small business to operate at a minimal capacity.

Employers of healthcare providers and emergency responders have the ability to limit their employee’s ability to take leave under this law. A health care provider is anyone employed at any doctor’s office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity. This includes any permanent or temporary institution, facility, location, or site where medical services are provided that are similar to such institutions.

**No Retroactivity:** The Emergency Family Leave and Paid Sick Leave laws are effective April 1, 2020. If an employer offers this leave prior to April 1, 2020, the employer will not be reimbursed for any leave given to employees before the effective date. If an employer enacts these leave provisions before April 1 and employees take leave prior to April 1, the employer will need to pay for the leaves without reimbursement from the IRS.

This is the latest update as of 4/6/20.

Type of Leave	Reason for Use	Eligibility	Length of Leave	Pay
Emergency Family Leave	Care for Employee’s Child if School/Childcare closed due to COVID-19 or Childcare provider is unavailable	Employee for 30 days at Company	12 weeks	First 10 Days: Covered by the Paid Sick Leave Benefit at 2/3 Employee’s Regular Rate of Pay, capped at \$200 per day, \$2,000 in total. If the employee has already used their Paid Sick Leave, the first 10 days is unpaid. Day 11 – Week 12: 2/3 Employee’s Regular Hourly Rate of Pay Pay Cap: \$200 per day/\$10,000 total for Day 11-Week 12.

<b>Type of Leave</b>	<b>Reason for Use</b>	<b>Eligibility</b>	<b>Length of Leave</b>	<b>Pay</b>
Paid Sick Leave	Care for Employee's Child if School/Childcare closed due to COVID-19 or Childcare provider is unavailable	Any employee	80 hours (Full Time)  Average Hours Worked for 2 Weeks (Part Time)	2/3 Employee's Regular Hourly Rate of Pay Pay Cap: \$200 per day/\$2,000 total
Paid Sick Leave	Employee is subject to a Government Quarantine/Isolation Order re: COVID-19	Any employee	80 hours (Full Time)  Average Hours Worked for 2 Weeks (Part Time)	Employee's Regular Hourly Rate of Pay Pay Cap: \$511 per day/\$5,111 total
Paid Sick Leave	Employee is Self-Isolating as Ordered by a Healthcare Provider b/c diagnosed with COVID-19 or concerns re: COVID-19	Any employee	80 hours (Full Time)  Average Hours Worked for 2 Weeks (Part Time)	Employee's Regular Hourly Rate of Pay Pay Cap: \$511 per day/\$5,111 total
Paid Sick Leave	Employee Needs Medical Care/Diagnosis if Employee has COVID-19 Symptoms	Any employee	80 hours (Full Time)  Average Hours Worked for 2 Weeks (Part Time)	Employee's Regular Hourly Rate of Pay Pay Cap: \$511 per day/\$5,111 total
Paid Sick Leave	Employee is Caring for Family Member who is subject to Government Quarantine/Isolation or is Self-Isolating as Ordered by a Healthcare Provider re: COVID-19	Any employee	80 hours (Full Time)  Average Hours Worked for 2 Weeks (Part Time)	2/3 Employee's Regular Hourly Rate of Pay Pay Cap: \$200 per day/\$2,000 total
Paid Sick Leave	Employee is Experiencing Any other Substantially Similar Condition specified by Secretary of Health and Human Services	Any employee	80 hours (Full Time)  Average Hours Worked for 2 Weeks (Part Time)	2/3 Employee's Regular Hourly Rate of Pay Pay Cap: \$200 per day/\$2,000 total
Family and Medical Leave Act	Employee or Employee's Family Member has a "Serious Health Condition" and Needs Continuing Medical Treatment. Serious Health Condition includes COVID-19 if the Symptoms are Severe. Continuing Treatment includes: Seeing a Healthcare Provider 2 or more times if Employee is out for 3 or more Days or Being Prescribed a Regimen by a Healthcare Provider after the First visit.	Employee who has worked for Company for 12 months and 1,250 hours in last 12 months. Company has 50 or more employees in one location or within 75 miles.	12 Weeks	Unpaid