

# EMPLOYEE RIGHTS

## PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

### ► PAID LEAVE ENTITLEMENTS

**Generally, employers covered under the Act must provide employees:**

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- 2/3 for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at 2/3 for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

### ► ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days* prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

### ► QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

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| <ol style="list-style-type: none"><li>1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;</li><li>2. has been advised by a health care provider to self-quarantine related to COVID-19;</li><li>3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;</li><li>4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);</li></ol> | <ol style="list-style-type: none"><li>5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or</li><li>6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.</li></ol> |
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### ► ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



**WAGE AND HOUR DIVISION**  
UNITED STATES DEPARTMENT OF LABOR

For additional information  
or to file a complaint:  
**1-866-487-9243**  
TTY: 1-877-889-5627  
[dol.gov/agencies/whd](https://dol.gov/agencies/whd)



## COVID 19 WAGE REPLACEMENT CHEATSHEET

- **Effective April 1, 2020 through December 31, 2020, U.S. workers employed by entities with less than 500 employees are now entitled to 2 new forms of paid leave pursuant to the federal Families First Coronavirus Response Act.**
  - **Up to 80 hours of emergency paid sick leave:** The Act provides for eligibility for up to 80 hours of emergency paid sick leave (on top of any paid sick leave already provided by your employer) if you meet any 1 of the following 6 conditions:
    - You are subject to quarantine or isolation order related to COVID 19;
    - You are advised by a healthcare provider to self quarantine;
    - You are experiencing symptoms and seeking medical diagnosis;
    - You are caring for someone subject to quarantine or with symptoms;
    - You are caring for children because schools closed due to COVID 19; or
    - You are experiencing “any other substantially similar conditions.”
  - **Expanded FMLA leave rights:** The Act also provides for an expansion of FMLA rights, providing unpaid leave for the first 10 days and 2/3 pay for the remainder of the FMLA leave (subject to certain limits) if:
    - You have been employed by your employer for at least 30 days; and
    - If you have children under the age of 18 that you need to care for due to school closure.
- **California workers should also take full advantage of the resources already available to them by the state, including:**
  - **Unemployment insurance benefits** (partial wage supplement for up to 26 weeks available via the EDD to those who were laid off or whose hours were reduced substantially due to COVID 19 “shelter in place” orders or “lack of work”);
  - **Paid family leave** (partial wage replacement for up to 6 weeks [8 weeks starting July 1] available via the EDD if you are not able to work because you are caring for a family member who is ill or who is quarantined because of COVID 19);
  - **State disability insurance benefits** (partial wage supplement for up to 52 weeks available via the EDD to those unable to work due to medical quarantine or illness; requires certification by a medical professional);
  - **Workers’ compensation** (applies if you cannot work due to a work related injury, including if you contract COVID 19 in the course of performing your work duties)  
\*Except for unemployment insurance benefits, all of the above are available regardless of immigration status. Workers in the “gig economy” who believe the “hiring entity” they engage with is actually their employer under AB 5 should also make claims for benefits they believe they are entitled to. For more information, go to: [www.unioncounsel.net](http://www.unioncounsel.net)