

Family/Sick Leave and Assistance to Employers

On March 14, 2020, the House passed the Families First Coronavirus Response Act (H.R. 6201) by a vote of 363-40, and on March 16, 2020 the House approved significant modifications to H.R. 6201 that are designed to mitigate the impact on employers. The Senate passed H.R. 6201 as amended by the House on March 18, 2020, and shortly thereafter the President signed it into law.

Senate leaders have already pivoted to the next legislative response to the COVID-19 crisis, which is expected to include aid for individuals and businesses. ACEC will provide information as soon as it becomes available.

Employer-related provisions in H.R. 6201 include:

- **Testing:** Insurers would be required to cover testing for COVID-19 without cost-sharing or prior authorization requirements.
- **Emergency paid leave:** Private sector employers with fewer than 500 employees and government entities would have to provide 12 weeks of job-protected leave under the Family Medical Leave Act (FMLA) to employees who have been on the payroll at least 30 days and who are unable to work or telework in order to care for a minor child whose school/child care has been closed.
 - The first 10 days of leave could be unpaid, although employees could use accrued PTO during this period.
 - Following the first 10 days, employees must be paid at least two-thirds of their normal pay.
 - Emergency FMLA paid leave would be limited to \$200/day or \$10,000 in aggregate.
 - DOL would be authorized to exempt businesses with fewer than 50 employees from the paid leave provisions.
- **Emergency sick leave:** Private sector employers with fewer than 500 employees and government entities would have to provide paid sick leave to self-quarantine, get a diagnosis for COVID-19, or provide care for a family member in quarantine or a child whose school has closed.
 - 80 hours of paid sick leave for full-time employees.
 - Paid sick leave for part-time employees based on their work hours over a two-week period.
 - The emergency sick leave is on top of any other paid leave provided by the employer.
 - Limited to \$511/day or \$5,110 in aggregate for an employee's own illness or quarantine and \$200 or \$2,000 in aggregate to care for family members.
 - DOL would be authorized to exempt businesses with fewer than 50 employees from the paid sick leave provisions.
- **Employer tax credits:** The bill would provide payroll tax credits to employers to cover wages paid while employees are using the emergency paid leave and sick leave established by the legislation.

- Sick leave credit of as much as \$511 per day if the employee is caring for themselves, and as much as \$200 per day if the employee is caring for a family member.
- Family leave credit of as much as \$200 per day, or an aggregate of \$10,000.
- Employers could receive the tax credit even if the credit exceeds the amount the employer owes in payroll tax.

More detailed information can be found [here](#).