



We have sent you info on the Families First Bill with details about the Paid Family Leave. There were some concerns that we spent the last couple of days writing to legislators about. Most of those issues were removed. Here is the latest...

This Bill was signed by the President last night. It will be effective in 15 days.

EMERGENCY PAID SICK LEAVE

1. Only applies to private employers with fewer than 500 employees or public agencies with at least one employee.
2. Must give emergency paid sick leave to any employee **REGARDLESS OF LENGTH OF EMPLOYMENT** for a qualifying emergency.
3. Full time employees receive 80 hours of paid sick leave and part time employees receive the same proportionately based on the average hours worked in a two week period.
4. Employer **CANNOT** require employee to use their “other paid leave” normally provided by the employer first. But they can require employees to use their “sick leave” that covers COVID19 absences.
5. Civil penalties for employers who take adverse action toward an employee using this emergency sick leave or complains about a violation.
6. Qualifying for coverage for emergency paid sick leave, specifically the employee must be unable to work or telework due to a need for leave because:
 - a. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19;
 - b. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
 - c. The employee is experiencing symptoms of COVID-19 and seeking medical diagnosis;
 - d. The employee is caring for the employee's son or daughter, if the child's school or child care facility has been closed or the child's care provider is unavailable due to COVID-19 precautions; or
 - e. The employee is experiencing any other substantially similar condition specified by Health and Human Services in consultation with the Department of the Treasury and the Department of Labor.
7. Maximum amount of pay will not exceed \$511 per day (\$5110 total) when sick leave is used for a-c above and will not exceed \$200 per day (\$2000 total) for d and e above.
8. Employers cannot require employees to find a replacement for them during the leave.
9. Health care providers and emergency responders may be able to opt out of the benefit.
10. Small businesses with fewer than 50 employees may be able to opt out of paying for sick leave if it would jeopardize the viability of the business. We are not certain yet of the procedure to do so but we know the Secretary of Labor will determine the criteria. We will keep you posted.

11. The first 10 days of absence is covered under the EMERGENCY PAID SICK LEAVE (100% of pay), after that the PAID FMLA covers their pay (2/3 of pay) up to 12 weeks.

Benefits for Employees

- Employees who are on sick leave because they are sick can receive their full pay, up to \$511 per day, or \$5110 total. This is only from the start of the bill (in 15 days) to December 31, 2020.
- Leave taken to care for children whose schools or daycares have closed is paid at two-thirds the employee's regular rate of pay, with a maximum of \$200 per day or \$10,000 total.
- Employers cannot force you to use up your vacation or other sick time before receiving this benefit.
- There is a ten-day waiting period before this benefit applies. Employees can use existing sick or vacation time to cover these days.

Benefits for Employers

- Employers receive tax credits for 100 percent of what they pay out to employees, with the above-noted limits.
- For employers with 50 or fewer employees, the Secretary of Labor can exempt the business from these requirements.
- Employers with fewer than 25 employees do not have to restore employees to their previous positions.

Changes from the earlier version

The earlier bill had additional benefits and changes that have been removed. For instance, the original bill expanded the definition of a family member. The final version brings that back down to immediate family members. The emergency leave has to be due to COVID 19. It narrows the “qualifying need” to inability to work or telework.

The bill no longer provides coverage for people who are in quarantine or carrying for others in quarantine (and not ill).

The amendments removed the clause stating this emergency sick leave would be in addition to any other existing paid leave a covered employer provided prior to the passage of the law and no longer states the employer may not change its existing paid leave to avoid paying the additional emergency leave. The bill can be found here: <https://www.congress.gov/bill/116th-congress/house-bill/6201>

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