

PAID LEAVE RELATED TO COVID-19

What to Know About the Families First Coronavirus Relief Act (FFCRA)

The US Congress passed the Families First Coronavirus Relief Act (FFCRA) in March. FFCRA requires some employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19.

WILL I BE PAID DURING TIME OFF IF I AM SICK OR SHOWING SYMPTOMS OF COVID-19?

Whether you are paid depends on your employer's policies for paid leave. If you are not eligible for paid leave or have not accrued enough paid time off to cover your time off, your leave may be unpaid but you may be eligible for unemployment benefits, or you may qualify for paid leave under FFCRA.

FFCRA PAID SICK TIME

Under the FFCRA, you may qualify for two weeks of paid sick time if you are unable to work because you:

1. Are subject to a federal, state or local quarantine
2. Have been advised by a health care provider to self-quarantine related to COVID-19
3. Are experiencing COVID-19 symptoms and are seeking a medical diagnosis
4. Are caring for someone who is in self-quarantine
5. Are caring for a child whose school or place of care is closed for reasons related to COVID-19 or
6. Are experiencing any other substantially similar condition

DURATION OF LEAVE

For reasons (1)-(4) and (6) above, full-time employees are eligible for 80 hours of leave, and part-time employees are eligible for the number of hours of leave that they work on average over a two-week period.

For reason (5): A full-time employee is eligible for up to 12 weeks of leave at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee normally works over that period.

CAN MY EMPLOYER REQUIRE FEVER CHECKS OR THAT I GET MEDICAL APPROVAL TO RETURN TO WORK?

Yes, as long as all employees are subject to the same medical requirements. Your employer is not required to pay for these medical expenses.

EXPANDED FAMILY LEAVE (EFMLA)

Under the FFCRA, you may qualify for expanded family leave (EFMLA) if you are caring for a child whose school or place of care is closed for reasons related to COVID-19.

If this applies to you, you may be eligible for up to 12 weeks of leave (two weeks of paid sick leave, followed by 10 weeks of paid family and medical leave).

AM I ELIGIBLE?

To be eligible for EFMLA, you need to work for an employer with fewer than 500 employees who have been on the payroll for at least 30 calendar days. All full-time and part-time employees are eligible (this does not include 1099 contractors). Employers can seek a tax credit to reimburse them for wages paid under EFMLA or FFCRA sick leave, so employees who are paid "under the table" will not likely be able to receive paid leave under FFCRA.

Some small businesses with fewer than 50 employees may be exempt, so you should discuss your FFCRA leave options with your employer.

DOES IMMIGRATION STATUS IMPACT PAID SICK OR FAMILY LEAVE UNDER FFCRA?

There are no immigration status-related restrictions on eligibility for paid sick leave or EFMLA under FFCRA.

HOW DO I REQUEST PAID LEAVE?

You should ask your employer (in writing, if possible) about your options. If your employer is exempt, you may not be able to access paid leave through FFCRA. If they are not exempt, they will likely ask you to fill out a form with more information about your request for leave.

DO YOU NEED ADDITIONAL SUPPORT OR LEGAL HELP?

If you would like to speak to a lawyer about these issues, contact Sugar Law at mail@sugarlaw.org or (313) 993-4505.

Sugar Law has more information about these topics at

<https://www.sugarlaw.org/resources-for-workers-during-coronavirus-pandemic>

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