

PAID SICK DAYS AND PAID EMERGENCY LEAVE FOR CHILDCARE

What is the Families First Coronavirus Response Act?

The Families First Coronavirus Response Act is a federal law that requires certain employers to provide paid emergency sick time and paid emergency leave to care for a child whose school or daycare is closed.

How can I get paid emergency sick time?

If you need to miss work for COVID-19 related reasons, you can get paid sick time if you work for:

- A government employer
- A private employer with less than 500 employees

Please note:

- If you work for a health care or emergency responder, your employer may be exempt from providing paid sick leave for COVID-19 related reasons. Check with your employer.
- Employers with less than 50 employees can ask that they be exempt from providing paid sick leave to care for someone else who is sick or for a child whose school or daycare is closed.

How long do I have to be employed to take emergency sick leave?

There is no requirement that you be employed for any length of time in order to take sick leave.

How many hours of sick leave will I get?

If you are employed full-time you will get 80 hours of paid sick time. If you are employed less than full-time you will get an amount of leave based upon the average number of hours you work in a week based upon a typical two-week period. So if you work an average of 20 hours a week for two weeks, you can get 40 hours of sick paid time.

What can I take emergency sick leave for?

You can take emergency sick leave if:

- A health care provider has told you to self-quarantine even if your work is open and you can't telework
- You are under a federal, state, or local quarantine or isolation order and you can't telework
- You think you have COVID and need to get tested or seen by a doctor
- You are caring for an individual who is subject to quarantine or isolation order or has been advised to self-quarantine
- You are caring for your son or daughter because their school or place of care is closed, or if the person who usually takes care of your child is not available due to COVID reasons, or,

- The employee is “experiencing any other substantially similar condition” specified by the Secretaries of the Department of Health and Human Services, Treasury Department, and Department of Labor.

How much will I get paid?

It depends on the reason why you are taking the emergency sick leave.

You will receive your full pay, up to \$511 per day or \$5,110 total if:

- You think you have COVID and need to get tested or seen by a doctor
- A health care provider has told you to self-quarantine
- You are under a federal, state, or local quarantine or isolation order

You will receive 2/3 pay, up to \$200 a day or \$2000 total if:

- You are caring for an individual who is self-isolating because of diagnosis or symptoms
- You are caring for your child if their school or place of care is closed, or if the person who usually takes care of your child is not available
- You are “experiencing any other substantially similar condition” specified by the Secretaries of the Department of Health and Human Services, Treasury Department, and Department of Labor.
- Please note employers with less than 50 employees may ask to be exempt (not have to provide paid sick leave) from paying for sick leave related to caring for another person, including your children.

Can my employer make me use vacation days or other leave instead of the emergency sick leave?

No.

Can I be fired for using my sick leave?

No. An employer cannot fire, discipline, or discriminate against an employee who takes sick leave under this act.

How long will the emergency sick leave law last?

The law went into effect on April 1, 2020 and will end on December 31, 2020

How can I get paid emergency family leave?

You can get paid emergency family leave if:

- You work for a government employer or are employed by a government employer
- You work for a private employer with less than 500 employees

- You are unable to work/telework because your son or daughter under 18 years of age school or place of care is closed or child care provider is unavailable due to COVID

Please note:

- Emergency family leave can only be used to care for a son or daughter whose school or daycare is closed or the childcare provider is unavailable due to COVID-19 reasons.
- If you work for a health care or emergency responder, your employer may be exempt from providing paid sick leave for COVID-19 related reasons. Check with your employer.
- Employers with less than 50 employees can ask that they be exempt from providing paid sick leave to care for someone else.

How long do I have to be employed to take emergency family leave?

You must be employed for at least 30 calendar days.

How many weeks of emergency family leave can I get?

You can get up to 12 weeks of leave.

Do I get paid during emergency leave?

The first 10 days of emergency leave are *unpaid*.

- You may elect to substitute accrued but unused vacation, personal, medical or sick leave benefits (if the employee has those benefits).

After the first 10 days, the rest of the emergency leave must be paid by the employer.

- You must be paid no less than two-thirds of their regular wage, up to \$200 per day and \$10,000 in total.

Can I lose my job for taking emergency leave?

Most employees who use emergency family leave are entitled to return from leave to be restored to their job position or to an equivalent position with equivalent employment benefits, pay, and other terms/conditions of employment.

However, if you work for a company with less than 25 employees, your employer may not be required to protect your job if certain conditions are met:

1. An employee took public health emergency leave;
2. The position no longer exists due to changes in the employers' economic or operating conditions that affect employment and are caused by the public health emergency during the period of leave;
3. The employer made reasonable efforts to restore the employee to an equivalent position with equivalent benefits, pay and other terms and conditions of employment; and

4. After failing to find an equivalent position, the employer contacts the employee if an equivalent position becomes available during the “contact period” which is the earlier of:
 - a. The date the employee’s public health emergency leave concludes or
 - b. The date that is 12 weeks after such leave began.

How long will the emergency sick leave law last?

The law went into effect on April 1, 2020 and will end on December 31, 2020

Where can I find other resources about emergency sick leave and emergency family leave under the Families First Coronavirus Response Act?

Here are other resources where you can find helpful information:

US Department of Labor at this [link](#).

National Employment Law Project at this [link](#).