

**HB-6201 – FAMILIES FIRST CORONAVIRUS RESPONSE ACT**  
**INTERIM GUIDANCE – AS OF MARCH 17, 2020**  
 – SUBJECT TO CHANGE BASED ON ADDITIONAL CONGRESSIONAL ACTION –

**Emergency Family & Medical Leave Expansion Act (FMLA Expansion)**

<b>Applicability</b>	Private employers with < 500 employees	
<b>Eligible Employees</b>	Full- and part-time employees after 30 days of hire	An employer of an employee who is a health care provider or an emergency responder may elect to exclude such employees from the law.
<b>Reason for Leave</b>	Because the employee is unable to work (or telework) due to the need for leave to care for the son or daughter under 18 years of age of such employee is the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.	For good cause, the Secretary of Labor is permitted to issue regulations that:  1. exclude certain health care providers and emergency responders from the definition of eligible employees  AND  2. exempt businesses with fewer than 50 employees from the law if complying with the law would jeopardize the viability of the business as a going concern.
<b>Length of Leave</b>	12 weeks	
<b>Pay During Leave</b>	The first 10 days are unpaid, but employee can substitute accrued PTO. After 10 days, the leave is paid at 66-2/3% the employee's regular rate for the number of hours the employee would otherwise be normally scheduled to work. In no event shall such paid leave exceed \$200 per day and \$10,000 in the aggregate	Businesses with <50 employees may be exempted if imposition of requirements would jeopardize the viability of the business  The employer may not force the use of Paid Sick Leave during the first 10 days – it is up to the employees to make the decision.
<b>Job Protection</b>	Yes, must return to same or equivalent position	Businesses with <25 employees may be exempted from reinstating an employee if position is eliminated or if there is no equivalent position (then they go on a re-hire list for 1 year)
<b>Effective Date</b>	No later than 15 days after bill is signed	
<b>Duration</b>	December 31, 2020	

**HB-6201 – FAMILIES FIRST CORONAVIRUS RESPONSE ACT**

**INTERIM GUIDANCE – AS OF MARCH 17, 2020**

– SUBJECT TO CHANGE BASED ON ADDITIONAL CONGRESSIONAL ACTION –

**Emergency Paid Sick Leave Act (New)**

<b>Applicability</b>	Private employers with < 500 employees	
<b>Eligible Employees</b>	Full- and part-time employees immediately upon hire	
<b>Reason for Leave</b>	<ol style="list-style-type: none"> <li>1. Federal, state, or local quarantine</li> <li>2. Employee has been advised by a healthcare provider to self-quarantine due to COVID-19</li> <li>3. The employee is experiencing symptoms of COVID-19</li> <li>4. The employee is caring for “an individual” subject to an order described in subpart 1, above, or has been advised as described in subpart 2, above.</li> <li>5. Care for a child if child’s school or place of care has been closed or the childcare provider is unavailable due to COVID-19 precautions.</li> <li>6. The employee is experiencing any other substantially similar condition specified by the Health &amp; Human Services.</li> </ol>	
<b>Length of Leave</b>	Two weeks (80 hours). The number of hours for part-time employees is determined by the number of hours worked, on average, over a two week period.	Carryover not permitted. This is in addition to paid sick time already offered by the employer. Must allow the use of Emergency Sick Time before the use of existing PTO.
<b>Pay During Leave</b>	100% of pay unless leave to care for a family member or child, in which case pay at 66-2/3%.	
<b>Job Protection</b>	Yes	No retaliation either
<b>Effective Date</b>	No later than 15 days after bill is signed	
<b>Duration</b>	Expires December 31, 2020	

**Unemployment Insurance**

- \$1 billion in emergency unemployment insurance relief to the states (\$500 million immediately, and \$500 million held in reserve to assist states with  $\geq 10\%$  increase in unemployment).

**Tax Credits**

- A refundable tax credit equal to 100% of qualified paid sick leave wages required under the Emergency Paid Sick Leave Act each calendar quarter and under the Emergency Family and Medical Leave Expansion Act.