

FEDERAL FAMILIES FIRST CORONAVIRUS RESPONSE ACT

ELIGIBILITY CHART

Emergency Paid Sick Leave (EPSL)

Is the Employee Eligible?

All employees of the covered employer are eligible unless the employee is a health care provider or emergency responder whom the employer has elected to exclude.

Work must be available for the employee; leave is not available if business is shut down or slow.

Expanded Family Medical Leave Act (EFMLA)

Is the Employee Eligible?

Employees employed for at least 30 calendar days as of the first day of EFMLA leave are eligible, unless they are a health care provider or emergency responder that the employer has elected to exclude.

Federal employees covered by Title II of FMLA are not eligible. No other FMLA eligibility requirements apply. The employee must still be on the payroll to be eligible.

Work must be available for the employee; leave is not available if business is shut down or slow.

Has the Employee Taken FMLA Within the Last Leave Year?

YES

The employee is only entitled to a total of 12 weeks of leave; EFMLA is not in addition to FMLA's 12-week allotment. If the employee has already used part or all of the employee's FMLA leave for the leave year, the employee will only be entitled to use the remainder, up to a total of 12 weeks.

NO

Has the employee given a qualifying reason for leave?

Employee's Own Condition (EPSL)

- Employee is unable to work or telework because employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19.
- Employee is unable to work or telework because employee has been advised by a health care provider to self-quarantine because the Health Care Provider believes the employee has COVID-19, may have COVID-19, or is particularly vulnerable to COVID-19.
- Employee is unable to work or telework because employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis.
 - Limited to time period in which employee is unable to work because employee is taking affirmative steps to obtain a medical diagnosis (e.g., time spent making, waiting for, or attending an appointment related to COVID-19)

Amount of Paid Leave

Full-time employees are eligible for up to 80 hours of leave and part-time employees are eligible for the number of hours of leave that the employee works on average over a two-week period. Additional calculations are needed for part-time employees with varying schedules.

Rate of Pay

100% of employee's regular rate of pay, up to \$511 per day and \$5,110 in the aggregate (over the two-week period).

Employees may be allowed (but cannot be required) to use existing sick leave/vacation/PTO to make up the difference between their regular rate of pay and the cap.

OR

Care for Others (EPSL)

- Employee is unable to work or telework because employee is caring for an individual (1) who is subject to a quarantine or isolation order related to COVID-19, or (2) who was advised by their health care provider to self-quarantine related to COVID-19.
 - Individual must be an immediate family member, roommate, or similar person with whom the employee has a relationship such that there is an expectation that the employee would care for the person.

Amount of Paid Leave

Full-time employees are eligible for up to 80 hours of leave and part-time employees are eligible for the number of hours of leave that the employee works on average over a two-week period. Additional calculations are needed for part-time employees with varying schedules.

Rate of Pay

2/3 of the employee's regular rate of pay, up to \$200 per day and \$2,000 in the aggregate (over the two-week period).

Employees may be allowed (but cannot be required) to use existing sick leave / vacation / PTO to make up the difference between their regular rate of pay and the 2/3 pay or the \$200 gap.

OR

School Closure (EPSL & EFMLA)

- Employee is unable to work or telework because employee is caring for a child whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19.

Amount of Paid Leave

Two weeks (up to 80 hours) of EPSL. Up to 12 weeks of EFMLA leave (first two weeks of EFMLA are unpaid unless employee elects to use EPSL or employer-provided time off).

Rate of Pay

Employees taking leave are entitled to pay at 2/3 their regular rate up to \$200 per day and \$10,000 in the aggregate (over the 12-week period; depending on whether the employee uses EPSL for the first two weeks).

Employees may use existing sick leave/vacation/PTO to make up the difference between their regular rate of pay and the 2/3 pay or the \$200 cap. Employers can require employees to use existing sick leave/vacation/PTO to make up the difference for the portion of paid leave that is EFMLA (the last 10 weeks).