

EZRA T. CLARK, III
Attorney
Direct Line: 480-844-0039
Facsimile Line: 480-844-0035
E-mail: etc@clarkfirm.com



63 East Main Street, 5th Floor
Mesa, Arizona 85201

MAILING ADDRESS
P.O. Box 31036
Mesa, Arizona 85275-1036

Cassandra Ferrigno-Bren, Paralegal

EMPLOYER ALERT

Families First Coronavirus Response Act and Takeaways for Employers

March 2020

On March 14, 2020, the U.S. House of Representatives passed the “Families First Coronavirus Response Act,” (H.R. 6201) by a vote of 363-40. The bill is now headed to the Senate and is expected to pass this week. The bill contains several provisions that will have an impact on employers. The leave provisions, as drafted, apply only to employers with fewer than 500 employees. The bill also provides tax credits to assist employers in making the leave payments.

Paid Family Medical Leave

- The bill will provide twelve (12) weeks of paid Family and Medical Leave Act (FMLA) leave for employees of employers with fewer than 500 employees, but the first fourteen (14) days may be unpaid. Employees may use accrued personal or sick leave during the first fourteen (14) days, but employers may not require employees to do so.
- After the first fourteen (14) days, employers must compensate employees in an amount that is not less than two-thirds (2/3) of the employee’s regular rate of pay. These pay requirements apply to only the COVID-19-related leave reasons listed above.
- The provisions will go into effect fifteen (15) days after the date of enactment and expire on December 31, 2020.
- This leave benefit covers employees who have been working for at least thirty (30) calendar days.
- Employees may use the leave to respond to quarantine requirements or recommendations, to care for family members who are responding to quarantine requirements or recommendations, and to care for a child whose school has been closed as a result of the COVID-19 pandemic.

Paid Sick Leave

- Employers with fewer than 500 employees will be required to provide full-time employees two weeks (80 hours) of paid sick leave for specific circumstances related to COVID-19 (e.g., self-isolating, doctors’ visits, etc.).

- Employers must compensate employees for any paid sick time they take at their regular rates of pay.
- As currently drafted, the bill expressly provides that it does not preempt existing state or local paid sick leave entitlements.
- Part-time employees will be entitled to the number of hours of paid sick time equal to the average number of hours they work over a 2-week period.
- Employers will be required to post a notice informing employees of their rights to leave.
- The provisions will go into effect fifteen (15) days after the date of enactment and expire on December 31, 2020.

Also, on March 16, 2020, President Trump advised Americans to avoid groups or gatherings with more than ten people, and while it is not yet mandated, he also provided guidelines urging citizens to remain home and avoid public places such as bars or restaurants.

Conclusion

We will continue to monitor this rapidly developing situation and provide updates as appropriate. Please let us know if we can help answer your questions or help you implement appropriate policies and response plans. Mr. Clark's contact information is (480) 844-0039 or etc@clarkfirm.com.

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