



## **The Families First Coronavirus Response Act Legislative Summary**

The President March 18 signed the Families First Coronavirus Response Act (FFCRA) into law, Phase 2 of response legislation to COVID-19, also known as coronavirus. The Senate passed the House version of the bill unchanged, after the House amended its original legislation to scale back the paid leave provisions.

The Families First Coronavirus Response Act will provide funding to:

- Provide free testing for the virus, including the uninsured;
- Increase unemployment benefits;
- Increase Medicaid funding for states;
- Ensure children impacted by school shutdowns continue receiving free meals; and
- Affect changes to federal sick and family leave policies.

### **Emergency Paid Sick Leave**

The bill would require employers with fewer than 500 employees, and all federal and state employers, to provide 10 days (80 hours) of emergency paid sick time to employees who need the leave for reasons connected to the public health emergency.

Emergency paid sick leave would apply if an employee cannot work or telework because he/she:

1. is subject to a federal, state or local quarantine or isolation order;
2. has been advised by a health care provider to self-quarantine;
3. is experiencing symptoms of COVID-19 and is seeking a diagnosis;
4. is caring for an individual covered by (1) or (2) above;
5. is caring for a son or daughter whose school or place of care has been closed or whose child care provider is unavailable due to COVID-19 precautions; or
6. is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.

Employees are eligible for full pay if diagnosed with COVID-19 or if they are quarantined. Payments are capped at \$511 per day or \$5,110.

Employees are eligible for two-thirds their regular rate of pay if providing care to children, due to closure of schools or childcare facilities, or those employees providing care to individuals diagnosed or under quarantine. Rates of pay are capped at \$200 or \$2,000 in the aggregate for those providing care to children or family members, due to closure of schools/childcare facilities or

All employees are ***immediately eligible***, regardless of duration of employment, and the two weeks must be provided ***in addition*** to whatever paid sick time or PTO the employer was offering prior to the enactment of the law.

### **Emergency Paid Family Medical Leave**

Emergency paid family medical leave provides 12 weeks of leave, the first 10 days unpaid. Other forms of leave may be used during the first 10 days. The provision applies in cases where employees are unable to work or telework because they must provide caregiving due to school or childcare closures. Employees will be covered at two-thirds regular rate of pay, capped at \$200 per day and \$10,000 in the aggregate.

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Employers may not require employees to use any other leave prior to using the paid leave policies adopted in FFCRA.

Employers are not required to pay out any unused emergency paid sick leave at the end of employment.

Private sector employers would receive a tax credit equal to 100% of the money they spend on paid sick time wages.

Small businesses with fewer than 50 employees may be able to apply for hardship waivers from the leave provisions, if able to prove compliance would jeopardize viability of the business.

Both House and Senate passed the bill by an overwhelmingly bipartisan margin. The House is currently on recess, and the Senate plans to stay in session until a "Phase 3" coronavirus response bill is passed.

The law will go into effect April 2, 2020

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