



**HR 6201, the Families First Coronavirus Response Act  
Emergency Family and Medical Leave Expansion Act**

*The bill takes effect April 2, 2020, and it will sunset on Dec. 31, 2020*

- 1 **Eligibility** Eligible employee is defined as an employee who has been employed for at least 30 calendar days by the employer.
- 2 **Who** Employers with 500 or fewer employees would be required to provide the paid leave.
- 3 **Exclusion** Employers that are health care providers or emergency responders may elect to exclude employees from this leave.
- 12 weeks leave** 1) Bill amends the FMLA to allow U.S. workers, including those employed by such entities, to take up to 12 weeks of job-protected leave if the employee is unable to work or telework due to **a need to care for a child under 18 years of age because that child's school or place of care has closed or the child's child care provider is unavailable** due to a public health emergency with respect to COVID-19.  
First 2 weeks unpaid, remaining 10 weeks paid at no less than 2/3 normal pay up to maximum of \$200 a day.
- 80 hours leave** 2) Second, the bill mandates that employers with fewer than 500 employees provide paid sick time to workers. This applies if **the worker is sick with or has been quarantined due to COVID-19, is experiencing symptoms of the disease and seeking medical attention, or is caring for a child in the event of a school closure or unavailable child care provider**, among other situations. **Full-time employees are entitled to 80 hours of such leave**, while **part-time employees are entitled to time equal to the number of hours they work on average over a two-week period**. The leave doesn't carry over from one year to the next.
- Initial 10 days** Employers are not required to pay initial ten days of leave; however, employees may substitute accrued vacation, personal or sick leave to cover unpaid leave portion. The employee must be paid for each subsequent day of leave. That payment would be calculated based on the number of hours the employee would normally be scheduled to work, and would not be less than two-thirds the employee's regular rate of pay. But the bill provides that this amount will not exceed \$200 per day and \$10,000 "in the aggregate."
- <25 employees exemption** The bill exempts employers that employ fewer than 25 employees from the job-protected aspect of the emergency FMLA leave provided a specific set of conditions are met, including if a leave-taking employee's position is eliminated due to "economic conditions" or other changes that affect the employer's operations resulting from the public health emergency.
- <25 employees not restore job exception** Employers with 25 or fewer employees are not required to restore an employee once leave has been exhausted if the position held by the employee when the leave commenced does not exist due to economic conditions or other changes in operating conditions of the employer caused by a public health emergency.
- Pay Calculation** An employer may not require, as a condition of providing the paid sick time, that an employee search for or find a replacement to cover for the hours during which the employee is using the paid sick time. The payment is calculated based on the employee's "required compensation" (i.e. the employee's regular rate of pay or the federal, state or local minimum wage, whichever is greater) and the number of hours the employee would otherwise be scheduled to work. Pay standards differ in certain situations, such as if an employee is using the time to care for a family member.
- Health Care** **Secretary of Labor has authority to issue regulations to:**  
1) Exclude certain health care providers and emergency responders from the definition of eligible employee; and
- <50 Employees** 2) Exempt small businesses with fewer than 50 employees if the above requirements would jeopardize the viability of the business going forward.