



STOKES WAGNER

ATTORNEYS AT LAW

ATLANTA • ITHACA • LOS ANGELES • PITTSBURGH • SAN DIEGO • SAN FRANCISCO

Emergency Paid Sick Leave in Response to COVID-19

With the amount of confirmed COVID-19 cases exponentially rising, the federal government has passed the “[Families First Coronavirus Response Act](#)” (FFCRA or Act) to help during the crisis. The bill, which passed with broad bipartisan support, includes a division providing for emergency paid sick leave.

Employers with fewer than 500 employees are required to provide two weeks of paid sick leave to their employees. Full-time employees are entitled to 80-hours of paid sick leave, while part-time employees are entitled to paid sick leave equal to the average number of hours the employee works over a two-week period.

An employee qualifies for paid sick leave if they are unable to work because they are subject to quarantine or isolation as ordered by the federal, state, or local governments or by a health care provider, or if they are experiencing symptoms of COVID-19 and seeking a medical diagnosis. Employees may also receive paid sick leave when they are caring for someone in quarantine or isolation. Employees with children in schools that have closed or that have child-care providers who are unavailable due to COVID-19 are also eligible for leave. Employees experiencing any other substantially similar conditions specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and Secretary of Labor are also entitled to sick leave.

Paid sick leave is calculated based on the employee’s regular rate of pay. However, paid sick leave is capped at \$511 per day and \$5,110 in the aggregate. The cap is \$200 per day and \$2,000 in the aggregate for employees who use sick leave to take care of someone in isolation or quarantine, to care for children, or who are experiencing a substantially similar condition as set forth above.

Employers are required to post a notice prepared by the Secretary of Labor in conspicuous places on the premises. Such notice will be publicly available 7 days after the implementation of the Act. The Act does not require financial or other reimbursements to an employee upon the employee’s termination for unused paid sick time under this Act. The Act and its requirements expire on December 31, 2020. For more details on the FFCRA, refer to [the Department of Labor website](#), and contact your Stokes Wagner attorney with any questions.

Questions? Contact Stokes Wagner.