



FAMILIES FIRST CORONAVIRUS RESPONSE ACT

Key Provisions for Employers

Signed into law March 18, 2020, the Families First Coronavirus Response Act will be effective no later than April 2, 2020.

Mandates Coronavirus Testing and Services

- Requires **ALL** health plans to cover COVID-19 testing with no employee cost share or prior authorization
- Covers in-person office visits, urgent care, ER and telehealth visits, to the extent those visits are for purposes of assessing COVID-19 infection

Emergency Paid Sick Leave

Emergency paid sick leave applies to all employees (no tenure required) and for employers with fewer than 500 employees.

- Employers with fewer than 50 employees may be eligible for a hardship exemption (criteria not yet defined)
- Employers with greater than 500 employees are not required to provide and are not entitled to tax credits to defray costs
- The Department of Labor can exclude certain healthcare workers and emergency responders

The benefit includes up to 80 hours of paid sick leave (prorated for part-time employees)...

at **100% of pay, up to a cap of \$511 per day**, if the employee cannot work/telework and one of the following situations applies:

1. Employee is experiencing symptoms of COVID-19 and seeking medical diagnosis
2. Employee is subject to a government quarantine or has been told by a healthcare provider to self-quarantine

at **two-thirds of pay, up to a cap of \$200 per day**, if the employee cannot work/telework and one of the following situations applies:

1. Employee is caring for an individual who must quarantine due to government quarantine or healthcare provider self-quarantine
2. Employee is caring for their child whose school/child care provider is unavailable
3. Employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services

Expanded FMLA Leave

Expanded FMLA leave applies to employees who've been employed at least 30 calendar days and for employers with fewer than 500 employees.

- Employers with fewer than 50 employees may be eligible for a hardship exemption (criteria not yet defined)
- Employers with greater than 500 employees are not required to provide and are not eligible for tax credits to defray costs
- The Department of Labor can exclude certain healthcare workers and emergency responders

The expanded provisions include:

- Up to 12 weeks of Public Health Emergency Leave to an employee who cannot work/telework, because the employee must care for a child whose school or day care provider is closed due to emergency. The child must be under age 18, and the school must be a primary or secondary school or day care facility.
- The first 10 work days are unpaid. However, during this time, the employee can receive payment via the Emergency Paid Sick Leave provisions and **employers cannot require the use of paid time off.**
- The remaining 10 weeks are paid at two-thirds the employee's rate of pay, capped at \$200 per day and \$10,000 in aggregate.

Questions about this legislation?

Our compliance manager is monitoring developments around COVID-19 and can answer your compliance questions about the Coronavirus Response Act.

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