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IMPORTANT CLIENT UPDATE

Guidelines on New COVID-19 Leaves

On Wednesday, March 25, 2020, the U.S. Department of Labor issued “Guidance” on its website relating to the new COVID-19 required federal leaves of absences. The web link to these documents is at:

<https://www.dol.gov/agencies/whd/pandemic>

It is important to note that the federal DOL indicates that it interprets the new law to be effective April 1, 2020, and applicable to leaves starting that date, which varies from the April 2, 2020 that has previously been generally reported. The DOL has also published the required workplace poster notifying employees of their rights must be posted in a conspicuous place on the employer’s premises. For employers with employees who are telecommuting, the posting requirement may be met by emailing or direct mailing the poster to those employees, or posting it on an employee information internal or external website. The poster is available at: https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf

Below is a chart that sets forth many of the main aspects of these new leaves.

<u>New Federal COVID-19 Leaves</u>		
	Emergency Family & Medical Leave (“EFMLA”) Expansion Act	Emergency Paid Sick Leave Act (“EPSLA”)
Effective Date	April 1, 2020 thru December 31,2020	April 1, 2020 thru December 31,2020
Covered Employees	All eligible public employers; but Employers may exclude health care providers and emergency responders	All eligible public employers; but Employers may exclude health care providers and emergency responders
Eligible Employees	Employees that have worked for an Employer for at least 30 calendar days	Employees are eligible immediately

Leave Reason	Employee cannot work or telework due to closure of school or unavailability of child care due to COVID-19.	Employee cannot work or telework due to: (a) Employee is subject to a Federal, State, or local COVID-19 quarantine or isolation order. (b) Health care provider advises employee to self quarantine due to COVID-19. (c) Employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis. (d) Employee is caring for an individual who is under quarantine. (e) Employee is caring for a son or daughter when school is closed or childcare unavailable due to COVID-19. (f) Employee is experiencing any other substantially similar condition specified by the federal Secretary of HHS.
Length of Leave	12 weeks (combined with all other FMLA leave reasons)	<i>Full-time employees:</i> 80 hours <i>Part-time employees:</i> normal schedule over a 2-week period.
Pay During Leave	<i>First 10 days:</i> unpaid; <i>then:</i> 2/3 of regular rate for an employee's normal schedule, up to \$200/day and \$10,000/total	Employee's regular rate (or state minimum wage, if greater) up to \$511/day and \$5,110 total for reasons listed above as (a), (b) or (c); and 2/3 of regular rate, up to \$200/day and \$2,000/total for reasons (d), (e) or (f).

Please do not hesitate to contact our office if you have specific questions on applying these new laws.

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