

## Families First Coronavirus Response Act: Comparison Chart

	EMERGENCY PAID SICK LEAVE ACT	FMLA EXPANSION ACT
<b>Effective Date &amp; Duration</b>	<b>April 1, 2020 - December 31, 2020</b>	
<b>Employer Size</b>	Private employers employing fewer than 500 employees and all government employers	Private employers employing fewer than 500 employees and all government employers
<b>Minimum Term of Employment</b>	All employee, regardless of how long the employee has been employed by the employer	Employees who have been employed for at least 30 calendar days
<b>Qualifying Reason(s) for Leave</b>	<p>Employee is unable to work (or telework) for any of the following reasons:</p> <ol style="list-style-type: none"> <li>1. The employee is subject to a federal, state quarantine or local isolation order related to COVID-19.</li> <li>2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.</li> <li>3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.</li> <li>4. The employee is caring for a family member who is subject to a federal, state quarantine or local isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.</li> <li>5. The employee is caring for their child if the school or placer of care for the child</li> </ol>	<p>Employee is unable to work (or telework) because they are caring for a child under 18 years of age, and:</p> <ol style="list-style-type: none"> <li>1. Whose school has been closed because of COVID-19.</li> <li>2. Whose childcare provider is unavailable due to COVID-19.</li> </ol> <p>A federal, state or local emergency related to COVID-19 must be declared. The federal government declared an emergency, effective March 13, 2020.</p>

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	<p>has been closed or the childcare provider is unavailable due to COVID-19 precautions; or</p> <p>6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor</p>	
<b>Maximum Leave Provided</b>	<p>Full-time: 80 hours</p> <p>Part-time: Number of hours the employee averages over 2-weeks</p>	12 weeks (2 unpaid, 10 paid as described below)
<b>Paid Leave Benefits</b>	<p>The employee's regular rate of pay, if used for reasons 1-3 above</p> <p>Two-thirds of the employee's regular rate of pay, if used for reasons 4-6, above</p>	The first 10 days of leave are unpaid, but the paid sick leave provided by the Emergency Paid Sick Leave Act can be used. After the first 10 days, up to a total of 10 weeks must be paid at a rate not less than two-thirds of the employee's regular rate of pay
<b>Maximum Benefits</b>	<p>\$511 per day, or \$5,110 in total, if used for reasons 1-3 above</p> <p>\$200 per day, or \$2,000 total, if used for reasons 4-6, above</p>	\$200 per day, or \$10,000 in total
<b>Use of Employers' Compensated Absences</b>	Not applicable	An employee may elect to substitute paid leave, such as vacation leave, personal leave, or medical or sick leave for the first 10 days
<b>Restrictions Regarding Employers Compensated Absences</b>	Employers cannot require employees to substitute paid leave for leave provided under the Emergency Paid Sick Leave Act.	Employers may not require employees to substitute paid leave for leave provided under the Family and Medical Leave Expansion Act.

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	Emergency Paid Sick Leave must be provided in addition to all other kinds of leave offered by the employer	
<b>Employee Notice Requirement</b>	Employers may require an employee to follow “reasonable notice procedures” to receive Emergency Paid Sick Leave.  The Act does not specify whether an employer may require documentation or notice in writing.	Employee must give the employer notice of leave “as practicable” if the need for leave is foreseeable  The Act does not specify whether an employer may require documentation or notice in writing.
<b>Employer Notice Requirement</b>	Employers must post a Department of Labor model notice.	Employers must post a Department of Labor model notice.
<b>Return-to-Work Provisions</b>	Employers are prohibited from retaliating against employees who take Emergency Paid Sick Leave, which include not restoring employees their return to work	An employer must return an employee to their former position upon their return to work, consistent with the requirements of the FMLA, unless the employer employs 25 or fewer employees and other conditions are met
<b>Exempted Employees</b>	Employers may elect to exclude health care providers or emergency responders	Employers may elect to exclude health care providers or emergency responders
<b>Exempted Employers</b>	Department of Labor may exempt employers with 50 or fewer employees	Department of Labor may exempt employers with 50 or fewer employees
<b>Carryover</b>	Employees may not carry over any unused paid sick time provided by the Act from one year to the next	Not Applicable
<b>Separation of Employment Payment</b>	Employers are not required to pay employees any unused paid sick leave provided by the act	Not Applicable