

## EMERGENCY PAID LEAVE FOR EMPLOYEES

Congress has passed several rounds of financial assistance and relief in response to the COVID-19 pandemic, including most recently the *American Rescue Plan*. The *American Rescue Plan* includes the following emergency paid leave assistance for employees.

### \*\*\* WHAT IS NEW IN THE AMERICAN RESCUE PLAN \*\*\*

The *American Rescue Plan* gives employers the option to extend emergency paid leave for employees through September 30, 2021. In addition, employees eligible for emergency leave may now take such leave if they are obtaining an immunization related to COVID-19 or are recovering from any injury, illness, disability, or condition related to vaccination.

The plan also now provides that if an employer provides such leave, they may not discriminate against highly compensated employees, full-time employees, or employees on the basis of tenure with the employer.

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In addition to the *American Rescue Plan*, you may be eligible for ongoing relief provided by the *Families First Coronavirus Response Act* (“Families First”), and the *Coronavirus Response and Relief Supplemental Appropriations Act of 2021* (COVID relief law).

These laws allow businesses to provide two new types of paid leave to their employees who are directly affected by the COVID-19 outbreak.

- The first type, **emergency paid sick leave**, allows people to take time off if they are sick, if they are caring for a sick person, if they cannot work because of a government order to isolate, or if they need to take care of a child whose school or childcare is closed.
- The second type, **emergency family and medical leave**, provides another option for people who need to care for a child whose school or childcare provider has closed due to the outbreak.

These types of leave will ensure that workers are able to stay home from work when sick and take care of their family members without economic hardship. Check with your employer to see if you are eligible to take these categories of leave in 2021.

### EMERGENCY PAID SICK LEAVE

#### Use of Sick Leave

You may use sick leave for the following reasons:

1. You are subject to a federal, state, or local quarantine, or isolation order related to COVID-19 and are unable to work as a result;
2. You have been advised by a health care provider to self-quarantine due to concerns related to COVID-19 and are unable to work as a result;
3. You are experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. You are caring for someone who is subject to an order as described in (1) or who has been advised as described in (2);

5. You are caring for a son or daughter because the school or place of care of the son or daughter has been closed, or the childcare provider of such son or daughter is unavailable, due to COVID-19 precautions;
6. You are obtaining immunization related to COVID-19;
7. You are recovering from any injury, disability, illness, or condition related to a COVID-19 vaccine; and
8. You are experiencing any other substantially similar condition specified by the secretary of Health and Human Services.

**Amount of Pay**

- Full-time employees will receive their full regular rate of pay, capped at a total of \$511 per day, for leave taken pursuant to reasons (1), (2), and (3) above.
- Full-time employees will receive two-thirds of their full regular rate of pay, capped at a total of \$200 per day, for leave taken pursuant to reasons (4), (5), and (6) above.
- For part-time employees or those with irregular hours, leave pay will be calculated based on the number of hours the employee works on average over a 2-week period in the past year.

**Duration of Sick Leave Pay**

- If eligible for paid sick leave, full-time employees will be granted 80 hours (10 days) of paid sick leave.
- Part-time employees will be granted a pro-rated amount based on their average number of hours.

**Labor Rights**

Please be aware that this paid sick leave does not diminish your existing rights to paid leave under a collective bargaining agreement or existing employer policy.

**EMERGENCY PAID FAMILY AND MEDICAL LEAVE****Use of Leave**

Employees may use family and medical leave to care for a child under 18 years of age whose school or childcare provider has been closed due to reasons related to COVID-19.

**Amount of Pay**

- The first 10 days of this leave is unpaid, although you may use paid time off or sick time to cover some, or all, of the initial unpaid period.
- After the initial 10 days, full-time employees will receive two-thirds of their regular rate of pay, capped at a total of \$200 a day.

**Duration of Paid Leave**

- If eligible for paid family and medical leave, full-time employees may take such leave for up to 12 weeks total.
- Part-time employees or those with irregular schedules will be paid at two-thirds of their regular rate for the average number of hours worked over the prior 6 months of employment.

**More Information**

For more information, please visit <https://www.dol.gov/agencies/whd/pandemic/ffcr-employee-paid-leave>, or call the Department of Labor's Wage and Hour Division at 1-866-4US-WAGE.