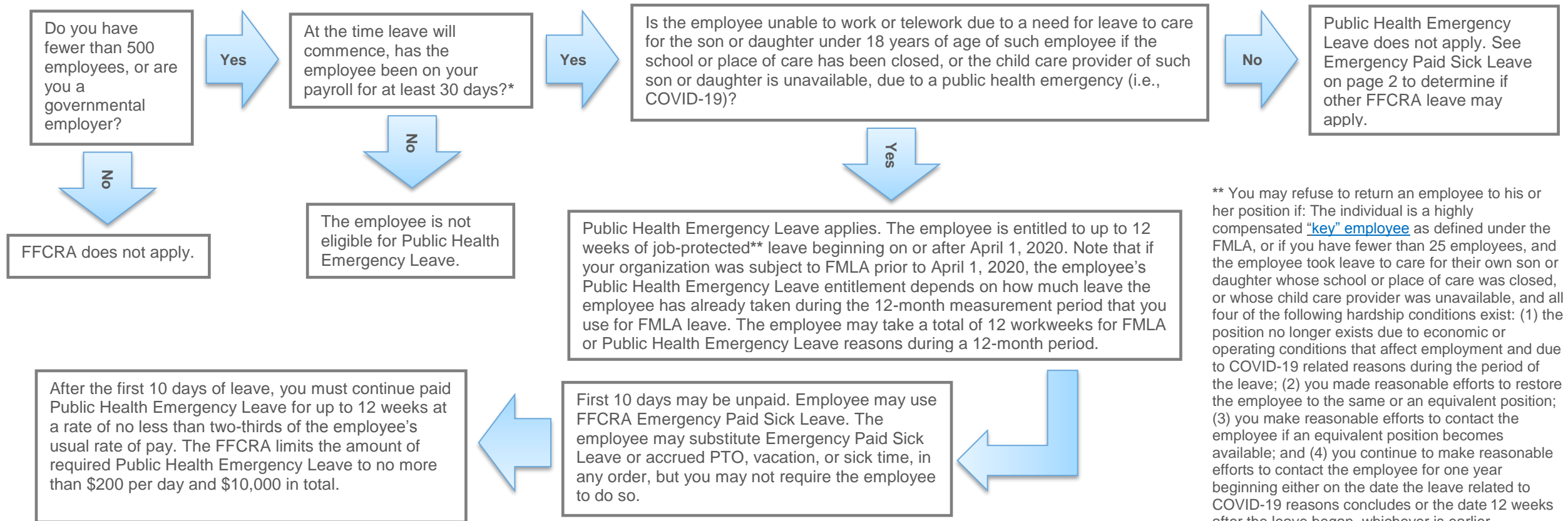


# Families First Coronavirus Response Act (FFCRA) Leave

## Public Health Emergency Leave



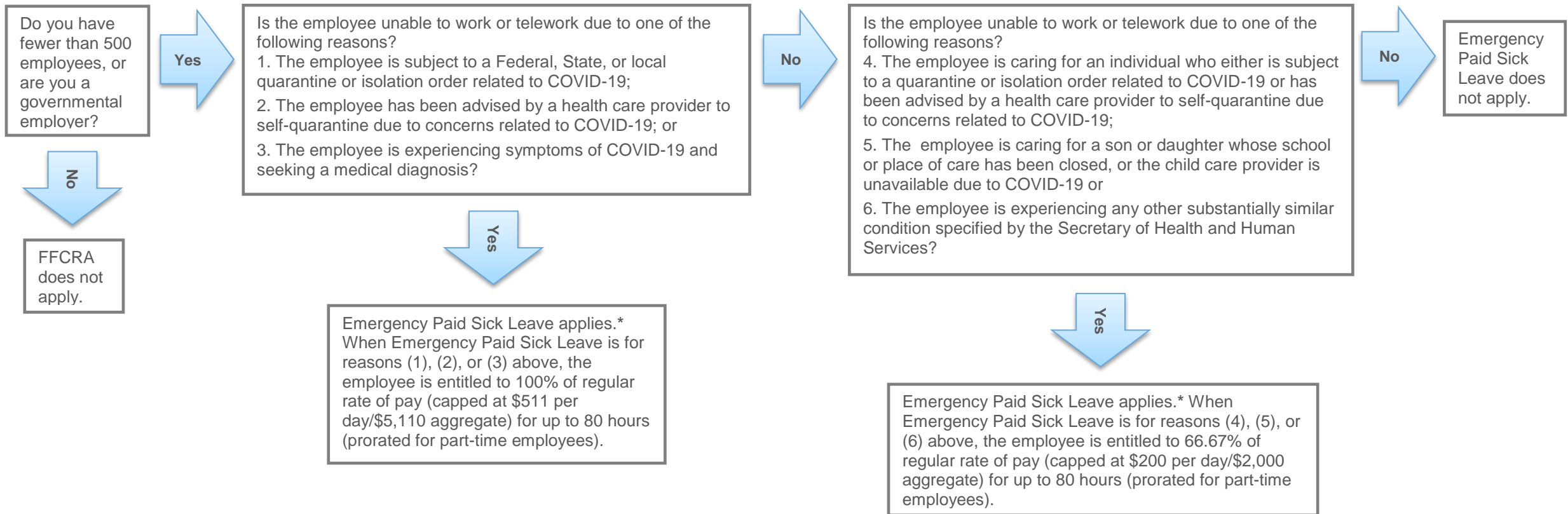
\*\* You may refuse to return an employee to his or her position if: The individual is a highly compensated **"key" employee** as defined under the FMLA, or if you have fewer than 25 employees, and the employee took leave to care for their own son or daughter whose school or place of care was closed, or whose child care provider was unavailable, and all four of the following hardship conditions exist: (1) the position no longer exists due to economic or operating conditions that affect employment and due to COVID-19 related reasons during the period of the leave; (2) you made reasonable efforts to restore the employee to the same or an equivalent position; (3) you make reasonable efforts to contact the employee if an equivalent position becomes available; and (4) you continue to make reasonable efforts to contact the employee for one year beginning either on the date the leave related to COVID-19 reasons concludes or the date 12 weeks after the leave began, whichever is earlier.

\* Employees who wish to begin leave on April 1, 2020, must have been on your payroll as of March 2, 2020. Note that an employee may be entitled to FMLA-protected leave prior to April 1, 2020 (see page 3). An employee who was laid off any time after March 1, 2020, will be eligible for paid Public Health Emergency Leave and Paid Emergency Sick Leave if he or she is then rehired by you.

The intent of this analysis is to provide general information regarding the provisions of current federal laws and regulation. It does not necessarily fully address all your organization's specific issues. It should not be construed as, nor is it intended to provide, legal advice. Your organization's general counsel or an attorney who specializes in this practice area should address questions regarding specific issues.

# Families First Coronavirus Response Act (FFCRA) Leave

## Emergency Paid Sick Leave

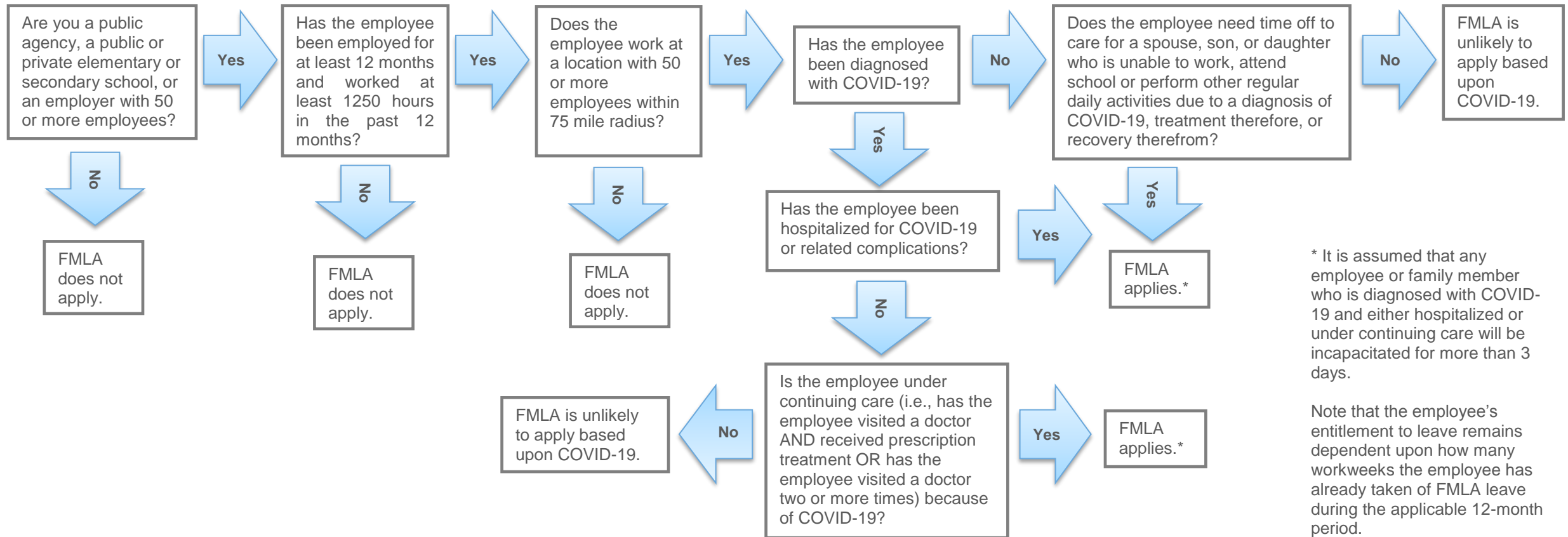


\* Emergency Paid Sick Leave applies in addition to any other employer-paid time off. The employee may choose to use existing paid vacation, personal, medical, or sick leave from your paid leave policy to supplement the amount your employee receives from paid sick leave, up to the employee's normal earnings. However, you are not required to permit an employee to use existing paid leave to supplement the amount your employee receives from paid sick leave or expanded family and medical leave. An employee who was laid off any time after March 1, 2020, will be eligible for Paid Emergency Sick Leave if he or she is then rehired by you.

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# Families First Coronavirus Response Act (FFCRA) Leave

## Family and Medical Leave Act Leave and COVID-19



\* It is assumed that any employee or family member who is diagnosed with COVID-19 and either hospitalized or under continuing care will be incapacitated for more than 3 days.

Note that the employee's entitlement to leave remains dependent upon how many workweeks the employee has already taken of FMLA leave during the applicable 12-month period.

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