



New Emergency Paid Sick Leave and Expanded Family and Medical Leave Act (FMLA) Rights for Workers

COVID-19
UPDATES

Under the recently passed H.R. 6201, the *Families First Coronavirus Response Act* (FFCRA), many workers, including TWU member, have new, expanded sick leave and FMLA rights.

Who is covered?

Public Employers:

- ❖ Most public employees, including workers at public transit agencies - ***covered for both emergency paid sick leave and expanded FMLA.***
- ❖ Employees of the federal government - ***covered for emergency paid sick leave; not covered for expanded FMLA.***
- ❖ Employees must be employed for at least 30 calendar days to be eligible for expanded FMLA.
- ❖ Special rules may allow employers to exempt health care providers and emergency responders.

Private Employers:

- ❖ Workers at employers with fewer than 500 employees - ***covered for both emergency paid sick leave and expanded FMLA.***
- ❖ Those employed by employers with more 500 workers - ***not covered for either emergency paid sick leave or expanded FMLA.***
- ❖ Employees must be employed for at least 30 calendar days to be eligible for expanded FMLA.
- ❖ Employers with fewer than 50 employees may qualify for an exemption from the requirement if it would jeopardize the viability of the business as a going concern.
- ❖ Special rules may allow employers to exempt health care providers and ***emergency responders.***

What benefits are available?

1. ***Two weeks*** (up to 80 hours for full-time workers)* of paid leave at the employee's ***regular rate of pay*** where the employee is unable to work because the employee:
 - ❖ is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
 - ❖ has been advised by a health care provider to self-quarantine related to COVID-19; and/or
 - ❖ is experiencing COVID-19 symptoms and is seeking a medical diagnosis;

* Note: A ***part-time employee*** is eligible for the number of hours of leave that the employee works on average over a two-week period

2. **Two weeks** (up to 80 hours for full-time workers)* of paid leave at ***two-thirds the employee's regular rate of pay*** because the employee is unable to work because of a bona fide need to:
 - ❖ care for an individual subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
 - ❖ care for an individual advised by a health care provider to self-quarantine related to COVID-19; or
 - ❖ care for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19.
3. **Up to an additional 10 weeks** of expanded family and medical leave (***12 weeks total***, including two weeks paid sick leave followed by the 10 weeks of expanded FMLA) at ***two-thirds the employee's regular rate of pay*** where an employee, ***who has been employed for at least 30 calendar days***, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

How is pay calculated?

- ❖ **Up to 80 hours leave taken at the regular rate of pay** - Employees are entitled to pay at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period).
- ❖ **Up to 80 hours leave taken at 2/3 the regular rate of pay** – Employees are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period).
- ❖ **Up to 12 weeks leave taken at 2/3 the regular rate of pay** - Employees are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period).

What are my obligations to my employer?

The Department of Labor recommends, where leave is foreseeable, that an employee should provide notice of leave to the employer as early as is practicable. After the first workday of expanded family and medical leave, an employer may require employees to follow reasonable notice procedures in order to continue receiving expanded family and medical leave.

When are the leave provisions applicable?

These provisions will apply from no later than ***April 2, 2020*** through ***December 31, 2020***.

For more information:

- ❖ Read [the bill](#) (H.R. 6201)
- ❖ See the [Department of Labor site](#)

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