

Summary—Comparison of Paid Leave Benefits Under Family First Coronavirus Response Act (FFCRA)—Last Updated 4/20/2020

	Emergency Paid Sick Leave	Emergency Paid FMLA
What purpose can leave be used for?	<p>One of the following:</p> <ol style="list-style-type: none"> 1. Federal/State/Local quarantine or isolation order due to COVID-19 (8a government shelter-in-place/shutdown/nonessential business closure does not qualify); 2. Employee advised by healthcare provider to self-quarantine; 3. Employee is experiencing symptoms of COVID-19 and is seeking a diagnosis; 4. Employee is caring for someone else who is subject to an order to self-quarantine described above (*unlike emergency FMLA, this does not have to be a child or family member); 5. Employee is caring for a son or daughter if school or childcare is closed or unavailable due to public health emergency; or 6. Catchall—employee is experiencing “any other substantially similar condition” specified by HHS. 	<p>Unable to work because child’s school/childcare closed or is unavailable due to public health emergency.</p> <p>(*FMLA definition of “son” or “daughter” will apply: biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under 18 years of age or is 18 years of age or older and “incapable of self-care because of a mental or physical disability”)</p> <p>(*a “public health emergency” is an emergency with respect to COVID-19 declared by a Federal, State, or local authority)</p>
Who is covered?	Works for employer with less than 500 employees (starting immediately on date of hire)	Works for employer with less than 500 employees (starting after 30 days on payroll)
Which workers are not eligible?	Health care providers and emergency responder employers can deny requests for paid leave, and DOL can exempt other employees	Health care providers and emergency responder employers can deny requests for paid leave, and DOL can exempt other employees
What percentage of wages will employee receive?	For reasons 1-3, the greater of reg. or min. wage For reasons 4-6, 2/3 reg. wage	2/3 reg. wage
What is the maximum weekly amount?	For reasons 1-3, \$511/day and \$5,110/employee For reasons 4-6, \$200/day and \$2,000/employee	\$200/day and \$12,000/employee

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How long can the benefit last?	F/T - 80 hours P/T – Average number of hours worked	12 weeks
Unpaid Waiting Period?	None	10 days—employee can choose to substitute PTO, vacation, or sick leave to cover the days
Right to reinstatement	Yes to same or equivalent job, unless employee would have lost job anyway (e.g. layoff)	Yes to same or equivalent job, unless employee would have lost job anyway (e.g. layoff) (Additional limitations if employer has fewer than 25 employees, or if “key” employee)
When does paid leave right start and end?	From 4/1/20 to 12/31/20	From 4/1/20 to 12/31/20
What if CBA provides more benefits?	Provide the CBA benefits	Provide the CBA benefits
How is the program funded?	Tax credit equal to the amount of paid leave per quarter (applied against employer Social Security taxes)	Tax credit equal to the amount of paid leave per quarter (applied against employer Social Security taxes)
What notice must the employer give of the right	DOL poster (“Employee Rights”)	DOL poster (“Employee Rights”)
What notice must the employee give of need for leave?	Verbal. Employer can require reasonable written notice after the first day of leave	Verbal as soon as practicable. Employer can require reasonable written notice
What if the worker is on furlough, laid off, on a leave of absence, or the employer closes the worksite?	Ineligible (but may get UI or PUA and PUC)	Ineligible (but may get UI or PUA and PUC)
Can the leave be taken intermittently?	Only for reason #5 above (caring for a son or daughter if school or childcare is closed or unavailable)—both employer and employee must agree	Yes if both employer and employee agree
Can a small business (fewer than 50 employees) deny a leave request?	Yes under very limited circumstances when the requested leave would jeopardize the viability of the business	Yes under very limited circumstances when the requested leave would jeopardize the viability of the business