Coronavirus Federal Legislation that Aids Workers

Two major laws passed in March 2020 to support workers affected by the COVID-19 public health emergency. The first mandated paid sick days and paid family leave in some COVID-19 related situations; the second mandates significant unemployment benefits for workers.

The Families First Coronavirus Response Act
Congress passed an emergency law on March 18, 2020, that included paid sick time and paid family leave for some workers. Effective Date is April 1, 2020; provisions sunset on December 31, 2020.

Paid Sick Time for Public Health Emergencies

Purposes
- To obtain a medical diagnosis or care if experiencing symptoms
- To self-quarantine due to COVID-19 concerns under the advice of a health care provider
- To comply with a federal, state, or local quarantine or isolation order related to COVID-19
- To comply with a recommendation from a public health official
- To care for an individual who is self-isolating because of diagnosis or symptoms
  - When taken for this purpose, rate of pay is reduced to 2/3
- To care for a child if school or place of care is closed
  - When taken for this purpose, rate of pay is reduced to 2/3

Eligibility
- Applies to public employers of all sizes and private employers with fewer than 500 employees; no exceptions for nonprofit organizations
- Businesses with fewer than 50 employees may qualify for exemptions for time due to school or childcare closing
- Under the Act, special rules apply for Health Care Providers and Emergency Responders.
- Employers (including self-employed and gig economy workers) will receive reimbursement from the federal government for wages through a quarterly tax credit

Hours and Rate of Pay
- Employer required to provide a total of 80 hours of paid sick time related to COVID-19
- Maximum payment
  - $511 per day/$5,110 total for self-care
  - $200 per day/$2,000 total for family care
- Part-time workers receive the average number of hours worked over a two-week period.
  - If their schedule varies, workers receive the average hours scheduled per day over the prior six months. Otherwise the employee receives the amount they expected to work when hired.

Impact on Existing Policies
- Sick time under the bill must be in addition to any employer provided leave
- Employer cannot require an employee to use accrued time before emergency time
- Employer cannot require an employee to find replacement workers

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Emergency Family and Medical Leave Act Expansion

Purpose
- The sole purpose of this section of the new law is for employees unable to work/telework because the employee’s child’s school or place of care is closed, or if the child’s usual care provider is unavailable because of the COVID public health emergency.

Eligibility
- Applies to public employers of all sizes and private employers with fewer than 500 employees; no exceptions for nonprofit organizations
- Small businesses with fewer than 50 employees may qualify for exemption from providing leave due to school closings or child care unavailability
- Federal workers are already covered under the FMLA and may not be covered, according to the Department of Labor
- Under the Act, special rules apply for Health Care Providers and Emergency Responders.
- Available to full-time, part-time, and temporary employees who have been on the job for at least 30 days
- Self-employed workers may receive paid leave through tax credits

Hours and Rate of Pay
- Employer required to provide 12 weeks of job-protected leave for COVID-related absences (80 hours of sick time plus 10 weeks of emergency leave)
- Pay should be calculated on an employee’s normal schedule, including overtime
- First 10 days may be unpaid; these days can be combined with paid sick days or other leave
- Up to 12 weeks maximum time
- After 10 days, employer must pay worker 2/3 of their wage, up to $200 per day/$12,000 total

Job Protection
- Employee has a right to job restoration under the FMLA
- Exception for employers with fewer than 25 employees under certain conditions

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The Coronavirus Aid, Relief, and Economic Security (CARES) Act

Congress passed an emergency law on The CARES Act (Coronavirus Aid, Relief, and Economic Security Act) on March 27, 2020, that has different kinds of support for workers. Three of these programs (PUC, PEUC, and Pandemic Unemployment Assistance) are fully federally funded. States will also receive additional administrative funds to operate these programs.

Pandemic Unemployment Assistance (PUA)

Purpose
- Provides benefits for up to 39 weeks (retroactive from Jan 29, 2020 and until December 31) for workers not normally eligible for state unemployment insurance
- Individuals with upcoming contracts or other suspended employment can apply under this program

Coverage
- Self-employed, freelancers, and independent contractors
- Workers seeking part-time work
- Workers whose work history is too short to qualify for state unemployment

Eligibility
- Partially or fully unemployed
- Unable to work for a COVID-19-related reason
  - They have been diagnosed with COVID-19 or have symptoms and need diagnosis
  - A member of their household has been diagnosed with COVID-19
  - They are providing care for someone diagnosed with COVID-19
  - They are providing care for a child or household member who can’t attend school or work because it is closed due to COVID-19
  - They are quarantined or have been advised by a health care provider to self-quarantine
  - They were scheduled to start employment and do not have a job or cannot reach their place of employment as a result of a COVID-19 outbreak
  - They have become the breadwinner for a household because the head of household has died as a direct result of COVID-19
  - They had to quit their job as a direct result of COVID-19
  - Their place of employment is closed as a direct result of COVID-19
- Not able to telework for pay
- Not receiving paid sick days or paid leave
- And unfortunately, must be authorized to work, so undocumented workers will not qualify

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Pandemic Unemployment Compensation (PUC)

- Provides an additional $600 per week on top of regular and Pandemic Unemployment Assistance
- Must be paid on a weekly basis
  - It may be paid with regular unemployment benefits or at another time
- Does not count as income for eligibility for either Medicaid or CHIP
- This program is fully federally funded
- This benefit will be available from March 27, 2020, through July 31, 2020.

Pandemic Emergency Unemployment Compensation (PEUC)

- Provides an additional 13 weeks of state unemployment insurance benefits after someone uses all their regular state UI benefits
- To qualify, a person must be actively looking for work
  - States must provide flexibility for people who are ill, quarantined, or restricted in movement due to COVID-19
- States cannot decrease the number of weeks or weekly benefits below what was available to workers on January 1, 2020
- States that waive the one-week waiting period for unemployment compensation will be reimbursed
- This program is fully federally funded

Work Sharing

The CARES Act helps some employers avoid layoffs by providing partial unemployment benefits for workers put on part-time schedules. In the 28 states with work-sharing laws, the federal government will fully reimburse states for work-sharing. For more information, contact the National Employment Law Project.

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