



## COVID-19 POLICY UPDATES: FAMILIES FIRST CORONAVIRUS RESPONSE ACT

Please note that things are changing rapidly with regard to both State and National policy. Therefore, we ask that you please check back for ongoing updates as we work to provide you with the most current and up to date information as it relates to addressing the needs of survivors in Arizona.

Well before the COVID-19 pandemic, Arizona adopted one of the country's first paid-sick-leave laws, which took effect on July 1, 2017. Since the Families First Coronavirus Response Act (FFCRA) [H.R. 6201](#) was signed by the President on March 18, 2020, workers nationwide may qualify for 12 weeks of family leave and an additional two weeks of paid sick leave beginning on April 1, 2020. This law will remain in effect until December 31, 2020.<sup>1</sup>

The new sick leave and expanded FMLA leave requirements apply to all employers with less than 500 employees, including those with less than 50 employees that are not covered by the FMLA. Unlike the 75-mile radius typically used in the FMLA, the geographic location of employees is also not a factor.

### Who qualifies for the new family time off?

Anyone working at a company with 500 or fewer people and has been on the job for at least 30 days may be eligible to receive the full 12 weeks of paid family leave. A worker may also qualify if unable to work (even remotely) because of the need to care for a child whose school or child-care provider is closed due to a public health emergency. *Exception: companies that employ emergency responders and healthcare providers can exclude those employees from these benefits.*

### How much is the family leave pay?

While the first two weeks of the expanded family time off is unpaid, workers may use accrued paid time off (PTO) or sick time as a way to draw a paycheck during that time.

After the first two weeks, during the next 10 weeks workers can collect two-thirds of their regular pay, with a \$200 per day cap (or \$10,000 for the entire absence).<sup>2</sup> Though unlike regular FMLA, employers cannot require employees to use other paid leave.<sup>3</sup>

### Who qualifies for the new sick time?

All workers, regardless of how long they have been employed, are eligible for two weeks of sick time as long as the worker meets one of the following criteria:

1. Being put under government (local, state or federal) isolation or quarantine for COVID-19
2. Being advised by a healthcare provider to quarantine for COVID-19
3. Having COVID-19 symptoms and seeking diagnosis
4. Caring for someone subject to a COVID-19 quarantine

<sup>1</sup> Arnold, M.S., Barmak, D. and Berezney, D.M. (March 19, 2020). *COVID-19 Update: The Families First Coronavirus Response Act Becomes Law*. Retrieved from: <https://www.mintz.com/insights-center/viewpoints/2226/2020-03-19-covid-19-update-families-first-coronavirus-response-act?cldee=Y3V0dEBqYW5lZG9lLm9yZw%3d%3d&recipientid=contact-aaece7abf4754316a3c041b9645176ae-76c4eab5c4054c54b2fd376031966cd0&esid=7ac85b75-9c6e-ea11-9438-a0d3c1f8c3d1>

<sup>2</sup> Randazzo, R. (March 24, 2020). *Americans will soon get more paid sick, family time. What does that mean for you?* Retrieved from: [https://www.azcentral.com/story/money/business/consumers/2020/03/24/families-first-coronavirus-response-act-gives-paid-sick-leave-family-time/2908278001/?utm\\_source=azcentral-Daily%20Briefing&utm\\_medium=email&utm\\_campaign=daily\\_briefing&utm\\_term=list\\_article\\_thumb](https://www.azcentral.com/story/money/business/consumers/2020/03/24/families-first-coronavirus-response-act-gives-paid-sick-leave-family-time/2908278001/?utm_source=azcentral-Daily%20Briefing&utm_medium=email&utm_campaign=daily_briefing&utm_term=list_article_thumb)

<sup>3</sup> Pace, J.A., Selden, D.A., and Nunn-Gilman, H. (March 23, 2020). *Responsibilities of Employers under the new Coronavirus legislation*. <https://azbigmedia.com/business/law/the-responsibilities-of-employers-under-the-new-coronavirus-legislation/>

5. Care for a child because school or regular care is unavailable as a result of COVID-19 precautions.
6. Experiencing any similar condition as defined by the Secretary of Health and Human Services.

#### **How much is the sick-leave pay?**

Full time workers (out for reasons 1, 2 or 3) are entitled to the equivalent of two weeks (maximum of 80 hours) of paid sick time at their regular rate with a cap of \$511/day or a maximum of \$5,110.

Full time workers (out for reasons 4, 5 or 6) are eligible for 2/3 of their regular pay if they are out to care for someone else with a cap of \$200/day or a maximum of \$2,000.

Part time workers' eligibility is based on their average wages.

In the case of both part time and full time workers, sick time does not carry over into the next year and are not eligible to be paid out at termination.<sup>4</sup>

As it currently stands, there is no automatic exemption for employers (even in the case of companies with fewer than 50 workers). Though, the exemption will require approval from the Secretary of Health and Human Services.

Further guidance is anticipated in April according to the Department of Labor.

#### **What you need to know:**

Employees do not need to specifically request "new leave" rights, but rather communicate circumstances that a supervisor should recognize as exercising these rights. Certifications by a healthcare provider are sufficient to qualify without any further substantiation.

The new requirements are enforced by the Department of Labor (DOL) and penalties for violations of minimum wage laws apply. Employees are protected from retaliation for exercising your rights under this Federal Act.<sup>5</sup>

The Department of Labor (DOL) offers more in depth discussion and expanded language on their website, including [Questions and Answers](#), [Information for Employees](#), and [Information for Employers](#).

#### **Additional Information:**

While ACESDV staff are primarily working remotely from the safety of their homes, we have measures in place to maintain full confidentiality and are continuing operations and support to survivors and the community.

For additional resources and information, please visit our COVID-19 specific page: [www.acesdv.org/covid-19](http://www.acesdv.org/covid-19)

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<sup>4</sup> Arnold, M.S., Barmak, D. and Berezney, D.M. (March 19, 2020). *COVID-19 Update: The Families First Coronavirus Response Act Becomes Law*. Retrieved from: [https://www.mintz.com/insights-center/viewpoints/2226/2020-03-19-covid-19-update-families-first-coronavirus-response-act?\\_cldee=Y3V0dEBqYW5lZG9lLm9yZw%3d%3d&recipientid=contact-aaece7abf4754316a3c041b9645176ae-76c4eab5c4054c54b2fd376031966cd0&esid=7ac85b75-9c6e-ea11-9438-a0d3c1f8c3d1](https://www.mintz.com/insights-center/viewpoints/2226/2020-03-19-covid-19-update-families-first-coronavirus-response-act?_cldee=Y3V0dEBqYW5lZG9lLm9yZw%3d%3d&recipientid=contact-aaece7abf4754316a3c041b9645176ae-76c4eab5c4054c54b2fd376031966cd0&esid=7ac85b75-9c6e-ea11-9438-a0d3c1f8c3d1)

<sup>5</sup> Ibid.