

Summary of Families First Coronavirus Response Act

On March 19, President Trump signed the Families First Coronavirus Response Act (HR 6201). There are two major sections of the bill of great importance to municipalities as employers: emergency paid sick leave (subtitle division E) and the emergency FMLA expansion (subtitle division C):

Emergency Paid Sick Leave

The Act expands access to emergency paid sick leave to a specific set of employees, including those who work for local, state, or federal governments. Eligible full-time employees are entitled to two weeks (80 hours) of fully paid time off, up to \$511 per day, to self-quarantine, seek a diagnosis or preventive care, receive treatment for COVID-19, or care for a child due to a school or daycare closure due to COVID-19 precautions. Eligible part time employees are entitled to two weeks of paid time off at two thirds their regular pay, up to \$200 per day, for the average number of hours worked in a two week time period to care for a family member or to care for a child whose school has closed, or if their child care provider is unavailable due to COVID-19.

Employers of employees who are health care providers or emergency responders may elect to exclude the employee from the application of this subsection.

Emergency Paid Family Leave

The Act ensures employees, including those who work for local, state, or federal governments, can care for their children by expanding FMLA. Full-time employees and part-time employees who have been on the job for at least 30 days are entitled to 12 weeks of job-protected leave only to take care for their children who are under the age of 18 in the event of a school closure or if their child care provider is unavailable due to a public health emergency. A public health emergency means a state of emergency declared by a federal, state, or local authority.

The 12 weeks of job-protected leave include two weeks of unpaid leave, followed by 10 weeks of paid leave. Eligible employees may elect or be required to overlap the initial two weeks of unpaid leave with two weeks of other paid leave they have available. Eligible employees will receive a benefit from their employers that will be no less than two-thirds of the employee's usual pay. The paid family leave pay is capped at \$200 per day or \$10,000 total.

Of note, the standard provisions of FMLA apply; this bill expands the two aforementioned sections to directly address concerns of workers during the current crisis.

Reimbursement

As it stands, this bill implements significant mandates on local governments as employers, but unfortunately, the bill expressly prohibits government employers from receiving the tax credits to offset the costs of providing such leave. The National League of Cities (NLC) is advocating for credits to be given to local governments. Click [here](#) for a copy of NLC's letter to Congressional leadership.

The bill goes into effect "no later than 15 days" after President Trump signed it into law, which means it will go into effect sometime on or before April 2, 2020. The bill has a sunset date of December 31, 2020, as it is meant to specifically address concerns around COVID-19.

Additional information on the leave provisions can be found on this [factsheet](#). A detailed breakdown of the entire bill, including other provisions, can be found on this [factsheet](#). Both documents are from the U.S. House of Representatives' Appropriations Committee staff.