



STAFFING NEWS

MARCH 2020

## Emergency Families First Coronavirus Response Act

By Christopher M. Leddy, Esq. and David J. Sprong, Esq.

This week the President signed the bipartisan Emergency Families First Coronavirus Response Act, which provides for a number of ways to ease the financial burden on those effected by the coronavirus crisis. Of particular importance to our clients is the paid sick leave and paid family and medical leave available now at the federal level. The law goes into effect on April 2, 2020.

Becker LLC is fully operational, and we have been reviewing the law since it was passed by the House of Representatives. We are available at any time to assist all those effected in understanding and implementing all aspects of this important legislation. For example, we can help employers and employees understand if they fall within the limited exceptions to the law. For those who do not, we can help implement best practices for compliance. Also, we can help employers understand the available quarterly tax credits and how the new law effects employee benefits available at the state and local level.

### PAID SICK LEAVE

Affected employers must provide 80 hours of paid sick leave to full-time employees and a pro-rated amount of paid sick leave to part-time employees. Employees qualify if, because of coronavirus, they cannot work (or telework):

- (i) have to self-isolate or quarantine;
- (ii) have to, if symptomatic, seek to obtain a medical diagnosis;
- (iii) have to care for an individual who is self-isolating or quarantined;
- (iv) have to care for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions; or
- (v) are experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Sick pay will be paid at the regular rate of pay, except that there are caps for of \$511 and \$200 per day, depending on the reason the paid leave was taken.

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## **PAID FAMILY LEAVE**

The existing federal family and medical leave law is now expanded to deal with school closures due to the coronavirus crisis and revised to cover employees working for employers with 500 or *fewer* employees, with some exceptions. Qualifying employees are entitled to paid, job protected leave if “the employee is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.” The paid leave is available for up to twelve weeks. Paid sick leave (described above) would cover the first two weeks, but for weeks three through twelve, employees would receive two-thirds of the employee’s regular pay. Employees may elect to use paid time off (so they would receive full pay) but cannot be required to do so.

## **About Becker**

Becker LLC is a premier mid-market firm recognized as a leader in the staffing industry serving New York, New Jersey, Philadelphia and California. The firm provides forward thinking, mission-critical advice to staffing industry entrepreneurs and management on high stakes, complex legal matters as well as day-to-day matters and long-terms plans. The firm serves as general counsel to the Mid-Atlantic Staffing Association and is a member of both the New York Staffing Association and New Jersey Staffing Association.

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