

## HR 6201 (Families First Coronavirus Response Act)

- Dates**
- Signed by President Trump on March 18, 2020
  - Effective on April 1, 2020 (15 days after March 18, 2020)
  - Sunsets on December 31, 2020

**Posting Requirement** •Employers must post a Sec. of Labor prepared poster for HR 6201 rights in a conspicuous place in the workplace OR distribute to employees per normal communication e.g., email ([https://www.dol.gov/sites/dolgov/files/WH/whd/posters/FFCRA\\_Poster\\_WH1422\\_Non-Federal.pdf](https://www.dol.gov/sites/dolgov/files/WH/whd/posters/FFCRA_Poster_WH1422_Non-Federal.pdf))

**Employer Coverage** •500 or fewer employees  
•Exception (Health care): Employers may elect to not provide the leave to health care providers and emergency responders

**Retaliation** •No retaliation for use of HR 6201: Employers may not discharge, discipline, or discriminate against employees who make use of the leave or file/participate in a proceeding related to HR 6201  
•No substitution requirement: Employers may not require employees using HR 6201 leave to find replacement employees to cover hours for absences

Available Leaves	Reasons for Leave	Eligibility	Amount of Leave	Pay Rate	Pay Maximums	Effect of Employer Closure	Employer Tax Credits
Emergency Sick Leave (Division E) - Employee's own sickness or quarantine	1. Employee subject to federal, state or local quarantine or isolation 2. Employee is quarantined by recommendation of health care providers 3. Employee is seeking medical diagnosis due to COVID symptoms	All employees (subject to health care provider/emergency responder exception)	80 hours OR prorated(fn.2) amount for part-time or variable hour employees. Must be <i>in addition</i> to an employer's sick leave provided by policy/accrued by employee prior to HR 6201 passage	100% regular pay	\$511/day or \$5,110 total	Div. E Sick Leave available only "to the extent that the employee is unable to work (or telework) due to a need for leave <u>because</u> " of one of the 6 reasons(fn.4)	Costs to employers shall be offset through payroll tax credit refunds up to \$511/day or \$5,110 total per employee
Emergency Sick Leave (Division E) - Care of other or Misc.	4. Care for another individual (family or household member) under governmental quarantine/isolation OR health care provider quarantine 5. Care for child due to closure of school or daycare or unavailability of care provider due to COVID(fn.1) 6. Employee is experiencing any of substantially similar condition specified by the Sec. of HHS in consultation with Sec. of Treasury and Labor	All employees (subject to health care provider/emergency responder exception)	12 weeks (OR prorated(fn.2) amount for part-time or variable hour employees)	2/3 pay	\$200/day or \$2,000 total	Div. C Family leave available only if employee is "unable to work (or telework) <u>due</u> to a need for leave to care for the son or daughter under 18 years of age..." (See fn.4)	Costs to employers shall be offset through payroll tax credit refunds up to \$200/day or \$2,000 total per employee
Family (Child Care) Leave (Division C)	Employee unavailability to work (or telework) due to need to leave to care for son or daughter under 18 years old if school or place of care care closed, OR if care provider is unavailable due to public health emergency (COVID 19)	All employees employed for 30 or more days (subject to health care provider/ emergency responder exception)	12 weeks (OR prorated(fn.2) amount for part-time or variable hour employees)	2/3 pay AFTER the first 10 days (fn.3) being unpaid	\$200/day or \$10,000 total	Div. C Family leave available only if employee is "unable to work (or telework) <u>due</u> to a need for leave to care for the son or daughter under 18 years of age..." (See fn.4)	Costs to employers can be offset through payroll tax credits up to \$200/day per employee up to 10 weeks

(Fn.1) Note: There appears to be no exception to the payment of the ESL Division E even if telework/telecommuting is feasible, as is the case with Division C Family leave.

(Fn.2) Proration is a part-time employee's normally scheduled hours or, for a variable hour employee, their average hours over 6-month period prior to leave OR the rate of the "reasonable expectation" the employee would have worked on average per day

(Fn.3) Employees may substitute accrued paid leave during 10 day period OR may take initial 10 day period unpaid.

(Fn.4) Employees may use and are owed FFCRA leave (sick or family) only until an employer closes, at which time, the employee becomes eligible to apply for unemployment benefits as the result of the closure. See DOL FFCRA Questions and Answers Nos. 23, 24, 25 at <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

**Job Restoration** •Eligible employees taking leave under HR 6201 are entitled to job restoration to the position they held when the leave began or an equivalent position.