MEMORANDUM – COVID-19 EMERGENCY SICK AND FAMILY LEAVE

DATE ISSUED: 03-20-2020
TO: All Brown County Employees
FROM: Brown County Corporation Counsel David P. Hemery
RE: Families First Coronavirus Response Act

The Families First Coronavirus Response Act (the Act) provides relief for many employees effected by COVID-19. It was signed into law by President Trump on 03-18-2020, and takes effect within 15 days of being signed. In general, the Act provides for 80 hours of paid Emergency Sick Leave, and up to 12 weeks of paid Emergency Family Leave, but conditions and restrictions apply. A summary of key provisions follows, but not every aspect of the Act is summarized in this Memorandum. This Memorandum is being issued concurrently with Policy A-22, entitled Temporary Work Rule – COVID-19/FLU.

I. 80 Hours Paid Emergency Sick Leave

- Governmental entities such as Brown County are required by the Act to provide employees who cannot work or telework with paid sick time off if the employee is: (i) an employee subject to a coronavirus quarantine or isolation order; (ii) an employee who has been advised by a health care provider to self-quarantine due to coronavirus concerns; (iii) an employee who is experiencing symptoms of coronavirus and is seeking a medical diagnosis; (iv) an employee caring for an individual described in (i) or (ii) above; (v) an employee caring for a child whose school or place of care is closed, or the child care provider of the child is unavailable, due to coronavirus precautions; or (vi) an employee who is experiencing any other substantially similar condition specified by HHS in consultation with the Treasury and Labor Departments.

- Full-time employees are to receive 80 hours of sick leave, and part-time workers are granted leave equivalent to their average hours worked in a two-week period, with the sick leave in either instance being available for immediate use regardless of the employee’s tenure at the employer.

- Paid sick time will not carry over from year to year.

- Workers taking leave for themselves will have to be paid at least their normal wage or the applicable federal, state, or local minimum wage, whichever is greater. Workers taking time off to care for family members must be paid at two-thirds of the foregoing rate. Sick leave is capped at $511 per day and $5,110 in the aggregate for leave taken in categories (i) through (iii) described in the first bullet point above (i.e., on one’s own behalf), and capped at $200 per day and $2,000 in the aggregate for leave taken in categories (iv) through (vi) (i.e., to take care of another).

- The above provisions will take effect no later than 15 days after the Act is enacted, and expire on December 31, 2020.

II. Up To 12 Weeks Emergency Family Leave

- Governmental entities such as Brown County are required by the Act to provide up to 12 weeks of FMLA leave for employees who have been on the job for at least 30 days, and who are unable to work or telework because they have to care for a minor child if the child’s school or place of care has been closed, or if the child care provider of that child is unavailable due to a coronavirus emergency.

- The first 10 days of leave can be unpaid (a worker could opt to use accrued vacation days or other available paid leave for those days). For subsequent days of leave, workers will receive a benefit from their employers equal to at least two-thirds of their normal pay rate. The paid leave is capped at $200 per day and $10,000 in the aggregate.

- The above provisions will take effect no later than 15 days after the Act is enacted, and expire on December 31, 2020.