

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

DPH

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.**