

The information in this article is current through March 20, 2020. However, given the fast changing nature of the nation's response to the COVID-19 pandemic, we acknowledge that facts will change and invite you to visit our pandemic [site](#) where we maintain up-to-date

Leave under the Families First Coronavirus Response Act

The Families First Coronavirus Response Act created two types of paid emergency leave for impacted employees – Public Health Emergency Leave and Emergency Paid Sick Leave. Below we compare the two types of leave and their key provisions. For more information, see Gallagher's "[Families First Coronavirus Response Act Becomes Law.](#)"

	Public Health Emergency Leave	Emergency Paid Sick Leave
Effective Date	April 1, 2020 through December 31, 2020	April 1, 2020 through December 31, 2020
Applicable Employer	<ul style="list-style-type: none"> • Employer with fewer than 500 employees • All governmental employers 	<ul style="list-style-type: none"> • Employer with fewer than 500 employees • All governmental employers
Eligible Employee	Must be employed by Employer for at least 30 calendar days	Eligible regardless of employment length
Excluded Employees	Health care providers and emergency responders	Health care providers and emergency responders
Qualifying Reason(s)	The employee is unable to work or telework due to a need for time off to care for the employee's child who is under 18 years of age because the child's school or place of care has been closed, or the child care provider of the son or daughter is unavailable, due to a public health emergency.	The employee is unable to work or telework because: <ol style="list-style-type: none"> (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19. (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis. (4) The employee is caring for an individual who is subject to a quarantine or isolation order as described in (1) above, above, or has been advised as described in (2) above. (5) The employee is caring for a son or daughter whose school or place of care has been closed, or the child care provider is unavailable, due to COVID-19 precautions. (6) The employee is 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.
Length of Leave	Up to 12 weeks	<ul style="list-style-type: none"> • 80 hours for full-time employees • Average number of hours worked during a typical two-week period for part-time employees
Pay during leave	<ul style="list-style-type: none"> • First 10 days are unpaid, but employee may substitute paid leave. • After ten days of leave, employers must continue paid Public Health Emergency Leave at a rate of no less than two-thirds of the employee's usual rate of pay. The Act limits the amount of required paid leave to no more than \$200 per day and \$10,000 total. 	<ul style="list-style-type: none"> • \$511 per day (\$5,110 in the aggregate) where leave is taken for reasons (1), (2), and (3) above calculated using 100% of an employee's regular rate of pay. • \$200 per day (\$2,000 in the aggregate) where leave is taken for reasons (4), (5), or (6) calculated using two-thirds of an employee's regular rate of pay.

The intent of this analysis is to provide general information regarding the provisions of current federal laws and regulation. It does not necessarily fully address all your organization's specific issues. It should not be construed as, nor is it intended to provide, legal advice. Your organization's general counsel or an attorney who specializes in this practice area should address questions regarding specific issues.