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Employer Quick Guide for using EFMLA and Paid Sick Leave

If this happens	Employee can do this	Employer MUST do this	Reasoning/Why
<p>School is closed because of COVID-19 and Employee needs to stay at home with the child (who is under 14)</p> <ul style="list-style-type: none"> Child over 14 IRS guidance indicates that if a child is over 14 and needs care during daylight hours, the employee must provide a statement that special circumstances exist requiring the employee to provide care; 	<p>If employee cannot work remotely or telecommute- Employee can stay home for up to 12 weeks</p>	<p>First 10 days are unpaid, but after that you need to pay employees 2/3 of their regular pay to a max of \$200 per day for a total of \$10,000 in wages</p>	<p>Emergency (EFMLA) expansion added new qualifying reasons for school closures- applies to employers with 1 to 499 employees</p>
		<p>Apply paid sick leave for the first 80 hours (up to @200 per day; \$10,000 total)</p>	<p>Emergency Paid Sick Leave Act (EPSL) was passed for COVID-19</p>
<p>If Employer is a qualifying employer for regular FMLA and employee has used FMLA leave earlier in the year for other reasons and now Employee must stay at home with the child</p>	<p>If employee cannot work remotely or telecommute- Employee can stay home for any remaining time of the original 12 weeks of FMLA</p>	<p>Same as above but only applies for the remaining time left in the total 12 weeks</p>	<p>Same as above</p>
<p>Employee needs to go on medical leave for or other pre-planned leave (e.g maternity) for 3 months- Non-COVID 19 related</p>	<p>Employee takes normal FMLA or LOA as previously planned, this is regular unpaid leave (unless employer has policies in place that allowed for any form of paid leave)</p>	<p>Provide unpaid leave under traditional FMLA rules; unless you have policies in place that provide for any portion of paid FMLA or LOA; hold employee's job for when they return</p>	<p>Regular leave does not fall under any of the EFMLA expansions</p>
<p>Employee needs to care for immediate Family member (parent, child, spouse, other extended family residing with them)</p>	<p>Claim up to 80 hours of paid sick leave for the hours Employee is unable to work or telecommute or work via remote access</p>	<p>Pay 2/3 of the Employees pay for the remaining 10 weeks allotted (up to \$200/day; \$10K max)</p>	<p>EPSL Act as applied to the conditions of others</p>
<p>Employee personally must be quarantined due to having COVID-19 symptoms</p>	<p>Claim up to 80 hours of paid sick leave for the hours Employee is unable to work or telecommute/work via remote access</p>	<p>Pay regular pay for the entire period (up to \$511/day; \$5,110 total)</p>	<p>EPSL Act as it applies to the condition of the Employee</p>
<p>Employee may have come in contact with COVID-19 and DR. has advised to self-quarantine</p>	<p>Claim up to 80 hours of paid sick leave for the hours Employee is unable to work or telecommute/work via remote access</p>	<p>If employee can telecommute or work via remote access, you don't need to provide paid sick leave-Employer will pay regular wages for hours worked. If Employee cannot work remotely, pay regular pay for the entire period up to (\$511/day; \$5,110 total)</p>	<p>EPSL Act as it applies to the condition of the Employee</p>
<p>State provides additional protections, closures, or shelter in place orders</p>	<p>Employee is entitled to Federal and State Protections</p>	<p>Meet Federal and State Requirements and Guidelines</p>	<p>Various Acts apply, including CARES, EPSL, EFMLA</p>