

# H.R. 6201, FAMILIES FIRST CORONAVIRUS RESPONSE ACT

**Description:** The Families First Coronavirus Response Act provides paid leave, establishes free coronavirus testing, supports strong unemployment benefits, expands food assistance for vulnerable children and families, protects front-line health workers, and provides additional funding to states for the ongoing economic consequences of the pandemic, among other provisions.

## Goals:

- Expand the provision of paid sick leave and family medical leave
- Increase coverage for COVID-19 and other health provisions
- Expand unemployment benefits
- Increase appropriations and program flexibility for:
  - U.S. Department of Agriculture
  - U.S. Department of Defense
  - U.S. Department of Health and Human Services
  - U.S. Department of Treasury
  - U.S. Department of Veterans Affairs

## Relevant Appropriations and Amendments:

### DIVISION C – EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT

- § 3102(a): Amends § 102(a)(1) of Family and Medical Leave Act of 1993 by adding this Emergency Act, in effect until December 31, 2020
- § 3102(b): Amends Title I of the Family and Medical Leave Act of 1993:
  - Application of certain terms:
    - “Eligible employee” means an employee who has been employed for at least 30 calendar days by the employer with respect to whom leave is requested under section 102(a)(1)(F).
    - Changes employer threshold from “fewer than 500 employees” to “50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year.”
  - Additional definitions:
    - “Qualifying need related to a public health emergency” means the employee is unable to work or telework due to caring for the employee’s child under 18 years old if the school or child care provider is closed or unavailable due to a public health emergency.
    - “Public health emergency” means an emergency with respect to COVID-19 declared by a Federal, State, or local authority
  - Regulatory authorities: Secretary of Labor has the authority to exempt certain health care providers and emergency providers from eligible employees, and to exempt small businesses with fewer than 50 employees if requiring paid leave would “jeopardize the viability of the business as a going concern.”
  - Relationship to paid leave: First 10 days of leave may be unpaid. Paid leave after initial 10 days shall be calculated based on amount not less than two-thirds of employee’s regular pay and the number of hours the employee would normally be scheduled to work.

- Paid leave cannot exceed \$200 per day and \$10,000 in the aggregate

#### DIVISION D – EMERGENCY UNEMPLOYMENT INSURANCE STABILIZATION AND ACCESS ACT OF 2020

- § 4102: Amends § 903 of Social Security Act
  - Emergency administration grant in FY 2020 given to States in the Unemployment Trust Fund, calculated by multiplying \$1B by the same ration under subsection (a)(2)(B) for purposes of determining the State’s share of any excess amount that would have been subject to transfer to State accounts
  - States must demonstrate they have eased eligibility requirements for unemployment compensation (e.g. waiving work search requirements and the waiting week)

#### DIVISION E – EMERGENCY PAID SICK LEAVE ACT

- § 5102
  - (a): Employer must provide each employee paid sick time due to:
    - Federal, state, or local quarantine or isolation order related to COVID-19
    - Employee being advised to self-quarantine by health care provider due to COVID-19 concerns
    - Employee has COVID-19 symptoms and is seeking a medical diagnosis
    - Employee is caring for an individual subject to subparagraphs (1) or (2)
    - Employee is caring for his or her child because school or place of care has been closed, or child care provider is unavailable, due to COVID-19
    - Employee is experiencing any other substantially similar condition specified by Secretary of HHS
  - (b): Duration of paid sick time:
    - 80 hours for full-time employees
    - For part-time employees, number of hours that employee works on average over a 2-week period
  - (c): Paid sick time provided under this Act shall cease beginning with the employee’s next scheduled workshift immediately after the termination of the need for paid sick time
  - (d): Employer may not require employee to find replacement to receive paid sick time

#### Complementary policy responses:

- Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020
- Coronavirus Aid, Relief, and Economic Security Act