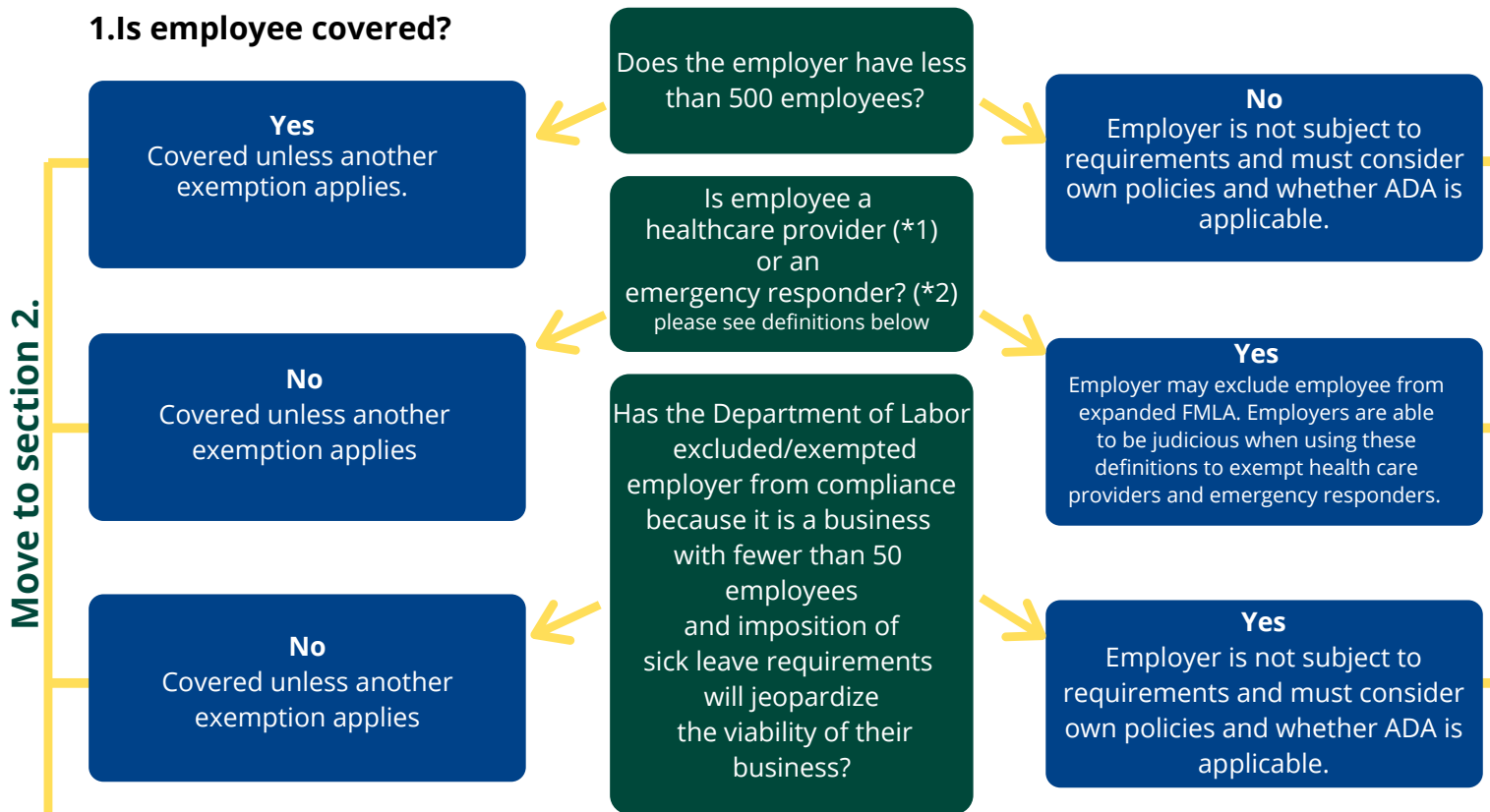


# Federal Emergency Family and Medical Leave Expansion Act

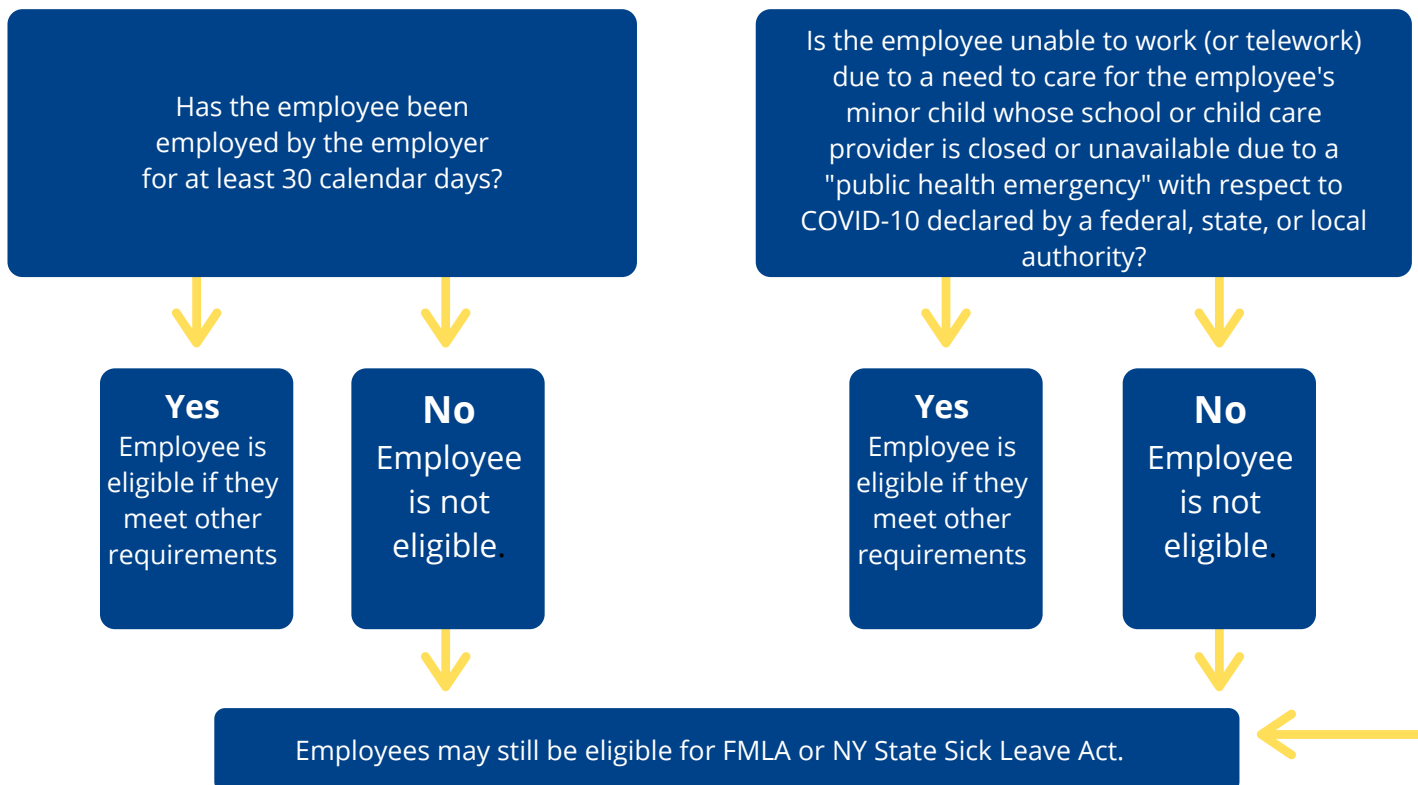
## Private and Not for Profit Employers

Takes effect April 1, 2020 and expires on December 31, 2020

### 1. Is employee covered?



### 2. Is employee eligible? Answer the following.



\*1- Employed by a Dr.'s office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity.  
 \*2- Necessary for the provision of transport care, health care, comfort and nutrition of such patients or whose services are needed to stop the spread of COVID-19, military or national guard, law enforcement officers, correctional institutions personnel, firefighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with training in operating specialized equipment or other skills needed to provide aid as well as individuals who work for facilities employing these individuals and whose work is necessary to maintain the operation of the facility.

### 3. Conditions

Employees can take up to 12 weeks of job-protected sick leave. The first ten days **may** be unpaid. However, the employee may elect to substitute accrued paid leave (vacation or sick) to cover some or all of ten-day unpaid period.

Employers with 25 or less employees are generally excluded from providing job restoration if the employee's position no longer exists following the emergency FMLA leave due to an economic downturn or other circumstances caused by a public health emergency.

A business employing fewer than 500 employees is required at the request of an employee to pay a full time employee for 80 hours of mandated emergency paid sick leave.

### 4. Calculate the Rate of Pay

**\*Employers cannot require employees to use other employer-provided paid leave first.\***

**Is the employee full time?**

Employee is entitled to 2/3 regular rate of pay for the number of hours that employee would normally be scheduled: Cap of \$200 a day and \$10,000 total per employee.

**Is the employee part time?**

Employee is entitled to be paid based on the average number of hours the employee worked for the six months prior to taking leave. If employee has worked less than six months, the employee is entitled to employee's reasonable expectation at hiring of the average number of hours they would normally be scheduled to work.

Please note, this information is to be used as a guide and is **not to be considered legal advice**. For additional information, please contact Jaci Kelleher ([jkelleher@staffordowens.com](mailto:jkelleher@staffordowens.com)) and Meghan Zedick ([mzedick@staffordowens.com](mailto:mzedick@staffordowens.com)) of Stafford Owens Law Firm.



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