



FMLA Expansion

UPDATED March 23, 2020

Effective Date 04/02/2020 to 12/31/2020

This is not Retroactive and only applies to FMLA taken to care for a child under 18 whose school or care facility is closed due to COVID -19.

Covered Employers

1-499 Employees

Employee Eligibility

Worked at least 30 days - Employers can exclude Healthcare and First Responders

Reason for FMLA

To care for child under 18 whose school or care facility is closed or unavailable due to coronavirus emergency

Duration of Leave

up to 12-weeks of Job Protected Leave

Unpaid FMLA/Can use Paid Leave Benefits

1st 10 days unpaid - May use Paid Leave Benefits available

Paid Leave

Next 10 weeks Employers must pay employees at least 2/3rds of regular pay

Pay Cap

\$200 per day/\$10,000 total benefit

Job Restoration

- Applies to Employers with 26-499 Employees
- Job restoration does not apply to employers with <25 employees if changes effecting employment are caused by economic downturn or other operating conditions because of the public health emergency if: the employer makes a reasonable effort to return the employee to an equivalent position, and the employer makes efforts to

contact a displaced employee if anything comes up within 1 year of when they would have returned to work.

Subject to Civil Action by Employees

- Applies to employers with 50-499 Employees
- Employers with <50 EEs not normally covered under provisions of FMLA cannot be sued by employees; however, may be subject to administrative enforcement or suit by the Secretary of Labor. The Secretary of Labor has the right to exclude certain care providers and first responders from the eligibility list and exempt small businesses fewer than 50 employees if business viability is jeopardized.