

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

▶ PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- ⅔ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at ⅔ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

▶ ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days* prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

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| <ol style="list-style-type: none">1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;2. has been advised by a health care provider to self-quarantine related to COVID-19;3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); | <ol style="list-style-type: none">5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
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▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd



DERECHOS DEL EMPLEADO

LICENCIA POR ENFERMEDAD PAGADA Y EXPANSION DE LICENCIA FAMILIAR Y POR ENFERMEDAD BAJO LEY FAMILIAS PRIMERO DE RESPUESTA AL CORONAVIRUS

La **Ley Familias Primero de Respuesta al Coronavirus (FFCRA o Ley)** requiere que ciertos empleadores den a empleados licencias laboral pagadas o expansión de licencia familiar y por enfermedad por razones relativas al COVID-19. Estas provisiones aplicarán desde abril 1 hasta diciembre 31 del 2020.

► DERECHOS A LICENCIA LABORAL PAGADA

En general, los empleadores cubiertos bajo la Ley deben proveer a empleados:

Hasta 2 semanas (80 horas, o el equivalente de dos semanas de un empleado a tiempo parcial) de licencia por enfermedad pagada en base a su mayor tasa regular de pago, o el salario mínimo estatal o federal aplicable, de la siguiente manera:

- 100% para razones calificables #1-3 (ver abajo), hasta \$511 por día y \$5,110 total;
- $\frac{2}{3}$ para razones calificables #4 and 6, hasta \$200 por día y \$2,000 total; y
- Hasta 12 semanas de licencia por enfermedad pagada y expansión de licencia familiar y por enfermedad pagada a $\frac{2}{3}$ para razones calificables #5 de hasta \$200 por día y \$12,000 total.

Un empleado a tiempo parcial es elegible a licencia por las horas que trabajaría durante ese periodo.

► EMPLEADOS ELEGIBLES

En general, empleados de empleadores del sector privado con menos de 500 trabajadores, y de ciertos empleadores del sector público, son elegibles a hasta dos semanas de licencia pagada total o parcialmente por enfermedad por razones de COVID-19 (ver abajo). *Empleados que hayan estado en nómina al menos 30 días anteriores a su solicitud de licencia podrán ser elegibles a hasta 10 semanas adicionales de expansión pagada parcialmente de licencia familiar y por enfermedad por razón #5.*

► RAZONES CALIFICABLES A LICENCIA RELACIONADA A COVID-19

Un empleado tiene derecho a tomar licencia laboral relacionada a COVID-19 si no le es posible trabajar, incluyendo imposibilidad de hacer **teletrabajo**, porque el empleado:

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| <ol style="list-style-type: none">1. está sujeto a orden de cuarentena o aislamiento Federal, Estatal, o local relacionada al COVID-19;2. ha sido instruido por un proveedor de salud que se ponga en auto-cuarentena por COVID-19;3. está experimentando síntomas de COVID-19 y está solicitando diagnóstico médico;4. está cuidando a una persona sujeta a una orden descrita en (1) o en auto-cuarentena descrita en (2); | <ol style="list-style-type: none">5. está cuidando a un hijo cuya escuela o lugar de cuidados está cerrado (o cuidados infantiles no están disponibles) por razones de COVID-19; o6. está experimentando otras condiciones sustancialmente similares a las especificadas por el Secretario de Salud y Servicios Humanos. |
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► CUMPLIMIENTO

La División de Horas y Salarios (WHD) del Departamento de Trabajo de EE.UU. tiene la autoridad de investigar y hacer que se cumpla la FFCRA. Los empleadores no podrán expulsar, disciplinar, o discriminar de ningún modo a un empleado que legalmente hace uso de su derecho a licencia laboral pagada o a extensión de licencia familiar y por enfermedad bajo FFCRA, presenta una queja, o inicia un procedimiento bajo o relativo a esta Ley. Los empleadores que violen las provisiones de la FFCRA serán objeto de multas y medidas de cumplimiento por la WHD.



DIVISION DE HORAS Y SALARIOS
DEPARTAMENTO DE TRABAJO DE ESTADOS UNIDOS

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o para presentar una queja:
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