

## ***New Legislation Amending the FMLA and Providing Paid Sick Leave***

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Safety and Health Act (OSHA) defense.

### **LEGISLATION PASSED BY SENATE 3/18/20**

Two new leave provisions have passed both the House and Senate and has been signed by the President for signature. Both are effective April 2, 2020, and expire 12/31/20.

### **EMERGENCY PAID SICK LEAVE ACT**

Provides covered employees with 80 hours paid sick leave if:

- Employee is diagnosed with Covid-19;
- Employee is experiencing symptoms of virus and needs to be tested or treated;
- Public official or health care provider determines employee's presence at work creates a risk to other workers because he has been exposed, or exhibits symptoms;
- To care for a family member for any of the above reasons; or
- To care for a child whose school or place of care has closed, or whose care provider is unavailable due to coronavirus.

**NOTE:** Employee is eligible for benefit from first day of employment.

Applies to all Employers with less than 500 employees.

### **AMENDMENT TO FAMILY & MEDICAL LEAVE ACT (FMLA)**

Provides covered employees with 12 weeks paid FMLA leave for public health emergency reasons after the first 10 days of leave, which are unpaid. Such reasons for leave are:

- Comply with recommendation or order of public official or health care provider that presence at work would create a risk to health of others because of exposure or symptoms and employee cannot perform job and comply with order or recommendation;
- Care for a family member when a public official or health care provider that presence at work would create a risk to health of others in community because of exposure or symptoms;
- Care for child under 18 when school is closed or childcare provider is unavailable due to public health emergency.

Employee is to be paid not less than 2/3 regular rate of pay for normal schedule (even if part-time).

Employee must be reinstated after leave unless employer has less than 25 employees and economic conditions caused by the public health crisis result in elimination of position.

**NOTE:** Employee eligible for benefit when employed for 30 days.

Applies to all Employers with less than 500 employees.

**FINALLY:** EMPLOYERS COMPLYING WITH THESE REQUIREMENTS WILL RECEIVE A TAX CREDIT FOR 100% OF THE WAGES PAID PURSUANT TO THESE PROVISIONS.

**Disclaimer:** *This article is intended to provide you with general information regarding the impact of a potential or actual coronavirus pandemic. The contents of this article are not intended to provide specific legal advice.* For more information, please contact [Angelo Filippi](#), [afilippi@kklaw.com](mailto:afilippi@kklaw.com) or TEXT, 954-281-9244.