

Families First Coronavirus Response Act

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What is the Families First Coronavirus Response Act and how does it affect community associations with employees?

Signed into law on March 18, 2020, the Families First Coronavirus Response Act (FFCRA) provides, among other things, paid sick leave and expanded paid leave under the Family and Medical Leave Act (FMLA). FFCRA takes effect April 2, 2020.

Which private employers are covered under FFCRA?

All private employers with fewer than 500 employees. This would include association employers that have fewer than 500 employees.

Does FFCRA apply to both full and part-time employees?

Yes. FFCRA provides paid sick leave of up to 80 hours for full time employees and provides part-time employees with paid sick leave equal to the number of hours the employee works on average over a 2-week period.

When can an employee take paid leave under FFCRA?

For employees taking paid sick leave, such leave shall be available for immediate use regardless of the length of employment.

For employees taking expanded leave under the FMLA, the employees must have worked for an employer for at least 30 calendar days.

How much pay does an employee receive who is taking paid sick leave?

For employees taking paid sick leave because they have been diagnosed with COVID-19, experiencing symptoms and seeking a diagnosis, experiencing symptoms substantially similar to those exhibited by COVID-19 or who are quarantined are entitled to a maximum of \$511 per day or \$5,110 in total.

For employees taking paid sick leave to care for a family member who is sick or quarantined or to care for a child whose school or place of care is closed are entitled to a maximum of \$200 per day or \$2,000 in total.

Does an association employer have to provide leave for an employee to care for a child who is not sick?

Yes. FFCRA requires up to 12 weeks of paid leave to care for a child under 18 years of age if the child's school or place of care has been closed. It does not matter whether the child is sick. The first 10 days of leave are unpaid, but the employee can use any accrued paid leave during that time. The remainder of the leave is paid at 2/3 of the employee's regular rate of pay, not to exceed \$200 per day or \$10,000 in total.

Is there any relief for association employers with less than 50 employees?

Presently, no, but the Secretary of Labor under FFCRA has the authority to exempt small businesses with fewer than 50 employees when compliance with FFCRA would jeopardize the viability of the business.

Are there any tax benefits for an association employer who provides leave under FCCRA?

Yes. Employers who pay leave under FFCRA will be reimbursed through a payroll tax credit.

Are there any penalties for non-compliance with FFCRA?

Yes. It is unlawful for an employer to retaliate against an employee who takes paid sick leave in accordance with FFCRA or who files a complaint under FFCRA. The penalties are similar to those provided for under the Fair Labor Standards Act which generally provides for lost wages, liquidated damages and attorneys' fees and costs to a prevailing employee.