

Emergency FMLA ("E-FMLA") and Emergency Paid Sick Leave ("E-PSL") under the FFCRA

Who decided that Employee should not come to work?

Employer

Employee

Jobsite closed for lack of work or due to state "stay-in-place" order.

Lays off EEs for lack of work or because of a state stay-in-place order.

Sends EE home because of cough, fever, etc.

EE is scared of contracting COVID-19 and refuses to come to work

EE is sick with symptoms of COVID-19

EE has been advised to stay home

EE is caring for someone else.

Can the employee telework?

No E-PSL or E-FMLA. EE should apply for UI.

Is the employee seeking a medical diagnosis for COVID-19?

No E-PSL or E-FMLA. EE may use existing PTO.

Has the cared-for person been advised by a health care provider to self-quarantine or is the person subject to a governmental isolation order?

No

Yes

No

Yes

No

Yes

No

Yes

No

Yes

No

Yes

Yes, the EE can use up to **80 hours** of **E-PSL** as long as the employee could perform work "but for" the advice of the health care provider or governmental order.
Paid at "regular rate," up to \$511 per day

No

Yes

Yes, the EE can use up to **80 hours** of **E-PSL** and/or up to **12 weeks** (10 paid) of **E-FMLA** to care for their child. The employee must actually be caring for the child and another suitable individual is not available (e.g., co-parent, co-guardian, or usual child-care provider).
Paid at 2/3 of "regular rate, up to \$200 per day.
E-FMLA pays after 2 wks, up to 10 wks (\$10,000 total)