

Summary of Federal and State Employment Laws on Coronavirus

Federal Families First Coronavirus Response Act (FFCRA)				
<i>Relevant Sections</i>	<i>Applies to</i>	<i>Qualifying Reasons for Leave</i>	<i>Possible Duration of Leave</i>	<i>Compensation</i>
Emergency Family and Medical Leave Expansion Act (aka "expanded FMLA leave")	Public and private employers with less than 500 employees (with possible exemptions for employers of less than 50 and certain governmental employers) Those employed for 30 days or more are eligible for up to 10 weeks of expanded paid FMLA leave beyond Emergency Paid Sick Leave	Unable to work due to caring for employee's child whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19	For reason (5) listed to the left; a full-time employee is eligible for up to 12 weeks of leave (2 weeks of emergency paid sick leave followed by up to 10 weeks of paid expanded FMLA leave) at 40 hours a week, and a part-time employee is eligible pro-rated amount	First 10 days may be unpaid and employees may elect to substitute their accrued vacation, personal, medical, or sick leave for that period; thereafter, employees are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day over a 12-week period (qualifying reason (5) for leave)
Emergency Paid Sick Leave Act	Public and private employers with less than 500 employees (with possible exemptions for employers of less than 50 and certain governmental employers) All employees are covered for 2 weeks of Emergency Paid Sick Leave for qualifying reasons	Unable to work (or unable to telework) because employee's: (1) subject to a Federal, State, or local quarantine/isolation order related to COVID; (2) advised by a health care provider to self-quarantine related to COVID; (3) experiencing COVID symptoms and is seeking medical diagnosis; (4) caring for an individual subject to a quarantine/isolation order or self-quarantine; (5) caring for employee's child whose school or childcare is closed (or unavailable) due to COVID; or (6) experiencing any other substantially similar condition specified by the Secretary of HHS, in consultation with the Secretaries of Labor and Treasury.	For reasons (1)-(4) and (6) listed to the left; a full-time employee is eligible for 80 hours of leave, and a part-time employee is eligible for a pro-rated amount	For leave reasons (1), (2), or (3) listed left: either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day For leave reasons (4) or (6): employees entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day
Remember, employers cannot discriminate or retaliate against an employee who lawfully avails him/herself of this leave.				
Under the CARES Act, eligible employers who pay qualifying emergency sick or expanded FMLA leave will be able to retain an amount of the payroll taxes equal to the amount of qualifying sick and childcare leave that they paid. Check with your accountant for details/procedures.				

Coronavirus Aid, Relief, and Economic Security Act (CARES Act)		
Relevant Sections	Applies to	Key Points for Employers to Understand
Expanded Unemployment Insurance	<p>Any individual lawfully eligible to receive unemployment benefits under applicable state law. However, individual cannot apply for federal enhanced benefit if:</p> <ul style="list-style-type: none"> • he/she has ability to telework; or • he/she is receiving other coronavirus-related benefits, such as paid leave under the FFCRA. <p>Also covers any individual who: (1) is not otherwise eligible for -- or has exhausted all rights to -- unemployment benefits; and (2) is unemployed, partially unemployed, or unable to work because:</p> <ol style="list-style-type: none"> 1. Individual diagnosed with COVID-19 or experiencing symptoms of COVID-19 and is seeking a medical diagnosis; 2. Member of individual's household has been diagnosed with COVID-19; 3. Individual providing care for family member or household member who has been diagnosed with COVID-19; 4. Individual is primary caregiver for a child or other person in the household who unable to attend school or another facility that has been closed as a direct result of COVID-19 and "such school or facility care is required for the individual to work"; 5. Individual unable to reach place of employment because of quarantine imposed as a direct result of COVID-19; 6. Individual unable to reach place of employment because health care provider has advised the individual to self-quarantine due to COVID-19 concerns; 7. Individual was scheduled to begin employment and does not have a job or is unable to reach the job as a direct result of COVID-19; 8. Individual has become breadwinner or major support for a household because the head of household has died as a direct result of COVID-19; 9. Individual has been forced to quit a job as a direct result of COVID-19; or 10. Individual's place of employment is closed as a direct result of COVID-19. 	<p>Provides additional UI benefit of \$600 per week until July 31, 2020.</p> <p>Extends regular benefits for up to 39 weeks (which is typically 13 weeks beyond what states already allow). If those benefits accrue before the July 31, 2020 expiration, the employee will receive the additional \$600/week payment. If not, the employee will receive the regular state-determined UI payment.</p> <p>Except for the additional \$600/week benefit, the coverage of others not typically eligible for UI, and the extension to 39 weeks, a state unemployment insurance benefits law will remain in force (see summary below). In other words, if an employee does something to disqualify him/herself from state benefits, he/she will likely be disqualified for state and federal benefits.</p>
Paycheck Protection Program	Employers of fewer than 500 workers or fewer than the level set by the Small Business Administration (SBA) for the employer's industry. The evaluation of whether an entity qualifies is governed by 13 C.F.R. sections 121.103 and 121.301 and other technical guidance.	<p>New forgivable loan program to help employers pay their expenses—and avoid laying off workers—during this crisis</p> <p>Program provides loans of up to 250% of the employer's average monthly payroll costs (or 2.5 months), with a cap of \$10 million.</p> <p>To get the loans employers must certify that the employer:</p> <ol style="list-style-type: none"> 1. needs a loan to support its operations; 2. will use the loan to retain its workers, maintain payroll, or pay other qualifying expenses;

		<p>3. does not have another application for the same purpose pending; and 4. has not already received a loan covering the same period.</p> <p>Loans forgiven to the extent used for these purposes so long as employer maintains its workforce for the covered period: February 15, 2020, to June 30, 2020. If employer reduces its workforce during the covered period or reduces the salary or wages paid to an employee by more than 25%, the loan forgiveness will drop by the same percentage.</p> <p>In other words, if employer has already laid off employees or reduced salaries, the Act offers less loan forgiveness. But Act allows an employer to avoid any reduction if the employer rehires all employees laid off since February 15, 2020, or increases employees' previously reduced wages by no later than June 30, 2020.</p> <p>Any portion of the loan which is unforgiven comes with a low interest rate—4% or less.</p>
<p>CARES Act also includes various provisions (which you may want to explore with your accountant and/or tax attorney), such as:</p> <ul style="list-style-type: none"> • eligible employers can receive a 50-percent refundable payroll tax credit on the first \$10,000 of qualified wages (and health benefits) paid to an employee (or incurred) between March 13, 2020 and December 31, 2020. Depending on the number of its workers, employer may be eligible for the credit if: a) business had a virus-related total or partial shutdown, or b) gross receipts fell by 50% or more when compared to the same quarter in 2019. • disaster relief loans; • “coronavirus related distribution,” which, under certain criteria, entitles an individual to withdraw money from an eligible retirement plan; • waiving minimum required distributions for 2020 for certain benefit plans; and • delaying minimum required contributions to certain single employer benefit plans that would otherwise be due in 2020, to January 1, 2021. <p>** Remember, the existing Family and Medical Leave Act (FMLA), federal Worker Adjustment and Retraining Notification (“WARN”) Act, the Occupational Safety and Health Act and the Americans with Disabilities Act (ADA) also provide protections for employees, their absences and the confidentiality of employees’ medical information.**</p>		

STATE LAWS						
	COVID-Specific Employment Laws	Paid Sick Leave	Family Leave	Unemployment Benefits	Disability Benefits	Other
New Jersey	<p>New law prohibits an employer, during Public Health Emergency, from terminating or refusing to reinstate an employee if employee requests or takes time off from work based on a written or electronically transmitted recommendation from a medical professional licensed in NJ that employee take time off work for a specified period of time because the employee has, or is likely to have, an infectious disease which may infect others at the employee's workplace</p> <p>If employer violates these provisions, affected employee may file a complaint with the Comm. of Labor and Workforce Development or initiate a court action. If employer is found to be in violation, comm. or the court is required to order reinstatement of employee and fine employer \$2,500</p>	<p>All employees (including full time, part time, and seasonal) must be paid one hour of sick leave (at regular rate of pay) for every 30 hours worked, up to 40 hours per year.</p> <p>Employees are entitled to use their accrued paid sick leave for:</p> <ul style="list-style-type: none"> Time not able to work because of a closure of workplace, or the school or employee's childcare provider, by order of a public official due to an epidemic or other public health emergency, or because of the issuance by a public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others. Time needed for diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other 	<p>Family Leave Act Employees entitled to job-guaranteed, unpaid family leave of 12 weeks in any 24-month period upon advance notice to their employer. (While unpaid under this law, employee may receive compensation under the Family Leave Insurance below.)</p> <p>"Family leave" means leave from employment so that the employee may provide care to a family member who has a serious health condition. "Serious health condition" now includes illness caused by an epidemic of a communicable disease, known or suspected exposure to a communicable disease, or efforts to prevent the spread of a communicable disease. The usual seven-day waiting period for benefit eligibility for epidemic-related benefits has been waived.</p> <p>If the same criteria would entitle employee to federal FMLA the two leaves would run concurrently. Otherwise, the employee would be eligible for both leaves.</p> <p>Family Leave Insurance All employees eligible for New Jersey Unemployment Compensation Law are covered by Family Leave Insurance.</p>	<p>Maximum benefit amount depends on how much money employee earned in base period. Currently, 60% of average wages, up to maximum benefit of \$713/week, for up to 26 weeks.</p> <p>There is no waiting period.</p> <p>Employees disqualified from benefits if they voluntarily leave their employment without good cause, commit misconduct, or fail to apply for or to accept suitable work.</p> <p>If an employee has regular hours of work reduced, employee could be eligible for reduced unemployment insurance benefits. To be eligible for partial unemployment benefits, the employee cannot work more than 80% of the hours normally worked.</p>	<p>Benefits are payable to an employee when they cannot work because of sickness or injury not caused by their job. (No waiting period for benefit eligibility for epidemic-related benefits. Otherwise, there is a seven-day waiting period.)</p> <p>Due to recent statutory change, employees are now eligible for Temporary Disability Benefits when they need leave for themselves or to care for a family member. During a public health emergency. (See discussion of Family Leave Act to the left.)</p>	<p>Shared Work Program Employers with more than 10 employees are eligible to apply to the Division of Employer Accounts to operate a shared work program. A shared work program stabilizes an employer's workforce during a period of economic disruption by permitting the sharing of the work remaining after a reduction in total hours of work. Shared work programs allow employers to avoid layoffs and retain their employees.</p> <p>Under an approved Shared Work program, workers who have their hours of work reduced may receive "short-time" unemployment benefits for the lost hours of work, while continuing to work at reduced hours with a continuation of their health insurance, pension coverage, and other benefits. "Short-time</p>

		<p>adverse health condition, or for preventive medical care for the employee;</p> <ul style="list-style-type: none"> Time needed for the employee to aid or care for a family member during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member <p>For earned sick leave of three or more consecutive days, an employer may require reasonable documentation that the leave is being taken for a permitted purpose.</p> <p>Employers may not discriminate or retaliate against an employee who requests or uses earned sick leave.</p>	<p>Family Leave Insurance provides benefits payable to an employee in order to compensate for wage loss suffered because employee needed to participate in providing care for a family member who has a serious health condition.</p> <p>Beginning July 1, 2020, law will allow up to 12 weeks of continuous family leave or 56 days of intermittent leave. Employees can apply for benefits to:</p> <ul style="list-style-type: none"> bond with a child within 12 months of the child's birth or placement by adoption or foster care. care for a family member with a serious health condition. Supporting documentation from a health care provider is mandatory. care for a victim of domestic violence or a sexually violent offence or for a victim's family member. <p>The weekly benefit rate for a Family Leave Insurance claim is based on employee's average weekly wage. The average weekly wage is generally based on how much earned in 8 weeks immediately before claim begins. For claims beginning January 1, 2018, the weekly benefit rate is two-thirds (2/3) of the average weekly wage, up to \$637 (will soon increase to \$881 per week)</p>			<p>benefits" are unemployment benefits payable to employees of an affected unit under an approved shared work program that are intended to be in lieu of layoffs and are distinguished from unemployment benefits otherwise payable under the New Jersey "unemployment compensation law,"</p>
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	COVID-Specific Employment Laws	Paid Sick Leave	Family Leave	Unemployment Benefits	Disability Benefits	Other
New York	<p>COVID-19 Sick Leave Law</p> <p>Signed and effective March 18, 2020.</p> <p>Applies to employees subject to any order of quarantine or isolation issued by the State of New York, the New York State Department of Health, a local board of health, or any other governmental entity authorized to issue such an order due to COVID-19 (in other words, if not subject to actual official order, not entitled to benefits).</p> <p>Benefits available:</p> <ul style="list-style-type: none"> Private sector employers with 10 or less and net income less than \$1 million. Required to provide job protection for duration of quarantine order. Affected employees may use paid family leave and disability benefits (short-term disability) for the period of quarantine, including wage replacement for their salaries up to \$150,000. Private sector employers with 11-99 employees, and employers with 10 or fewer employees with net income greater than \$1 million, must provide at least 5 days of paid 	<p>Permanent Paid Sick Leave</p> <p>Passed as part of the State Budget on April 2, 2020, but employees will not be eligible to begin taking the leave until January 1, 2021.</p> <p>This new sick leave law will provide:</p> <ul style="list-style-type: none"> For employers with 100 + Employees: At least 7 days of paid sick leave each calendar year For employers with 5 to 99 Employees: At least 5 days of paid sick leave each calendar year For employers with ≤ 4 Employees: At least 5 days of unpaid job-protected sick leave each calendar year <p>Under new law, employees will be able to use sick leave for themselves or family members for: a) diagnosis, care or treatment of an existing health care condition; b) obtaining preventive care; or c) seeking out assistance if a victim of domestic violence, a sexual offense, stalking or human trafficking.</p>	<p>Paid Family Leave (PFL)</p> <p>Private sector employees (and public sector employees whose employers have opted in) can get job-guaranteed, paid time off for the following reasons:</p> <ul style="list-style-type: none"> to bond with a newly-born, adopted or foster child; to care for a close relative with a serious health condition; or to assist when a family member is deployed abroad on active military service. <p>The law is being phased-in. In 2020, employees can take up to 10 weeks of PFL at 60% of employee's average weekly wage, up to a cap (60% of a statewide average weekly wage). In 2021, the final year of the phase-in, employees can take up to 12 weeks at 67% of employee's average weekly wage, up to a cap.</p> <p>Benefits must be maintained as though employee never took the leave.</p>	<p>Unemployment Benefits</p> <p>New York has waived the 7-day waiting period for employees to collect unemployment insurance benefits who are out of work due to COVID-19 closures or quarantines.</p> <p>The New York State Department of Labor (NYSDOL) determines weekly unemployment benefit amount by dividing employee's earnings for the highest paid quarter of the base period by 26, up to a maximum of \$504 per week.</p> <p>Employees disqualified from benefits if they voluntarily leave their employment without good cause, commit gross misconduct, or fail to apply for or to accept suitable work.</p> <p>Employees who work less than four days in a week and earn \$504 (gross wages) or less, may receive partial benefits.</p> <p>Employees are considered employed on any day when they perform any services - even an hour or less. Each day or part of a day of work causes an</p>	<p>Disability Benefits</p> <p>Employers are required to provide disability benefits coverage to employees for an off-the-job injury or illness.</p> <p>Disability benefits include cash payments only.</p> <p>Medical care is the responsibility of the employee. It is not paid for by the employer or insurance carrier. Cash benefits are 50 percent of a employee's average weekly wage, but no more than the maximum benefit allowed, currently \$170 per week.</p> <p>Benefits are paid for a maximum of 26 weeks of disability during 52 consecutive weeks.</p>	<p>Shared Work Program</p> <p>The "Program" is a voluntary program that an employer may apply to the New York State Department of Labor to participate in. The Program allows an employee to collect partial unemployment benefits when their employer reduces their hours or wages by 20% to 60%. Employees' partial unemployment benefits are connected to the percentage their hours and wages have been reduced, an example being if an employee's hours and wages have been reduced by 30% on a given week, they may receive 30% of their unemployment weekly benefit rate. The Program is beneficial to employers as they do not have to lay off employees when they have a downturn in business. The program is beneficial to employees because they avoid being laid off and supplement their</p>

	<p>sick leave and job protection for the duration of the quarantine order. Paid family leave and disability benefits (short-term disability) also available.</p> <ul style="list-style-type: none"> Private employers with 100 or more employees, as well as all public employers (regardless of number of employees), would be required to provide at least 14 days of paid sick leave and guarantee job protection for the duration of the quarantine order. PFL also available to private employers (not public unless opted in), SDI also available for private sector employees <p>To apply for these benefits, employee must submit to the employer's insurance carrier (1) appropriate DB/PFL form (available from State DOL website) and (2) the COVID-19 Order.</p> <p>Benefits not available for employees deemed asymptomatic or not yet diagnosed, and who is physically able to work while under the order of quarantine or isolation, whether through remote access or other similar means</p>			<p>employee's weekly benefit rate to drop by one-quarter:</p> <ul style="list-style-type: none"> 1 day of work = 3/4 of their full rate 2 days of work = 1/2 of their full rate 3 days of work = 1/4 of their full rate 4 days of work = No benefits due <p>If an employee works while receiving benefits and does not report it (even if it is part-time work) they may be committing fraud. Employees must report all full-time and part-time work to the Labor Department. If an employee does not report the work, they risk criminal penalties.</p>		<p>reduced hours/wages with partial unemployment benefits.</p>
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	COVID-Specific Employment Laws	Paid Sick Leave	Family Leave	Unemployment Benefits	Disability Benefits	Other
Pennsylvania	No laws yet enacted.	There is no state law requiring it. However, Philadelphia and Pittsburgh have passed their own local laws on paid sick leave.	There is no state law requiring it.	<p>The 7-day waiting period requirement has been suspended for employees to collect unemployment compensation benefits.</p> <p>The weekly benefit amount will be about 50% of employee's average weekly wages, subject to a weekly maximum of \$573. Benefits are available for up to 26 weeks.</p> <p>Employees may file for unemployment compensation if:</p> <ul style="list-style-type: none"> • their hours are reduced due to COVID-19; • they are temporarily laid off due to a business downturn or closure as a result of COVID-19; • they have been told not to work because their employer feels the employee might get or spread COVID-19; • they have been told to quarantine or self-isolate, or live/work in a county under government-recommended mitigation efforts <p>When an employee works less than his/her full-time hours through</p>	There are no mandated short-term disability benefits available. Employees must apply for SSDI.	<p>Shared Work Program</p> <p>A Shared-Work plan allows an employer to temporarily reduce the work hours of a group of employees and divide the available hours equally rather than laying off any employees.</p> <p>Employees covered by a Shared-Work plan receive a percentage of their Unemployment Compensation Weekly Benefit Amount, while they work the reduced schedule, if they are otherwise eligible for Unemployment Compensation.</p>

				<p>no fault of his/her own, the employee may be potentially eligible to receive full or partial benefits, depending on his gross earnings and Partial Benefit Credit (PBC). An employee's PBC is the amount equal to 30 percent of his Weekly Benefit Rate.</p> <p>Employees are disqualified from receiving benefits under the following circumstances:</p> <ul style="list-style-type: none"> • voluntarily quit job without cause of a necessitous and compelling nature • discharged or suspended for willful misconduct or because employee failed to submit to and/or pass a drug or alcohol test. • participate in a work stoppage determined to be a strike 		
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