



HR-6201 Emergency Paid Sick Leave Act, Division E

Sec. 5102 Paid sick time requirement

(a) Requires employers to provide each employee paid sick time to the extent that the employee is unable to work (or telework) because:

- (1) Employee is subject to Federal, State, or local quarantine or isolation order related to COVID-19
- (2) Employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19
- (3) Employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis
- (4) Employee is caring for an individual who is subject to an order as described in (1) or has been advised as described in (2)
- (5) Employee is caring for a son or daughter because place of care has been closed or childcare provider is unavailable due to COVID-19 precautions
- (6) Employee is experiencing any substantially similar condition specified by the Secretary of Health and Human Services (in consultation with the Secretary of the Treasury and the Secretary of Labor)

Employers may elect to exclude health care providers or emergency responders from these provisions

(b) Duration of Paid Sick Time

In general, employees are entitled to paid sick leave as follows:

Full time employees = 80 hours

Part time employees = hours equal to the number of hours the employee work on average over a 2-week period

(The law does not provide guidance on how to select 2-week period)

There is no carryover of hours from one year to the next

(c) Termination of Paid Sick Time

Paid sick time for an employee under this Act shall cease beginning with the employee's next scheduled work shift immediately following the termination of the need for sick leave

(d) Prohibition on Requiring Employees to Find Replacement

An employer may not require, as a condition of providing paid sick leave, that an employee to search for or find a replacement employee to cover the hours during which the employee is using paid sick time

(e) Use of Paid Sick Time

Paid sick time is available for immediate use without minimum length of employment requirement

Employees may first use the paid sick time for purposes described in this Act

Employers may not require an employee to use other paid leave accruals provided by the employer to the employee before using the paid sick time provided in this Act

Sec. 5103 Provide Notice to Employees

Employer's must post and keep posted (in conspicuous places where notices are customarily posted), a notice to be prepared or approved by the Secretary of Labor, of the requirements of this Act. (Notice to be provide by DOL within 7 days after the enactment of this Act.)

Sec. 5104 Prohibited Acts

Employers may not discharge, discipline, or discriminate against an employee who:

Takes leave in accordance with this Act; and

Has filed a complaint or other proceeding under or related to this Act or has testified/will testify in any such proceeding

Sec. 5105 Enforcement

Unpaid Sick Leave - an employer who violates section 5102 shall:

- (1) Be considered to have failed to pay minimum wages in violation of the FLSA
- (2) Be subject to the penalties described in the FLSA

Unlawful Termination - an employer who willfully violates section 5104 shall:

- (1) be considered in violation of section 15(a)(3) of the FLSA of 1938, and;
- (2) be subject to the penalties described in sections 16 and 17 of such Act

Sec. 5107 Maintenance of rights/benefits

Employees maintain all rights or benefits currently entitled to under Federal, State, or local laws, collective bargaining agreements, and existing employer policies.
Employees may not be required to reimburse an employer upon employee's termination, resignation, retirement, or other separation for use of paid time under this Act that has not been used by such employee.

Sec. 5108 Effective Date – Not later than April 2, 2020

Sec. 5109 Sunset Date - December 31, 2020

Sec. 5110 Definitions

Sec. 5110(1) Generally, all employers with less than 500 employees are covered by the law. All public agencies with one (1) or more employees are also covered.

Sec. 5110(5) Required Payments

Condition	Required Compensation
<ul style="list-style-type: none"> Employee under quarantine order Employee advised to self-quarantine Employee experiencing symptoms 	Regular FLSA rate of pay x Normal Scheduled Hours Maximum of: \$511/day and \$5,110 in aggregate
<ul style="list-style-type: none"> Caring for an individual who is under quarantine order Caring for individual who has been advised to self-quarantine Caring for a son or daughter if school/day care is unavailable Employee experiencing a similar condition or situation	2/3's of Regular FLSA rate of pay x Normal Scheduled Hours Maximum of: \$200/day and \$2,000 in aggregate
Employees with Variable Schedules	Regular FLSA rate of pay x average # of hours employee was schedule to work over previous 6 month period (subject to the maximums above); or If employee did not work during the 6 month period, the average number of hours per day the employee would normally have been scheduled to work

Subject to:

- Employee's regular rate of pay as defined by section 7(e) of the FLSA
- Minimum wage rate in effect under section 6(a)(1) of the FLSA
- Minimum wage in effect in the State or locality, whichever is greater

Sec. 5111 Potential Exclusions

Secretary of Labor shall have the right to:

- exclude certain health care providers and emergency responders from the definition of employee under Section 5110 by allowing the employer to opt out
- to exempt small businesses with fewer than 50 employees from the requirements of section 5102 (a)(5) if the imposition of such requirements would jeopardize the viability of the business