



H.R. 6201: Employer Requirements

March 30, 2020

Jeff Scott, Esq.
FMA General Counsel

On March 14, 2020, the House of Representatives voted 363-40 to pass H.R. 6201: Families First Coronavirus Response Act. The Senate took the bill up on March 18th and passed the bill on a 90-8 vote. President Trump signed the bill on the same day.

What Does This Bill Mean For Your Practice?

If you are an employer with fewer than 500 employees, you are required under H.R. 6201 to provide certain additional benefits to your employees. Each employer will have to initially front the cost of the new benefits but will be fully reimbursed by the federal government within three months. These new benefits take effect on April 2, 2020 and expire on December 31, 2020.

What Are The New Benefits?

» Family Medical Leave Act

H.R. 6201 gives covered employees the right to take up to 12 weeks of job-protected leave under the Family and Medical

Leave Act (“FMLA”). Employees are entitled to pay for 10 of these weeks at no less than two-thirds of the employee’s usual rate of pay.

To be eligible, an employee must have been on the employer’s payroll for 30 days. An eligible employee may use emergency FMLA leave to take care of a son or daughter under 18 when their school or place of care has been closed, or their regular childcare provider is unavailable due to a public health emergency with respect to COVID-19.

The first 10 days of FMLA leave may be unpaid. An employee may choose to substitute accrued paid time off or sick leave for unpaid leave under the FMLA. After the first 10 days, leave will be paid at two-thirds of an employee’s regular rate of pay for the number of hours the employee would otherwise be scheduled to work. Such paid leave is not to exceed \$200 per day and \$10,000 in the aggregate.

Emergency leave under the FMLA is job-protected. The employer must return the employee to the same or equivalent

If you are an employer with fewer than 500 employees, you are required under H.R. 6201 to provide certain additional benefits to your employees.

position upon their return to work. This does not apply for employers with less than 25 employees when the position left no longer exists upon return due to economic conditions or other changes in operating conditions and the employer makes reasonable efforts to restore the employee to an equivalent position within a one-year period.

An employer of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the new FMLA provisions. Unless this election is made, or the Department of Labor issues regulations exempting health care workers and emergency responders, they are eligible for family leave under this bill.

» **Emergency Paid Sick Leave**

H.R. 6201 provides full-time employees with 2 weeks (80 hours) of paid sick leave for the following reasons:

- The employee is subject to a COVID-19 quarantine
- The employee has been advised by a health care provider to self-quarantine due to COVID-19 concerns
- The employee is experiences symptoms of COVID-19 and seeking a diagnosis
- The employee is caring for an individual who is quarantined or who has been advised to self-quarantine
- The employee is caring for their child if the child's school or place of care has been closed, or the care provider is unavailable, due to COVID-19 precautions
- The employee is experiencing any substantially similar condition specified by the federal government

Part-time employees are entitled to a number of hours of paid sick time equal to the number of hours the employee works, on average, over a 2-week period.

An employer may not condition the provision of paid sick time on the employee finding a replacement employee to cover the missed hours.

Paid sick time under this act is available regardless of how long the employee has been employed by the employer.

An employer may not require an employee to use other paid leave available before the employee uses the paid sick time under this act.

An employer may not discharge, discipline or in any manner discriminate against an employee that takes leave under this act.

Employers are required to post a conspicuous notice on the employer's premises of the requirements in this act.

Paid sick time shall be at the employee's regular rate of pay and is limited to \$511 per day and \$5,100 in the aggregate if the employee is using the leave because he or she is quarantined or seeking a diagnosis.

If the employee is taking the leave to care for another, paid sick time shall be 2/3 of the employee's regular rate of pay and shall not exceed \$200 per day and \$2,000 in the aggregate.

As with the FMLA, an employer may elect to exclude an employee who is a health care provider or an emergency responder from the paid sick leave provisions.

For the [text of H.R. 6201](#) [click here](#).

If you have any questions about how this act affects your practice, please contact the FMA General Counsel's office at legal@flmedical.org.