

NAVIGATING EMPLOYMENT LAW IN A PANDEMIC

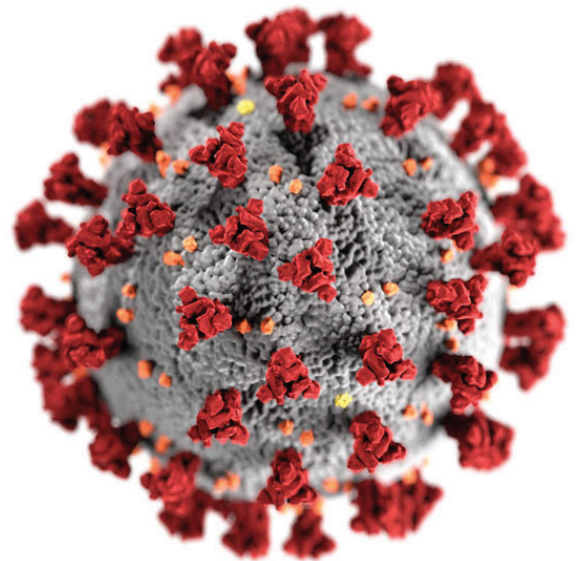
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CURRENT IMPACT

- 1,528,235 confirmed cases
- 91,664 deaths
- 124,000 schools closed (55.1M students)
- 22,833,000 unemployment claims
- 316,000,000 ordered to stay home



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NEW FEDERAL LAWS

- *Emergency Paid Sick Leave Act (EPSLA)*
- *Emergency Family Medical Leave Expansion Act (EFMLEA)*
- *Coronavirus Aid, Relief, and Economic Security Act (CARES Act)*



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OVERVIEW

- *EPSLA – 80 hours (total) prior to 12/31/20*
 - Hours used per schedule
 - Paid at regular rate or 2/3 regular rate
 - Part-time employees (<40 hrs/wk) prorated
- *EFMLEA – 12 weeks (total) prior to 12/31/20*
 - 1st 10 days unpaid unless pay benefits used
 - Remainder at 2/3 regular rate for regular hours
 - FML counts against EFML and *vice-versa*
- *Refundable tax credits for payments*



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EPSLA & EFMLEA – COVERAGE

- *All employers < 500 employees (FT/PT)*
- *Small business exemption (<50 employees)*
 - Leave would cause liabilities to exceed revenue and cease operations;
 - Leave would threaten business because of employee's special skill, knowledge, or duties; or
 - Leave would cause there to be insufficient workers to operate at minimal capacity



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EPSLA & EFMLEA – ELIGIBILITY

- *EPSLA – All employees (FT/PT)*
- *EFMLEA – All employees (FT/PT) w/ 30 days*
- *Exceptions*
 - Employers may exclude healthcare providers and emergency responders
 - OMB may exclude certain federal employees



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"Navigating Employment Law in a Pandemic"