

Emergency FMLA and Paid Sick Leave Chart

Understanding how and when FFCRA leave can be used

If This Happens	Employee Can Do This	Employer Must Do This	Why
School is closed because of COVID-19 and you need to stay home with your child	If you can't telecommute, you can stay home for up to 12 weeks	First 10 days are unpaid, but after that, you need to pay employees 2/3 of their pay (up to \$200 per day; \$10,000 total)	Emergency FMLA expansion added a new qualifying reason for school closures
		Apply paid sick leave for the first 80 hours (up to \$200 per day; \$10,000 total)	Emergency Paid Sick Leave Act, as applied to conditions of others
You used part of your FMLA leave earlier this year for other reasons, and now you must stay home with your child because of school closure	If you can't telecommute, you can stay home for what is left of your 12 weeks	As above, but limited to what is left of the 12 weeks	As above
You need to go on medical leave for 3 months due to a non-COVID-19 illness	You can take normal FMLA leave if you and your employer qualify under the previous FMLA rules	Provide unpaid leave under traditional FMLA rules, and protect the employee's job for when they return	Doesn't fall under the new qualifying reasons of the Emergency FMLA Expansion Act
You need to care for your elderly mother who is quarantined due to COVID-19	Claim up to 80 hours of paid sick leave for the hours you are unable to work or telecommute	Pay 2/3 of their pay for the entire period (up to \$200 per day; \$2,000 total)	Emergency Paid Sick Leave Act, as applied to conditions of others
You need to care for a friend or neighbor who is quarantined due to COVID-19	Claim up to 80 hours of paid sick leave for the hours you are unable to work or telecommute	Pay 2/3 of their pay for the entire period (up to \$200 per day; \$2,000 total)	Emergency Paid Sick Leave Act, as applied to conditions of others (doesn't require a family relationship)
You have to be quarantined due to having COVID-19 symptoms	Claim up to 80 hours of paid sick leave for the hours you are unable to work or telecommute	Pay regular pay for the entire period (up to \$511 per day; \$5,110 total)	Emergency Paid Sick Leave Act, as applied to condition of the employee
You may have come in contact with COVID-19 and your doctor has told you to self-quarantine	Claim up to 80 hours of paid sick leave for the hours you are unable to work or telecommute	If the employee can telecommute, you don't need to provide paid sick leave – you will provide regular wages instead. If the employee cannot telecommute, pay regular pay for the entire period (up to \$511 per day; \$5,110 total)	Emergency Paid Sick Leave Act, as applied to condition of the employee
Your state provides additional protections for the above situations	Get Federal and State protections	Meet Federal and State requirements	The more stringent/protective requirements apply