

Emergency Sick Pay Act - COVID-19

COVID-19 Paid Sick Leave Act is effective from April 2, 2020 and expires on December 31, 2020.

1. Emergency Family and Medical Leave Act (“FMLA”)
 - Employers Covered: The Act provides employees of employers with fewer than 500 employees with the right to take up to 12 weeks of job-protected leave under the Family and Medical Leave Act (“FMLA”).
 - How much leave is Paid? 10 of the 12 weeks are paid at a rate of no less than two-thirds of the employee’s usual rate of pay. (FMLA leave for all other purposes remains unpaid.)
 - Eligibility: To be eligible for paid leave, employees must have been on the employer’s payroll for only 30 days prior to the requested leave and may use emergency FMLA leave for ONLY the following reason:
 - To allow an employee, who is unable to work or telework, to care for the employee’s child (under 18 years of age) if the child’s school or place of care is closed or the childcare provider is unavailable due to a public health emergency.
2. Emergency Paid Sick Leave
 - Employers Covered: Employers with fewer than 500 employees will be required to provide full-time employees with 2 weeks (80 hours) of paid sick leave for the following reasons:
 - 1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID–19.
 - 2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID–19.
 - 3) The employee is experiencing symptoms of COVID–19 and seeking a medical diagnosis.
 - 4) The employee is caring for an individual who is subject to a federal, state or local quarantine or isolation order or advised by a health care provider to self-quarantine due to COVID-19.
 - 5) The employee is caring for a son or daughter if the school or place of care of the child has been closed, or the child-care provider of such son or daughter is unavailable, due to COVID–19 precautions.
 - 6) The employee is experiencing any other 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.

- Employees Covered: Both full-time and part-time employees are eligible for paid leave.
 - Full time employees will receive paid leave at their full regular rate of pay for reasons 1, 2, and 3, above, and 2/3 of their regular rate of pay for reasons 4 and 5.
 - For part-time employees or those with irregular hours, emergency paid sick leave will be calculated based on the number of hours the employee works on average over a 2-week period.
 - Sick leave payments to employees who have worked less than 6 months shall be calculated based on the average number of hours that the employee would regularly be scheduled to work.
 - The paid sick provisions state that unused paid sick leave does not carry over from one year to the next.

Capped Payments: The Act places a cap of \$511 per day (\$5,110 total) per employee who take leave for reasons (1), (2) and (3) above (own use) and \$200 per day (\$2,000 total) for reasons (4), (5), and (6) (caring for others). If you work for a company with less than 500 employees, you may be eligible for 10 additional weeks of sick pay if you have to take time off due to school closures (at a 66% pay rate, max \$200/day)

The Absence Plans can be created to track earnings and have these pay/service codes assigned to decrement. Or, these earnings can be tracked in payroll via pay codes (pay summary group).

The key would be looking at employee pay rates. On the pay code, there is nowhere to “limit” to a dollar amount per day. The simplest way to do this would be to create two pay codes for each type, Emergency FMLA (Employee) and Emergency Paid Sick Leave:

EFMLA (For Employee)

- Paid at the regular rate up to 511.00 per day (10-day limit)
- If the employee’s regular rate is 63.875 or higher, their limit is 511.00 per day.
- If the employee’s regular rate is lower than 63.875, they are paid at their regular rate per day; 10-day limit.
 - One pay code would be calculated as Normal Rate and Rate of 511.00 for employees that earn over the 63.875 threshold.
 - Calculation Type = R (Normal Rate)
 - Rate = 511.00
 - The second pay code would be calculated at the Normal Rate only-for employees with rates less than 63.875
- If the employee is Salaried – the 511.00 rate will only show as the rate; it will not multiply by the Hours field. So, for the system to offset (PR28) the hours, the time record should have the appropriate hours for each day, thus, there should be a time record for each date.
- If the employee is Hourly and earns more than the threshold, the 511.00 Rate Code will multiply by the Hours field – so the hours field would equate to days

EMERGENCY PAID SICK LEAVE (For Dependent Care)

- Employee is paid 2/3 of their normal rate up to 200.00 per day.
- If the employee's regular rate is 36.057 or higher, their limit is 200.00 per day
- If the employee's regular rate is less than 36.057, they are paid 2/3 of their regular rate

The pay code would be:

- One pay code would be calculated as Normal Rate and Rate of 200.00 for those over 36.057 pay rate
 - Calculation Type = R (Normal Rate)
 - Rate = 200.00
- The second pay code would be calculated at the Percentage Rate (with 66.6668 in Rate field)
- If the employee is SALARIED and their calculated hourly rate is below the threshold; for the system to offset, the Pay Code for Regular and the Pay Code for the Family Care must be the same calculation-Percent
- Keep in mind, for SALARIED employees, that regularly earn more than the limits, the system will offset at their rate of pay; the Pay codes created for Sick and Family will only pay as assigned.