



e-Alert

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The Emergency Coronavirus Bill – Updated March 16th

Background

On March 14, the US House of Representatives passed the “Families First Coronavirus Response Act” by a vote of 363-40. The bill now moves to the Senate and then, if passed, for signature by President Trump.

On March 16, the U.S. House of Representatives passed technical corrections to the coronavirus relief bill, called the Families First Coronavirus Response Act. The bill must also be passed by the Senate, and signed by the president, to become law.

Summary

Here's a rundown of what's included in the bill:

1. Free coronavirus testing

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- The bill calls for free testing for anyone whose doctor says a test is needed.
- Patients would not be responsible for any deductibles or copayments.
- The free testing would extend to those on Medicaid or Medicare.
- The bill provides a pathway for uninsured people to get free testing through federal coverage programs.

2. Expanded Family and Medical Leave

- The bill would expand the existing Family and Medical Leave Act (FMLA) for employees of private employers with fewer than 500 employees.
- Currently, the FMLA is unpaid for eligible employees. The bill would require partially paid leave in situations where an employee is unable to work or telework due to school or childcare closure related to coronavirus.
- This benefit would be available to individuals who have worked for their employer for at least 30 days.
- The bill would provide those who qualify with two-thirds of their average monthly earnings, with a cap of \$4,000, for up to 12 weeks. The benefits could be paid retroactively and would be available for those who had to leave work starting January 19, 2020 or later. The first two weeks of leave may be unpaid. The employee may, at his or her discretion, use accrued paid personal, vacation, or sick time during those first two weeks of leave.
- For any leave in excess of the initial two-week period that is taken for the above-referenced coronavirus-related reasons, employers must pay wages at a rate of no less than two-thirds of the employee's regular rate of pay.

3. Emergency Sick Leave

- In addition to expanding paid family leave, the bill would also establish a new paid sick leave program for private employers with less than 500 employees to grant 80 hours of paid sick leave that could be used by infected people, caretakers, and parents whose children's schools have been closed; compensation caps apply.
- Small businesses (defined as having 50 employees or less) would be reimbursed for providing the 14 days of additional paid sick leave.
- Paid sick leave would be available to employees regardless of their length of service with an employer.
- For employers who already provide paid sick leave, the additional leave made available under the bill should still be provided, and employers would not be allowed to make changes to their existing policies to avoid offering additional paid leave.
- Leave would be available to workers who:
 - Are or may be sick with COVID-19;
 - Have to care for a family member with the illness; or
 - Have a child whose school or childcare facility is closed (or whose childcare provider is unavailable) due to the illness.

4. Unemployment Assistance

- The bill would provide additional funds to states that experience a 10% increase in unemployment.
- States would be required to loosen eligibility requirements for unemployment, such as work-search requirements or waiting periods.

There are also provisions for food assistance as well as protection for health care workers. The bill would sunset Dec. 31, 2020.

Employer Next Steps

The House bill is expected to be considered by the Senate this week. We will continue to monitor this legislation, and report in more detail on any new law enacted. If you have any questions about this e-Alert, please email us.

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