

# CORONAVIRUS / COVID-19

Millions of American workers have been affected by the recent outbreak of coronavirus/COVID-19. Below is an overview of recently passed legislation, along with steps that each worker should take if they or a family member have been affected by the coronavirus outbreak.

## THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

**Paid Sick Leave:** The Emergency Pay Act applies to private employers with less than 500 employees and all public employers, and provides two weeks of paid sick leave for workers who have been impacted by the coronavirus. The act excludes healthcare providers, emergency responders, and some federal employees. Leave can also be used for quarantine, seeking a diagnosis for COVID-19, caring for a family member, or caring for a child due to school or childcare closure.

*Availability:* Emergency paid leave is available to all employees after April 1, 2020, without regard to length of employment. Full-time employees receive 80 hours of leave; part-time employees receive leave totaling their average hours over a two-week period. If not regularly scheduled, a part-time employee's two-week leave amount is based on a six month average.

*Rate of Pay:* Leave is paid at an employee's regular rate of pay, up to a maximum of \$511 per day or \$5,110 for two weeks. For employees who utilize leave in order to care for another who is quarantined or isolated, or to care for a child due to school or childcare closure, leave is paid at 2/3 an employee's regular rate of pay, up to a maximum of \$200 per day or \$2,000 for two weeks.

*FAQs:* Emergency sick leave is in addition to any pre-existing leave you may already have. Your employer cannot require you to use other leave before utilizing emergency paid sick leave in response to the coronavirus. Leave cannot be carried over to 2021.

**Emergency Family Medical Leave:** The FFCRA applies to private employers with less than 500 employees and all public employers, and amends the FMLA to provide up to 12 weeks of leave for employees who must care for a child under the age of eighteen whose school or daycare is closed due to the coronavirus. The act excludes healthcare providers, emergency responders, and some federal employees.

*Availability:* Employees must have been employed at least 30 calendar days.

*Rate of Pay:* The first 10 days is unpaid, but is expected to be paid through emergency sick leave. The remaining leave is paid at 2/3 of the employee's rate, up to \$200 per day and \$10,000 total.

*FAQs:* Leave counts towards an employee's regular 12-week allotment of FMLA leave.

## THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT

**Stimulus Payment:** Workers who filed a tax return will receive \$1,200 if they make less than \$75,000 (\$150,000 for couples) per year in adjusted gross income. Workers will receive an additional \$500 per dependent child.

*FAQs.* The \$1,200 amount is reduced by \$5 for every \$100 over the \$75,000 threshold, and phases out completely for an adjusted gross income over \$99,000 (\$198,000 for couples). The stimulus payment is considered a 2020 tax credit, paid in advance. It will not reduce what you would normally receive in your 2020 tax return, and will not be repaid.

*Example:* Worker's adjusted gross income is \$80,000, which is \$5,000 over the threshold. The benefit will be reduced by \$250. Worker will receive a \$950 benefit, plus an additional \$500 per dependent child.

*Example:* Worker and spouse have an adjusted gross income of \$160,000, with is \$10,000 over the threshold for couples. The benefit will be reduced by \$500. Worker and spouse will receive a \$1,900 benefit, plus an additional \$500 per dependent child.

**Unemployment Insurance:** The CARES Act has expanded eligibility for unemployment compensation; extends compensation an additional 13 weeks; and adds a flat \$600 weekly payment to all state benefits through July 31, 2020. Pennsylvania workers are now eligible for unemployment compensation the first week they are unemployed.

*Pandemic Unemployment Assistance (PUA):* Makes unemployment benefits available to a larger group of individuals.

*Pandemic Unemployment Compensation (PUC):* Adds a flat \$600 weekly benefit for new and existing claimants who receive state Unemployment Compensation through July 31, 2020.

*Pandemic Emergency Unemployment Compensation (PEUC):* Extends unemployment compensation benefits for an additional 13 weeks (extending Pennsylvania's unemployment benefit from 26 to 39 weeks).

# INFORMATION FOR AFFECTED WORKERS

*\*This material is offered for general informational purposes and should not be construed as legal advice. For specific advice on how you or a co-worker should respond to a personal scenario, please reach out to your union representative directly.*

## **1. You have COVID-19, or symptoms of COVID-19.**

*Emergency Paid Sick Leave:* Under the FFCRA, you are entitled to full paid sick leave for two weeks. Many cases of COVID-19 resolve within this initial two-week period.

*Accrued Sick Leave:* If your COVID-19-related absence continues beyond the expected two-week period, you can continue to use any remaining paid sick leave that you have accrued.

*Temporary Disability:* Should your COVID-19-related complications prevent you from returning to work, you may be eligible for temporary disability.

*FMLA:* Should your COVID-19-related complications prevent you from returning to work, FMLA protections will ensure that you still have a job once you are able to return to work.

*Workers Compensation:* If you can prove that you contracted coronavirus at work, you may be entitled to workers compensation benefits for your entire period of disability.

## **2. You were exposed to coronavirus during work and have been told to self-quarantine.**

*Emergency Paid Sick Leave:* Paid sick leave available under the FFCRA is designed to cover an employee's entire two-week quarantine period.

*Workers Compensation:* If you can prove that you were exposed to coronavirus at work, you may be entitled to workers compensation benefits for your entire period of disability.

## **3. You were exposed to coronavirus outside of the workplace and have been told to self-quarantine.**

*Emergency Paid Sick Leave:* Paid sick leave available under the FFCRA is designed to cover an employee's entire two-week quarantine period.

## **4. You are unable to work because your child's school or daycare was ordered closed.**

*Emergency Paid Sick Leave:* Paid sick leave may be available under the FFCRA, and is designed to cover the first two weeks of school or daycare closure.

*FMLA:* FMLA has been expanded to allow an employee to care for a child whose school or daycare was ordered closed as a result of the coronavirus. Employees electing to use

this type of leave are also entitled to compensation at 2/3 of the employee's rate, up to \$200 per day, \$10,000 total.

**5. You have been terminated, temporarily laid-off, or your shop was ordered closed by government order.**

*Unemployment Compensation:* You are immediately eligible for state unemployment benefits for up to 39 weeks. In addition to state unemployment compensation, you will receive a federal benefit of \$600 per week through July 31, 2020.

**6. You have lost hours due to a reduction in force caused by the coronavirus.**

*Unemployment Compensation:* You may be entitled to partial UC benefits. In addition to state unemployment compensation, you may receive a federal benefit of \$600 per week through July 31, 2020.

**7. You have been advised by a healthcare provider not to work because you are at greater risk due to a pre-existing health condition.\***

*Emergency Paid Sick Leave:* Paid sick leave available under the FFCRA is designed to cover an employee's entire two-week quarantine period. You may also be eligible to utilize FMLA to take additional leave.

*\*If you believe that a medical issue could interfere with your ability to continue your job, you must have a discussion with your doctor and employer to determine whether an accommodation can be made for you. As with any health condition, your employer is not permitted to discriminate against you based on any disability or perceived disability.*

**8. You are uncomfortable and/or afraid to go to work.**

Under certain circumstances, an employee can refuse to work where there is a reasonable fear for the employee's health and safety. What is considered reasonable is determined on a case-by-case basis. Some examples can include where an employee and/or the employee's family member is at an increased risk of coronavirus, where job conditions are unsafe or violate current safety regulations, or where one or more individuals at a jobsite have tested positive for coronavirus. Where you believe your health or safety is at risk, contact your union representative for further instruction.