

# Individual Rights and Protections under the Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid, Relief, and Economic Security (CARES) Act



# Agenda

- Welcome
- Emergency Paid Sick Days & Family Leave
- Unemployment Insurance
- Economic Impact Payments
- Practitioners' Perspectives
- Question & Answer

# Our Presenters

**Laura Narefsky**, Workplace Justice Fellow, National Women's Law Center

**Melissa Boteach**, Vice President for Income Security and Child Care, National Women's Law Center

**Amy Matsui**, Senior Counsel and Director of Income Security, National Women's Law Center

**Elizabeth Kristen**, Senior Staff Attorney and Director of Gender Equity & LGBTQ Rights Program, Legal Aid at Work

**Shelia R. Maddali**, Co-Director, National Legal Advocacy Network

# Emergency Paid Sick Days and Family Leave

## Emergency Paid Sick Days

- 2 weeks of job-protected leave (80-hours for full-time and two-week average for part-time)
  1. To comply with government-mandated quarantine or isolation order
  2. To self-quarantine following advice of a health care provider
  3. To obtain a medical diagnosis or care for COVID-19;
  4. To care for someone under reasons 1 or 2
  5. To care for a child whose school or child care provider is closed
- Full pay up to maximum of \$511 per day, \$5,110 total if caring for self; 2/3 regular rate of pay, up to \$200 per day, \$2,000 total if caring for someone else
- Employers with *less than 500 employees*
- Hardship exemption for small businesses (fewer than 50)
- Employees request sick days from their employer and refusals to provide sick days are considered violations under the FLSA

# Emergency Paid Sick Days and Family Leave

## Emergency Paid Family Leave

- 12 weeks of job-protected leave to employees who need to care for a child whose school or child care provider is closed
  - Reinstatement not required for employers with less than 25 employees if “reasonable efforts” are taken
- 2/3 regular rate of pay, up to a maximum of \$200 per day, or \$10,000 total (first two weeks may be unpaid)
- Exemptions for large employers (500) and small employers (50)
- Employers who refuse to provide paid leave may be subject to penalties under FMLA

# Unemployment Insurance

## Pandemic Unemployment Assistance (PUA)

- People who are unemployed or underemployed—including significant reduction in hours—because of COVID-19, but not eligible for traditional UI
  1. COVID-19 diagnosis or symptoms and seeking a medical diagnosis;
  2. A member of their household has been diagnosed with COVID-19;
  3. Providing care for a family member diagnosed with COVID-19;
  4. Primary caregiving responsibilities for child whose school or child care provider is closed
  5. Cannot reach their place of employment because of the quarantine;
  6. Self-quarantining under advisement of health care provider;
  7. Scheduled to start a job that is no longer available or that they cannot reach as a result of the health emergency;
  8. They became primary breadwinner after head of the household died from COVID-19;
  9. Had to quit their job as a direct result of COVID-19;
  10. Place of employment is closed
- Also applies to self-employed and independent contractors
- Eligible for up to 39 weeks of benefits

# Unemployment Insurance

## Pandemic Emergency Unemployment Compensation (PEUC)

- 13 weeks of additional benefits for individuals who exhausted their traditional UI after July 1, 2019
- Paid at the state's standard benefit rate
- Only applies to people who otherwise qualify for traditional UI

## Federal Pandemic Unemployment Compensation (FPUC)

- \$600 per week, paid out on a weekly basis, in addition to UI, extended PEUC benefits, or PUA benefits.

# Economic Impact Payments

- **\$1,200** payment for adults making less than \$75,000; payments reduced as income rises (up to \$99,000)
  - Maximum **\$2,400** for a couple that files taxes jointly
  - Additional **\$500** payment for each child under 17
- All household members must have SSN
- Direct deposit for people who filed 2018 or 2019 taxes and provided bank information to IRS *and* SS, SSI, RR retirement and veterans not claiming children
  - IRS has 2 online portals -- one for filers to provide bank or debit card information and one for non-filers to claim
  - IRS letter when payment processed
  - Reconcile any errors when filing 2020 taxes



# Practitioners' Perspectives

**LEGAL  
AID AT  
WORK**

**Elizabeth Kristen**, Senior Staff Attorney and Director of Gender Equity & LGBTQ Rights Program, Legal Aid at Work

**NLAN**

NATIONAL LEGAL  
ADVOCACY NETWORK

**Shelia R. Maddali**, Co-Director, National Legal Advocacy Network

# Question & Answer

# Thank You!

More information and additional resources are available at:

- **National Women's Law Center**  
[nwlc.org/coronavirus](https://nwlc.org/coronavirus)
- **Legal Aid At Work**  
[legalaidatwork.org/factsheet/coronavirus-faq/](https://legalaidatwork.org/factsheet/coronavirus-faq/) (*English, Spanish, Chinese, Vietnamese*)
- **National Employment Law Project**  
[nelp.org](https://nelp.org) (COVID-19 resources for unemployed and frontline workers)