



## U.S. House of Representatives Passes COVID-19 Legislation

On March 14, 2020, the U.S. House of Representatives passed the “Families First Coronavirus Response Act” (H.R. 6201), a bill that includes the Emergency Family and Medical Leave Expansion Act, the Emergency Paid Sick Leave Act, and the Emergency Unemployment Insurance Stabilization and Access Act of 2020.

It is important to note that this bill has not been enacted into law. The bill will be taken up by the Senate this week. It is unclear whether the Senate will approve, reject, or modify the bill. We will provide updates as further information becomes available.

The Emergency Family and Medical Leave Expansion Act would amend the Family and Medical Leave Act of 1993 (FMLA) by allowing employees of employers with fewer than 500 employees and government employers – who have been on the job for at least 30 days – with the right take up to 12 weeks of job-protected, FMLA leave to be used for any of the following reasons:

- To adhere to a requirement or recommendation to quarantine due to exposure to or symptoms of coronavirus;
- To care for an at-risk family member who is adhering to a requirement or recommendation to quarantine due to exposure to or symptoms of coronavirus; and
- To care for a child of an employee if the child’s school or place of care has been closed, or the child-care provider is unavailable, due to a coronavirus.

After the initial two weeks of leave, employers must pay employees on leave no less than two-thirds of the employee’s usual pay.

The Emergency Paid Sick Leave Act would also require employers with fewer than 500 employees and government employers to provide employees two weeks of paid sick leave, paid at the employee’s regular rate, to quarantine or seek a diagnosis or preventive care for coronavirus. Employees would be paid at two-thirds the employee’s regular rate to care for a family member for the same reasons or to care for a child whose school has closed, or childcare provider is unavailable, due to the coronavirus. Full-time employees are entitled to two weeks (80 hours) of leave, and part-time employees are entitled to the typical number of hours that they work in a typical two-week period.



The Secretary of Labor would have the authority to issue regulations to: (a) exclude certain health care providers and emergency responders from the list of employees eligible for leave; and (b) to exempt small businesses with fewer than 50 employees where the imposition of these requirements would jeopardize the viability of the business as a going concern.

The Emergency Unemployment Insurance Stabilization and Access Act of 2020 (“the UI Act”) amends the Social Security Act by allowing for \$1 billion in emergency grants to states in fiscal year 2020. \$500 million would be used to provide immediate additional funding to all states for staffing, technology, systems, and other administrative costs, so long as they met basic requirements about ensuring access to earned benefits for eligible workers.

\$500 million would be reserved for emergency grants to states which experienced at least a 10 percent increase in unemployment. Those states would be eligible to receive an additional grant, in the same amount as the initial grant, to assist with costs related to the unemployment spike, and would also be required to take steps to temporarily ease eligibility requirements that are limiting access to UI during the COVID-19 outbreak, like work search requirements, required waiting periods, and requirements to increase employer UI taxes if they have high layoff rates.

Ohio Lieutenant Governor Jon Husted announced on Sunday, March 15, that Governor Mike DeWine will execute an Executive Order regarding unemployment compensation to assist Ohio workers directly impacted by COVID-19. Pursuant to the Order, the state will broaden current state policy to provide that individuals quarantined by a health professional or by their employer are considered to be unemployed and will not be subject to the requirements to actively seek work during the period of this emergency. This also applies to companies that determine it is necessary to temporarily cease operations due to the current emergency. Under the Order, the usual one-week waiting period will be waived. Finally, the Ohio Department of Job and Family Services will waive employer penalties for late reporting and payments for the next quarter. Additional information on the implementation of this Order is available [here](#).

If you have questions, please contact a member of our Labor and Employment Law Practice Group.



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