

# D17 LEGAL BULLETIN

*Advice for Guardians of the Last Frontier*



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## **COVID-19 Series**

### **Expansion of Leave and Benefits**

#### **EXPANSION OF LEAVE AND OTHER EMPLOYEE BENEFITS IN RESPONSE TO COVID-19**

On March 18, 2020, President Trump signed into law the “Families First Coronavirus Response Act” to provide significant and immediate relief for those affected by COVID-19, including working families. Division C of the Act, the “Emergency Family and Medical Leave Expansion Act” requires employers to grant additional paid family and medical leave to employees unable to work because the school or child-care provider of the employee’s child is closed as a result of the public health emergency. Division E, called the Emergency Paid Sick Leave Act, provides extended sick leave for employees impacted by COVID-19. To avoid saddling these small businesses with unfunded mandates, Division G allows employers refundable tax credits in the amount of 100% of the amount paid for additional leave. Division F requires all private and public health care plans, including TRICARE and all civil service health plans, to pay for COVID-19 testing without any cost sharing requirement.

The Emergency Family and Medical Leave Expansion Act provides a limited amount of paid public health emergency leave through December 31, 2020. After ten days, the employee may take up to 12 weeks of leave paid at not less than two-thirds of the employee’s regular pay for the number of hours per week the employee normally works in order to care for his or her child during the public health emergency. The employer is not required to pay for the first ten days, but the employee may use accrued annual leave to cover that time. Compensation under the Emergency Family and Medical Leave Expansion Act is limited to \$200 per day and \$10,000 total.

For full-time employees unable to work due to effects of COVID-19, the Emergency Paid Sick Leave Act requires employers to provide up to 80 hours of paid sick time. The leave is available immediately for an employee who is subject to a governmental quarantine or isolation order, has been advised by a health-care provider to self-quarantine, is caring for an individual subject to governmental or self-quarantine, is caring for the employee's child because the child's school or child-care provider is closed, or is experiencing a substantially similar circumstance related to COVID-19. Because the daily compensation limits are higher than under the Emergency Family and Medical Leave Expansion Act, the employee may choose to take the paid sick time before other leave that may be available. Employers must pay the regular rate of pay up to \$511 per day, and \$5,110 in aggregate, for an employee who experiences symptoms of COVID-19 or is required or advised to self-quarantine; or \$200 per day, and \$2,000 in aggregate, for an employee who cares for the employee's child or other impacted person.

Both provisions became effective April 2, 2020, and expire December 31, 2020. As with all laws, this Act has some limitations and exceptions; contact a legal assistance attorney to find out if any of those exceptions or limitations apply to you.

**Legal Assistance is a free benefit available to active duty service members and their dependents and retirees and their dependents for all civil legal matters. Call the Legal Assistance office at (907) 487-5474 for an intake to start the process.**

**Need a D17 Legal Assistance Form? Visit our D17 Website at:**

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