

COVID-19 RELATED LEAVE FOR EMPLOYEES

Prepared by Damien Leonard, Legislative Counsel

April 3, 2020

	Employers Covered	Employees Covered	COVID-19 Related Reasons for Leave	Amount of Leave	Amount of Benefits	Comments
Emergency Paid Sick Leave Act (Federal)	<ul style="list-style-type: none"> • Private employers with fewer than 500 employees <ul style="list-style-type: none"> ○ Private employers with 50 or fewer employees may be eligible for an economic hardship exemption • Public employers with 1 or more employees 	<ul style="list-style-type: none"> • Most public and private sector employees <ul style="list-style-type: none"> ○ Employers may elect to exclude healthcare providers and emergency responders from coverage ○ State legislative employees are not covered 	<ul style="list-style-type: none"> • Quarantine of employee due to COVID-19 diagnosis • Medical care for symptoms of COVID-19 • Quarantine on recommendation of healthcare provider due to COVID-19 related concerns • To care for individual who is: <ul style="list-style-type: none"> ▪ Quarantined or isolated due to COVID-19 ▪ Advised to quarantine by healthcare provider • To care for child if school or childcare is closed or unavailable due to COVID-19 • Similar condition specified by Sec. of HHS in consultation with Sec. of Treasury and of Labor 	<ul style="list-style-type: none"> • FT employees are eligible for 80 hours of sick leave • PT employees are eligible for amount equal to avg hours worked in 2-week period 	<ul style="list-style-type: none"> • Leave for self is compensated at 100% of regular wage up to \$511/day • Leave to care for another individual is compensated at 2/3 of regular wage up to \$200/day 	<ul style="list-style-type: none"> • Leave is in addition to any employer-provided leave • Employer must permit employees to use this leave before any other accrued leave time • Expires on 12/31 and unused leave does not carry over into 2021
Earned Sick Time (VT)	<ul style="list-style-type: none"> • All 	<ul style="list-style-type: none"> • Employees working an average of at least 18 hours/week <ul style="list-style-type: none"> ○ Excludes following types of employees: <ul style="list-style-type: none"> ▪ Seasonal ▪ Federal ▪ Per diem ▪ Under 18 years of age 	<ul style="list-style-type: none"> • Own illness or medical care • Family member's illness or medical care • Closure of school or childcare 	<ul style="list-style-type: none"> • 40 hours for FT employees (or greater amount if provided by employer) • PT employees accrue at least 1 hour for every 52 hours worked 	<ul style="list-style-type: none"> • Leave is compensated at 100% of regular wage 	<ul style="list-style-type: none"> • Leave carries over from year to year • Employer can cap maximum amount that may be used at 40 hours per year • Employee may have used up some leave prior to COVID-19 outbreak

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Emergency FMLA Expansion Act (Federal)	<ul style="list-style-type: none"> Private employers with fewer than 500 employees Public employers with 1 or more employees <ul style="list-style-type: none"> Private employers with 50 or fewer employees may be eligible for an economic hardship exemption 	<ul style="list-style-type: none"> Most public and private sector employees who have been employed by their current employer for at least 30 days <ul style="list-style-type: none"> Employers may elect to exclude healthcare providers and emergency responders from coverage State legislative employees are not covered 	<ul style="list-style-type: none"> To care for child if school or childcare is closed or unavailable due to COVID-19 	<ul style="list-style-type: none"> Total of 12 weeks of leave <ul style="list-style-type: none"> First 10 days are unpaid Remaining 10 weeks are paid 	<ul style="list-style-type: none"> 2/3 of regular wage for number of hours employee would typically work up to \$200/day 	<ul style="list-style-type: none"> Job protection provisions do not apply to employers with fewer than 25 employees under certain circumstances May use any accrued paid leave for first 10 days Expires 12/31
Parental and Family Leave Act (VT)	<ul style="list-style-type: none"> Employers with at least 15 employees who work an average of 30 hours/week 	<ul style="list-style-type: none"> Employees who have worked an average of 30 hours/week for employer over a year 	<ul style="list-style-type: none"> Employee's serious illness Family member's serious illness 	<ul style="list-style-type: none"> 12 weeks 	<ul style="list-style-type: none"> Unpaid, but employee may use up to 6 weeks of accrued paid leave 	<ul style="list-style-type: none"> Employees' jobs are protected while on leave

COVID-19 RELATED UNEMPLOYMENT BENEFITS

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April 3, 2020

	Covered Individuals	COVID-19 Related Coverage	Benefit Length	Benefit Amount	Comments
Unemployment Insurance (VT)	<ul style="list-style-type: none"> Unemployed individuals who have earned sufficient wages in covered employment during their base period <ul style="list-style-type: none"> Base period is usually 4 of the last 5 completed calendar quarters 	<ul style="list-style-type: none"> Laid off because of COVID-19 related business closure Laid off or quit to isolate or quarantine <ul style="list-style-type: none"> Includes self-isolation because of high risk if exposed to or infected with COVID-19 Quit to care for or assist family member who is sick with COVID-19 or is isolating or quarantined Quit due to unreasonable risk of COVID-19 exposure or infection Quit because child's school or childcare is closed or unavailable 	<ul style="list-style-type: none"> Total of 39 weeks <ul style="list-style-type: none"> 26 weeks of regular benefits plus 13 weeks of extended benefits authorized by CARES Act 	<ul style="list-style-type: none"> Weekly benefit amount is approximately 57% of the employees average weekly wage during the 2 highest earning quarters in their base period Maximum of \$513/week 	
Pandemic Unemployment Insurance (Federal)	<ul style="list-style-type: none"> Unemployed individuals who are receiving unemployment compensation 	<ul style="list-style-type: none"> Individual is receiving unemployment compensation 	<ul style="list-style-type: none"> Available until 7/31/2020 	<ul style="list-style-type: none"> Additional \$600/week on top of State UI benefit 	<ul style="list-style-type: none"> Administered by Vermont DOL Federal government will reimburse State for benefits paid plus related administrative costs
Pandemic Unemployment Assistance (Federal)	<ul style="list-style-type: none"> Unemployed individuals who are self-employed, independent contractors, or otherwise ineligible for normal unemployment insurance benefits 	<ul style="list-style-type: none"> Able/available to work but cannot work because: <ul style="list-style-type: none"> Sick with COVID-19 Household member sick with COVID-19 Caring for a family member with COVID-19 Child's school or childcare is closed Quarantined Advised to self-quarantine Unable to start job due to COVID-19 Head of household died from COVID-19 Quit job because of COVID-19 Place of employment closed because of COVID-19 Additional criteria set by Sec. of Labor Cannot be able to telework or be receiving paid leave 	<ul style="list-style-type: none"> Up to 39 weeks 	<ul style="list-style-type: none"> State benefit of approximately 57% of average weekly earnings from prior tax year <ul style="list-style-type: none"> Max \$513/week Minimum of ½ of average weekly State UI benefit Additional \$600/week on top of State UI benefit through 7/31/2020 	<ul style="list-style-type: none"> Administered by Vermont DOL Federal government will reimburse State for benefits paid plus related administrative costs