Catalyst Center COVID-19 Resource Series
THE CARES ACT AND EMPLOYMENT

What Was Included in the CARES Act About Sick Leave and Family Leave?

The goal of this fact sheet is to provide Title V programs and allies with a summary of guidance in clear language in order to build understanding of key financing and coverage provisions during the COVID-19 emergency, support care coordination, benefits and coverage counseling, and aid in reducing the risk of family financial hardship.

The CARES Act became law on March 27, 2020. This $2.2 trillion package builds on two previous Congressional legislative efforts to address the health and economic impacts of the Coronavirus pandemic. The following are brief highlights of some of the employment-related provisions of the CARES Act that have implications for states, children and youth with special health care needs, their families, and providers.

Emergency Paid Sick Leave Act (Section 3602)
Private employers with fewer than 500 employees and public agencies are required to provide paid sick leave to employees who cannot work for the following reasons:
- A federal, state or local quarantine or isolation order related to COVID-19
- Advice of a health care provider to self-quarantine related to COVID-19 concerns
- Experiencing symptoms and seeking confirmation of a diagnosis of COVID-19
- Caring for an individual who is under a quarantine order or self-quarantine medical advice
- Caring for a child (under age 18 or over age 18 who is incapable of self-care because of a physical or mental disability) whose school or day care has closed, or whose child care provider is unavailable due to COVID-19-related reasons
- Experiencing similar conditions as specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor

Full-time employees meeting these criteria are entitled to up to 80 hours of paid sick leave. Part-time workers are entitled to up to the number of hours they work on average over a two-week period. Employers are prohibited from firing, disciplining, or discriminating against workers who take paid sick leave under the Emergency Paid Sick Leave Act.

Emergency Family and Medical Leave Expansion Act
This piece of the CARES Act expands on the existing Family Medical Leave Act, which allows for protected caregiving leave but is unpaid. Employers are required under this expansion to provide additional paid family and medical leave to employees who are unable to work because of a child's (one under age 18 or children over age 18 who are incapable of self-care because of a physical or mental disability) school or day care closing, or whose child care provider is unavailable due to the COVID-19 pandemic.

Employers with under 500 employees and public agencies must comply. An employee can take up to twelve weeks of leave, although the first two weeks are unpaid. The remaining weeks are paid at two-thirds of the employee's regular pay. Compensation is calculated using the number of hours an employee would have normally worked.