



Families First Coronavirus Response Act and the Church

On March 18, 2020, President Trump signed into law the Families First Coronavirus Response Act. The text of the legislation can be found here: <https://www.congress.gov/bill/116th-congress/house-bill/6201/text>. The bill takes effect April 2, 2020, and it will sunset on Dec. 31, 2020.

The legislation provides food and nutrition services, as well as meal allotments if a student's school is closed for at least 5 days for because of COVID-19. Your church may be asked to participate in assisting the schools in this or related process. As long as you are ensuring the protection of the community through social distancing, this is a great way for the church to be in ministry with its local schools. The law also expands SNAP waivers for low-income jobless workers. It also provides emergency grants to states for activities related to processing and paying unemployment insurance. Other sections of the bill directly impact employers, including churches.

Emergency Family and Medical Leave Expansion Act

The Emergency Family and Medical Leave Expansion Act (EFMLEA) expands the Family and Medical Leave Act of 1993 (FMLA) to permit individuals to take a total of 12 weeks of job-protected leave if they are unable to work or telework.

The expanded leave applies to all employees employed for at least 30 calendar days. It allows them to take the longer leave, and maintain their current position, for following reasons:

- (1) to comply with a requirement or recommendation to quarantine because the employee was exposed to or has symptoms of COVID-19;
- (2) to care for a family member that has received a recommendation to quarantine; or
- (3) to care for a minor child because of school or childcare closure due to COVID-19.

This applies to employers who employ fewer than 500 employees, including churches.

The EFMLEA provides both **paid and unpaid** leave. Unpaid leave related to COVID-19 is now available for the first 10 days of such leave. During this time, an employee can choose to substitute the first 10 days of unpaid leave with their accrued vacation, personal leave, or medical/sick leave. After the first 10 days, employers must provide paid leave, but not at full pay. Employers must pay at least two-thirds of an employee's regular rate of pay based on the number of hours the employee would normally work. For employees whose schedules vary, the number of hours is the average number of hours worked for the last 6 months. Paid leave should not exceed \$200 per day or \$10,000 in the aggregate.

This leave is job-protected; therefore, the employer must allow the employee to return to employment in the same or equivalent position, with some exceptions.

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Emergency Paid Sick Leave Act

The Emergency Paid Sick Leave Act (EPSLA) requires employers to provide two weeks of paid sick leave in certain situations. The employer must pay the employee their regular rate of pay unless the leave is used for the care of family members (then the rate of pay is two-thirds of the employee's regular rate of pay). Full-time employees are entitled to 80 hours of paid sick leave. Part-time employees are entitled to the average number of hours the employee works over a 2-week period.

Employers must provide paid sick leave immediately for all employees, regardless of how long the employee has been employed, if:

- (1) the employee has COVID-19 and must self-isolate;
- (2) the employee has symptoms of COVID-19 and must seek medical care or diagnosis;
- (3) the employee was exposed to COVID-19 or has symptoms of COVID-19;
- (4) the employee must care for a family member that has been exposed to COVID-19 or has symptoms of COVID-19; or
- (5) the employee must care for their child if the child's school or child care has been closed.

The EPSLA is mandatory for all private entities that employ between 1 and 499 employees. This leave is provided in addition to existing leave, and employers may not change existing leave or require employees to use other leave it provides outside of this EPSLA. All employers must post a notice that the Secretary of Labor will create. Employers cannot discriminate or retaliate against any employee that takes this leave. These posters, as with other posters required under the Fair Labor Standards Act may be obtained for free from the Department of Labor's website.

Conclusion

Both the EFMLEA and the EPSLA apply to churches in Missouri, and it is critical that churches extend these benefits to employees. There are numerous exceptions and complicating factors, so churches are encouraged to reach out to contact at the Conference with questions. Church employees simply laid off or furloughed because of financial constraints will not be covered by these new laws. Further, local church employees are not covered by state unemployment insurance benefits.