



Families First Coronavirus Response Act and the Church, Updated 3/26/20

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 1, 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 Paid Sick Leave Act

The Emergency Paid Sick Leave Act (EPSLA) requires employers to provide two weeks of paid sick leave to employees that are unable to work – either in person or remotely – 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 is subject to any federal, state, or local quarantine or isolation order related to COVID-19;
- (2) the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- (3) the employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- (4) the employee is caring for an individual who is subject to a quarantine order or advised to self-quarantine;
- (5) the employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the childcare provider of such son or daughter is unavailable, due to COVID-19 precautions; or
- (6) the employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Again, the EPSLA provides that paid sick leave only applies to employees who are unable to work or "telework" for the reasons listed above. If an employee is subject to a quarantine or isolation order but remains able to work remotely from home, then an employer is under no obligation to provide paid sick leave.



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.

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 due to the need to care for a son or daughter if their school has been closed or their child care provider is unavailable due to COVID-19..

The expanded leave applies to all employees employed for at least 30 calendar days. This applies to employers who employ fewer than 500 employees, including churches. Private employers with fewer than 50 employees may seek exemption from the Secretary of Labor for good cause when the requirements would jeopardize the viability of the business

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.

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.