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Legislative updates

COVID-19 has disrupted life in ways we couldn't have imagined just a few short weeks ago. In response, legislators and regulators at many levels of government have passed transitional measures to help those impacted by the pandemic.

Colonial Life is monitoring the regulatory and legislative environment very closely, and we are committed to keeping our clients updated on new developments impacting Colonial Life coverage. If you have any questions, please reach out directly to your Colonial Life agent. You can also contact us at service@coloniallife.com or 800-561-3082.

For your convenience, we have summarized some of the key provisions of COVID-19 legislation and how they may affect employers.

Families First Coronavirus Response Act (FFCRA)

Signed into law March 19, 2020

Effective April 1, 2020

The FFCRA is designed to help workers in the U.S. cope with COVID-19 pandemic. Of the law's many provisions, the sections that deal with family and medical leave may be of primary interest to our customers.

Emergency Family and Medical Leave Expansion Act

The Act temporarily expands the federal Family and Medical Leave Act (FMLA), through December 31, 2020. The expansion applies to all private employers with **fewer than 500 employees** and most public employers. Key things to know:

- **Additional qualifying reason for FMLA.** An employee is eligible for 12 weeks of job-protected FMLA leave if they are unable to work or telework and must care for their child under 18 because the child's school or childcare facility is closed, or their childcare provider is unavailable due to a public health emergency. Employees must have worked for their employer for at least 30 days to be eligible.
- **Paid leave component.** The expansion requires that 10 of the 12 weeks of job-protected leave also be paid. An employee can choose, but the employer cannot require, to use accrued earned time off during the first 10 days of leave, which are unpaid. After that, the employer must pay two-thirds of the employee's regular rate for the number of hours the employee would otherwise be scheduled, up to a maximum of \$200 per day, or \$10,000 total if the employee takes 10 full weeks of leave.
- **Exemptions.** Employers of health care providers and emergency responders may elect to exclude such employees from the provisions of this law.

Emergency Paid Sick Leave Act

The bill also requires some employers to provide employees with paid sick leave during the pandemic. It is also effective April 1 through December 31. Key things to know:

- **Applies to smaller employers.** The Act applies to private employers with **fewer than 500 employees** and most public employers.
- **Applies to employees who:**
 - Are subject to a federal, state or local quarantine or isolation order related to COVID-19
 - Were advised by a health care provider to self-quarantine due to COVID-19 concerns
 - Are experiencing COVID-19 symptoms and seeking medical diagnosis
 - Are caring for an individual subject to a federal, state or local quarantine or isolation order or advised by a health care provider to self-quarantine due to COVID-19 concerns
 - Are caring for their child, if the child's school or place of care is closed or the child's care provider is unavailable due to the public health emergency, or
 - Are 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
- **Requires employees to receive:**
 - Full-time employees: 80 hours paid leave.
 - Part-time employees: Prorated number of hours based on normal hours for two-week period.
- **Pay depends on reason for leave:**
 - First three reasons above: 100% of their regular rate of pay up to \$511 per day.
 - Other reasons above: Two-thirds of their regular rate of pay up to \$200 per day.
- **Other provisions:**
 - Employers must post a general notice, which will be released by the Secretary of Labor before the law goes into effect.
 - Employers of health care providers and emergency responders may elect to exclude such employees from the provisions of this law.
 - Employers may be able to receive federal tax credits as a form of reimbursement for sick leave benefits paid under this law.
Please consult your internal legal counsel or tax consultant to discuss your specific situation.

Coronavirus Aid, Relief, and Economic Security (CARES) Act

Signed into law March 27

Effective Immediately

The CARES Act is designed to minimize the economic impacts of the COVID-19 pandemic by providing financial and other support to individuals and businesses. See these helpful resources for more information:

- [Full details of the act.](#)
- [Overview of small business loan programs, including the Paycheck Protection Program.](#)
- [Programs available to all businesses.](#)