

Emergency Sick Leave under the FFCRA

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Reference Number:
MTAS-3011

Eligibility

ELIGIBLE EMPLOYEE—there is no elimination period for eligibility. An employee is eligible if employed during the period the Act is in effect, *if not excluded as an Emergency Responder or as one who provides, or supports the provision of, essential government functions.*

Leave Limits

An eligible employee may take up 80 hours (for a full-time employee, or for a part-time employee, the number of hours equal to the average number of hours that the employee works over a typical two-week period) of paid sick leave for any combination of qualifying reasons. However, the total number of hours for which you receive paid sick leave is capped at 80 hours under the Emergency Paid Sick Leave Act.

Qualifying Need

The term ‘qualifying need related to a public health emergency’, with respect to leave, means the employee is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.

Paid Leave

If the eligible employee is taking paid sick leave because he/she is unable to work or telework due to a need for leave because he/she (1) is subject to a Federal, State, or local quarantine or isolation order related to COVID-19; (2) has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or (3) is experiencing symptoms of COVID-19 and is seeking medical diagnosis, he/she will receive for each applicable hour the greater of:

- His/her regular rate of pay, (A part-time employee is entitled to leave for his or her average number of work hours in a two-week period.)
- the federal minimum wage in effect under the FLSA, or
- the applicable State or local minimum wage.

In these circumstances, he/she is entitled to a maximum of \$511 per day, or \$5,110 total over the entire paid sick leave period.

If he/she is taking paid sick leave because he/she is: (1) caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or an individual who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; (2) caring for his/her child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons; or (3) experiencing any other substantially-similar condition that may arise, as specified by the Secretary of Health and Human Services, he/she are entitled to compensation at 2/3 of the greater of the amounts above. Under these circumstances, he/she is subject to a maximum of \$200 per day, or \$2,000 over the entire two-week (80 hour) period.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

Source URL (retrieved on 03/07/2021 - 8:31pm): <https://www.mtas.tennessee.edu/reference/emergency-sick-leave-under-ffcra>

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