This guide provides information on:
- Families First Coronavirus Response Act (FFCRA)
- Emergency Paid Sick Leave Act
- Philadelphia Sick Leave Law
- Pittsburgh Paid Sick Days Act
- Unemployment Compensation

To say that we are living in unprecedented times in an understatement. In response to the current COVID-19 pandemic, Governor Tom Wolf has closed all Pennsylvania public schools, issued a statewide stay-at-home order, and closed all non-life-sustaining businesses, unless employees are able to work remotely.

While these orders are necessary to stem the spread of the coronavirus, they have left a lot of workers, families, and students unsettled. The federal government passed the Families First Coronavirus Response Act in an attempt to alleviate some of the pressures that the current pandemic is placing on workers. Below are some Frequently Asked Questions regarding available paid sick leave and unemployment compensation, as well as additional resources.

FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)

The FFCRA includes the Emergency Family and Medical Leave Expansion Act and the Emergency Paid Sick Leave Act. These laws are addressed individually below.

Emergency Family and Medical Leave Expansion Act

1. What type of leave does the Emergency Family Medical Leave Expansion Act provide for?
The Act provides for up to 12 weeks of paid leave for employees who are unable to work (or work remotely) and need to care for a minor child whose school or child care provider is closed or unavailable due to a public health emergency.

2. Who is eligible to take leave under this law?
Employees who have worked for a covered employer for at least 30 calendar days.

3. What employers are covered under the Act?
Employers with fewer than 500 employees and most public sector employers are covered under the Act. However, the DOL recommends that federal employees to seek guidance from their own
employer to determine their eligibility for leave under the Act. See DOL Q&A, Question 53. Moreover, the DOL allows small businesses with fewer than 50 employees to exempt themselves from providing paid leave to care for a child when the school or child care provider is unavailable when requiring them to do so jeopardizes the viability of the business. See DOL Q&A, Question 58. The DOL also has the authority to exclude health care providers and emergency responders from receiving this paid leave, including by allowing employers to opt them out. The DOL’s temporary rule explains that employers may exclude certain health care providers and emergency responders and broadly defines the meaning of each under the Act. See DOL Q&A, Questions 56-57.

4. When can employees use this leave?
Employees can use this leave from April 1, 2020 until December 31, 2020.

5. How much will employees get paid during their leave under the Emergency Family and Medical Leave Expansion Act?
Employers are not required to pay employees for the first ten (10) days of leave under the Act. However, employees may elect to substitute any accrued paid time off, such as vacation leave, personal leave, or medical or sick leave, if their employer does not pay them for the first ten (10) days of this leave.

Paid leave under the Act is calculated as follows:
- Employers must pay employees an amount that is not less than 2/3 of the employee’s regular rate of pay for the hours the employee would have worked otherwise.
- If an employee’s schedule varies from week to week to the extent that an employer is unable to determine with certainty the number of hours an employee would have worked, the employer shall calculate the employee’s pay based on the average number of hours that the employee was scheduled to work per day over the 6-month period ending on the date on which the employee takes leave.
- If an employee worked for the employer for less than six months, the pay calculated for sick leave will be based on reasonable expectations of the average hours they would be scheduled to work.
- The maximum amount of compensation for such leave is $200 per day and $10,000 in aggregate.

6. Can employers require employees to use other paid leave (such as vacation or paid time off (PTO)) before using leave under this law?
No. Employers cannot force employees to use vacation, PTO, or any other accrued annual leave before using leave under this law. However, as explained above, employers are not required to pay employees for the first 10 days of leave under the Act. During this time, employees may elect to use their accrued paid time.

7. How much notice and what documentation do employees have to give to their employer to take leave under the Act?
When the need for leave under this act is foreseeable, an employee shall provide the employer with such notice as is reasonably practicable. Employees must provide their employers with certain documentation to get paid sick leave under the Act. See DOL Q&A, Question 16.
8. **What happens if my employer refuses to provide me leave under this law?**

Your employer cannot interfere with, restrain, or deny your rights under the Act. If you believe that your employer is doing any of these things, you should immediately contact an employment lawyer or the U.S. Department of Labor’s Wage and Hour Division.

**Emergency Paid Sick Leave Act**

1. **What type of leave does the Emergency Paid Sick Leave Act provide for?**
The Act provides paid sick leave to essentially all employees for specific COVID-19-related reasons.

2. **Who is eligible to take leave under this law?**
All employees can use paid sick time under this act, *regardless of how long they have been employed by an employer*, for the following reasons:

   (1) The employee is subject to a 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 an order as described in subparagraph (1) above or has been advised as described in subparagraph (2) above.
   (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 child care provider of such son or daughter is unavailable, due to COVID-19 precautions;
   (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.

3. **What employers are covered under the Act?**
Essentially all employers with fewer than 500 employees, including public sector employers, are covered by the Act. However, the DOL allows small businesses with fewer than 50 employees to exempt themselves from providing paid leave when requiring them to do so jeopardizes the viability of the business. See [DOL Q&A](#), Question 58. The DOL also has the authority to exclude health care providers and emergency responders from receiving this paid leave, including by allowing employers to opt them out. The DOL’s temporary rule explains that employers may exclude certain health care providers and emergency responders and broadly defines the meaning of each under the Act. See [DOL Q&A](#), Questions 56-57.

4. **How much leave are employees entitled to under this law?**
For full-time employees, the Act provides for 80 hours of paid sick leave. For part-time employees, the Act provides the number of hours that an employee works, on average, over a two-week period.

5. **When can employees use this leave?**
Employees can use this leave from April 1, 2020 until December 31, 2020.

6. **How much will employees get paid during their leave under the Emergency Paid Sick Leave Act?**

   Employers are required to pay employees the greater of the following:
   - The employee’s regular rate of pay;
   - The minimum wage under the Fair Labor Standards Act; or
   - The minimum wage rate in effect for such employee in the applicable State or locality, whichever is greater, in which the employee is employed.

   However, if the employee is taking paid leave to care for family members, the employee’s required compensation is 2/3 of the amount described above.

   The law also contains certain pay rate caps:
   - For employees taking leave for the reasons outlined in subparagraphs (1), (2), and (3) outlined in Question 3, their pay cannot exceed $511 per day and $5,110 total.
   - For employees taking leave for the reasons outlined in subparagraphs (4), (5), and (6) outlined in Question 3, their pay cannot exceed $200 per day, and $2,000 in total.

7. **How much notice do employees have to give to their employer to take leave under the Act?**

   After the first workday an employee receives paid sick time under this Act, an employer may require an employee to follow reasonable notice procedures in order to continue receiving paid sick time. Employees must provide their employers with certain documentation to get paid sick leave under the Act. See [DOL Q&A](#), Question 16.

8. **What happens if my employer refuses to provide me leave under this law?**

   Your employer cannot discharge, discipline you, or otherwise discriminate against any employee takes leave under this Act, initiated a proceeding under the Act, or has testified or is about to testify in any such proceeding. If you believe that your employer is doing any of these things, you should immediately contact an employment lawyer or the U.S. Department of Labor’s Wage and Hour Division.

   Click [here](#) for more information about the FFCRA.

**PHILADELPHIA SICK LEAVE LAW**

Philadelphia’s Sick Leave Law provides employees who work at least 40 hours in the City of Philadelphia with sick leave. If an employer has 10 or more employees, it must provide paid sick leave to employees. Employers with 9 or fewer employees must provide unpaid sick leave. Employees can now use their sick leave law for COVID-19-related reasons. Specifically, employees can use sick leave for the following:

- Mandated business closures;
- Caring for children during school or childcare closures;
- Official quarantine and self-quarantine; and
- Illness and treatment of an employee or employee’s family member.
Click [here](#) for more information about the Philadelphia Sick Leave Law. Additional information can also be found [here](#).

**PITTSBURGH PAID SICK DAYS ACT**

Pittsburgh’s Paid Sick Days Act provides employees who work at least 35 hours in the City of Pittsburgh with paid sick days. If an employer has 15 or more employees, it must provide up to 40 hours of paid sick leave for employees. If an employer has fewer than 15 employees, it must provide up to 24 hours of paid sick leave. Sick leave under the ordinance can be used for several reasons, including the following:

- An employee’s mental or physical illness, injury, or health condition;
- Care of a family member’s mental or physical illness, injury, or health condition;
- Closure of the employee’s place of business by order of a public official due to a public health emergency or an employee’s need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for a family member when it has been determined by health professionals that the family member’s presence in the community would jeopardize the health of others.

Click [here](#) for more information about the Pittsburgh Paid Sick Days Act.

**UNEMPLOYMENT COMPENSATION**

1. **If my hours are reduced from full-time to part-time, will I still qualify for unemployment compensation?**

   Yes, assuming all other eligibility criteria are met. You can work part-time and earn up to 30 percent of your weekly benefit without having your wages affect your benefit amount. This is called a “partial benefit credit.” Any wages earned over your partial benefit credit will reduce your weekly benefits dollar-for-dollar. For more information, click [here](#).

2. **Am I eligible for unemployment compensation if I am laid off as a part-time employee?**

   Yes, assuming all other eligibility criteria are met.

3. **Am I eligible for unemployment compensation if I am self-employed, an independent contractor, or a gig worker?**

   Yes. The federal CARES Act provides unemployment compensation to individuals who are self-employed, independent contractors, or gig workers. For more information on how to file a claim, click [here](#).
4. What impact does the federal CARES Act have on my claim for benefits?

The federal CARES Act provides additional weeks of benefits for claimants and also increases the total weekly amount paid to claimants. Click here to calculate your weekly benefit rate.

5. Do I have to show that I am applying for work?

No. In light of COVID-19, claimants are not required to prove that they have applied for or searched for a new job to collect unemployment compensation benefits. Claimants are not required to register with Career Link, either.

6. Is there still a “waiting week” for unemployment compensation in Pennsylvania?

Prior to COVID-19, claimants could not collect unemployment compensation benefits for the first week that they were unemployed. This was called the “waiting week.” In light of COVID-19, Pennsylvania has temporarily suspended the “waiting week,” so claimants can collect benefits the first week that they are unemployed.

7. When will I begin receiving benefits?

Claimants typically begin receiving benefits 2-4 weeks after filing an initial claim. Benefits are issued either via a debit card or direct deposit.

8. How do I file an initial claim for unemployment compensation benefits?

The best way to apply for benefits is by filing an initial claim online. Click here for more information about recent changes to unemployment compensation in light of COVID-19. Answers to your questions can be found here.

ADDITIONAL RESOURCES

Click here for additional COVID-19 resources for immigrants.