

COVID-19: Can you and your coworkers stay home to follow health, quarantine, or childcare guidelines?

If you have concerns about the need for leave from work to protect health and safety, first review existing employer policies to understand what is currently available.

- If you are covered by a union contract, consult with your steward or local leaders for advice. Local unions can contact employers regarding COVID-19 issues and invoke the right to bargain over changes to schedules, attendance, or leave policies.
- If you are not covered by a union, you may still be covered by state or federal laws providing leave from work in some situations, and you have the legally protected right to talk with coworkers and collectively approach management to propose improvements.

Just a few examples of proactive emergency leave policies some unions and employers have pursued to respond to COVID-19 include:

- Eliminating requirements to use vacation or paid personal time for COVID-19 absences.
- Making emergency paid leave, remote work, or flexible hours immediately available for workers affected by COVID-19, including exposure, high risk due to pre-existing health conditions identified by the CDC, self-quarantine, or the need to care for children due to school or daycare closures.
- Waiving requirements for doctors' notes and suspending disciplinary action or attendance "occurrences" or "points" for absences related to COVID-19.
- Opening up access to all existing types of paid leave, including drawing leave in advance of accrual, drawing on donated leave, etc.
- Extra pay for affected workers, including for childcare expenses.

If you do not yet have paid leave or emergency leave available at your workplace:

- Some workers may be eligible to use existing access to unpaid Family and Medical Leave (FMLA) for COVID-19 but only *after* virus exposure or symptoms create a "serious health condition" for them or their child, spouse, or parent.
- Workers at greater risk due to a pre-existing health condition(s) may be entitled under the [Americans with Disabilities Act](#) to request a reasonable accommodation up to and potentially including leave from work or arrangements for telework/remote work.
- ***NEW FEDERAL PAID LEAVE*** Starting April 1, 2020 the Families First Coronavirus Act will provide some workers up to 80 hours of paid leave for COVID-19 related health or caregiving reasons, and up to 10 additional weeks of job-protected paid leave to care for children during school/daycare closures. See summary on next page for details.

This fact sheet is an addendum to the University of Iowa Labor Center's [Iowa Worker Rights Manual](#) addressing new challenges facing Iowa workers during the COVID-19 pandemic. *This information is provided as an educational service and does not constitute legal advice. Note that this page was last updated March 30, 2020, and additional changes to laws or guidelines may have since occurred.*

THE FAMILIES FIRST CORONAVIRUS ACT: Paid sick and family leave

→NOTE: This law takes effect April 1, 2020 and is scheduled to expire December 31, 2020

WHAT DOES THIS LAW REQUIRE EMPLOYERS TO DO?

PART I: Two weeks paid sick leave: Covered employers must provide workers with **two weeks (up to 80 hours) of emergency paid sick leave.**

- Sick leave is paid at full wage replacement to workers who are ill with coronavirus, in quarantine, or seeking diagnosis or preventive care related to coronavirus.
- Leave is paid at 2/3 wage replacement to workers who are caring for a family member for the same purposes as above, or caring for a child during school or daycare closures.
- Part-time workers are entitled to paid sick leave for the number of hours that they typically work over a two-week period.
- Workers cannot be required to use other available paid leave prior to accessing emergency paid leave under this law; other available leave must be made available *in addition* to the emergency paid leave.
- Leave is available starting April 1, 2020, to all workers at a covered employer.

PART II: Twelve weeks family leave: Covered employers must provide up to 12 weeks of job-protected **emergency paid leave to workers who are caring for a child during school or daycare closures.**

- The first two weeks of this type of leave are unpaid (so as not to overlap with emergency paid sick leave above). After the first two weeks, the up to remaining ten weeks are paid at 2/3 wage replacement.
- This leave is available to those having worked at least 30 calendar days for the employer.

WHICH EMPLOYERS ARE COVERED BY THIS LAW?

- Private employers with fewer than 500 employees
- Public agencies (federal agencies covered for paid sick leave only)
- Some employers with fewer than 50 employees may request exemptions if extending paid leave is deemed to threaten the viability of the business

WHAT TYPES OF WORKERS ARE NOT COVERED BY THIS LAW?

- Employers of health care workers or first responders may be able to exclude workers in those occupations from coverage
Federal employees are covered by the two weeks of paid sick leave but NOT the additional paid family leave in this act

WHAT ABOUT SELF-EMPLOYED OR INDEPENDENT CONTRACTORS?

- Some self-employed or “gig” workers can apply for a tax credit equal to the “sick leave equivalent amount” or “family leave equivalent amount” to replace wages lost on days they were unable to work due to reasons covered under this law.

ADDITIONAL INFORMATION

- This law provides private employers a tax credit equal to 100% of the wages paid to workers taking leave under this act; [click here for initial IRS guidance for employers.](#)
- This law prohibits employers from retaliating or discriminating against workers who use their legally guaranteed paid sick or family care leave.
- The US Department of Labor is responsible for implementing and enforcing this law and is regularly adding answers to [Frequently Asked Questions on this page.](#)

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