

Employer Options for Leave, Wages, and Benefits Based on COVID-19 Related Employee Circumstances

April 1, 2020

Employer Options for Leave, Wages, and Benefits Based on COVID-19 Related Employee Circumstances (Employers with fewer than 500 employees and public sector employers of any size)

	FFCRA Expanded FMLA	FFCRA Paid Sick Leave	Standard Unpaid FMLA	State/Local Paid Family and Sick Leaves	Short Term Disability Plans	State Disability Programs ¹	Benefits Continuation	Unemployment Insurance
Employee Hours Reduced but still Working	Not available ²	Not available ³	Not available	Not available	Not available	Not available	If the employee loses plan eligibility, offer COBRA. If not, benefits continue per applicable policy. See Alliant COVID-19 Compliance Guide for further discussion.	Possibly available depending on state law.
Employee Unable to Work⁴:								
<ul style="list-style-type: none"> To care for a child as a result of place of care or school closures, or child care provider unavailable 	Available if worked at least 30 calendar days for employer. 2/3 pay up to \$200/day and \$10,000/total.	Available regardless of days worked. 2/3 pay up to \$200/day and \$2000/total for 80 hours.	Not available	Most likely. Many states have existing or emergency provisions. Review 50 state chart here .	Not available	Not available	Benefits continue under expanded FMLA and PSL provisions	Not if receiving any paid leave

¹ We refer here to state wage replacement programs for an employee's own illness or disability, and not any family leave related component of such programs (e.g., California and New York). Those programs are addressed under state/local paid family and sick leave.

² If an employee is unable to telework their normal schedule of hours because the employee needs to care for a child whose school or place of care is close, the employer and employee may agree that the employee can take expanded family leave intermittently while teleworking.

³ Similar to FN 2, an employer and employee may agree to intermittent paid sick leave where an employee cannot telework the normal schedule of hours due to a qualifying Paid Sick Leave reason.

⁴ Assumes employee still employed

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<ul style="list-style-type: none"> Care for family member with COVID-19 illness 	Not available	Available regardless of days worked. 2/3 pay up to \$200/day and \$2000/total for 80 hours.	Possibly available if otherwise eligible and illness is considered a serious health condition.	Most likely. Many states have existing or emergency provisions. Review 50 state leave chart here .	Not available	Not available	Benefits continue under PSL, standard FMLA, and also if provided in applicable state/local paid family or sick leave law	Not if receiving any paid leave
<ul style="list-style-type: none"> Care for individual⁵ with COVID-19 illness 	Not available	Available regardless of days worked. 2/3 pay up to \$200/day and \$2000/total for 80 hours.	Not available for individuals who are not family members under standard FMLA	Possibly. Many states have existing or emergency provisions. Review our 50 state leave chart here .	Not available	Not available	Benefits continue under PSL, and also if provided in applicable state/local paid family or sick leave law	Not if receiving any paid leave.
<ul style="list-style-type: none"> Employee’s own COVID-19 illness 	Not available	Available regardless of days worked at 100% pay up to \$511/day and \$5,110 total for 80 hours	Possibly available if a serious health condition	Most likely. Many states have existing or emergency provisions. Review our 50 state chart here .	Likely eligible. Benefit reduced by other sources, at least initially.	Likely eligible. Benefit reduced by other sources, at least initially.	Benefits continue under PSL and standard FMLA, and also if provided in applicable state/local paid family or sick leave law	Not available if receiving other paid leave
<ul style="list-style-type: none"> Subject to or complying with self-quarantine directive from a physician, or a federal, state, or local quarantine order 	Not available unless reason for leave is to care for a child with a school or day care closure. See above.	Available regardless of days worked at 100% pay up to \$511/day and \$5,110 for 80 hours	Not available	Most likely. Many states have existing or emergency provisions. Review our 50 state leave chart here .	Not available	Possibly available under certain state emergency provisions. See our 50 state legislation chart here .	Benefits continue under PSL, and also if provided in applicable state/local paid family or sick leave law	Not if receiving any paid leave
<ul style="list-style-type: none"> Employee on unpaid leave due to COVID-19 related reduction in business operations (includes furloughs) 	Not available	Not available	Not available	Not available	Not available	Not available	If the employee loses plan eligibility, offer COBRA. If not, benefits continue per applicable policy. See Alliant COVID-	Yes, under the CARES Act

⁵ The term “individual” is not defined in the Act or in subsequent sub-regulatory guidance.

	FFCRA Expanded FMLA	FFCRA Paid Sick Leave	Standard Unpaid FMLA	State/Local Paid Family and Sick Leaves	Short Term Disability Plans	State Disability Programs¹	Benefits Continuation	Unemployment Insurance
							19.Compliance Guide for further discussion.	
Employee laid off due to COVID-19 related business issues	Not available	Not available	Not available	Not available	Not available	Not available	No. Employees covered under the plan should be offered COBRA ⁶ .	Yes, under the CARES Act

⁶ Where COBRA is otherwise applicable—employer generally has more than 20 employees.

Employer Options for Leave, Wages, and Benefits Based on COVID-19 Related Employee Circumstances (Employers with 500+ Employees)

	FFCRA Expanded FMLA	FFCRA Paid Sick Leave	Standard Unpaid FMLA	State/Local Paid Family and Sick Leaves	Short Term Disability Plans	State Disability Programs ⁷	Benefits Continuation	Unemployment Insurance
Employee Hours Reduced but still Working	Not available	Not available	Not available	Not available	Not available	Not available	If the employee loses plan eligibility, offer COBRA. If not, benefits continue per applicable policy. See Alliant COVID-19 Compliance Guide for further discussion.	Possibly available depending on state law.
Employee Unable to Work⁸:								
<ul style="list-style-type: none"> To care for a child as a result of place of care or school closures, or child care provider is unavailable 	Not available	Not available	Not available	Most likely. Many states have existing or emergency provisions. Review 50 state chart here .	Not available	Not available	Benefits continue if provided in applicable state/local paid family or sick leave law	Not if receiving any paid leave
<ul style="list-style-type: none"> Care for family member with COVID-19 illness 	Not available	Not available	Possibly available if otherwise eligible and illness is considered a serious health condition	Most likely. Many states have existing or emergency provisions. Review 50 state leave chart here .	Not available	Not available	Benefits continue if covered under standard FMLA, and/or provided in applicable state/local paid family or sick leave law	Not if receiving any paid leave.

⁷ We refer here to state wage replacement programs for an employee’s own illness or disability, and not any family leave related component of such programs (e.g., California and New York). Those programs are addressed under state/local paid family and sick leave.

⁸ Assumes employee still employed

	FFCRA Expanded FMLA	FFCRA Paid Sick Leave	Standard Unpaid FMLA	State/Local Paid Family and Sick Leaves	Short Term Disability Plans	State Disability Programs⁷	Benefits Continuation	Unemployment Insurance
<ul style="list-style-type: none"> • Care for individual⁹ with COVID-19 illness 	Not available	Not available	Not available for individuals who are not family members under standard FMLA	Possibly. Many states have existing or emergency provisions. Review our 50 state leave chart here .	Not available	Not available	Benefits continue if provided in applicable state/local paid family or sick leave law.	Not if receiving any paid leave.
<ul style="list-style-type: none"> • Employee’s own COVID-19 illness 	Not available	Not available	Possibly available if a serious health condition	Most likely. Many states have existing or emergency provisions. Review our 50 state chart here .	Likely eligible. Benefit reduced by other sources, at least initially	Likely eligible. Benefit reduced by other sources, at least initially	Benefits continue if covered under standard FMLA, and/or if provided in applicable state/local paid family or sick leave law.	Not available if receiving other paid leave.
<ul style="list-style-type: none"> • Subject to or complying with self-quarantine directive from a physician, or a federal, state, or local quarantine order 	Not available	Not available	Not available	Most likely. Many states have existing or emergency provisions. Review our 50 state leave chart here .	Not available	Not available	Benefits continue if provided in applicable state/local paid family or sick leave law.	Not if receiving any paid leave.
Employee on unpaid leave due to COVID-19 related reduction in business operations (includes furloughs)	Not available	Not available	Not available	Not available	Not available	Not available	If the employee loses plan eligibility, offer COBRA. If not, benefits continue per applicable policy. See Alliant COVID-19 Compliance Guide for further discussion.	Yes, under the CARES Act.
Employee laid off due to COVID-19 related business issues	Not available	Not available	Not available	Not available	Not available	Not available	No. Employees covered under the plan	Yes, under the CARES Act.

⁹ The term “individual” is not defined in the Act or in subsequent sub-regulatory guidance.

	FFCRA Expanded FMLA	FFCRA Paid Sick Leave	Standard Unpaid FMLA	State/Local Paid Family and Sick Leaves	Short Term Disability Plans	State Disability Programs ⁷	Benefits Continuation should be offered COBRA ¹⁰	Unemployment Insurance

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¹⁰ Where COBRA is otherwise applicable—employer generally has more than 20 employees.