

COVID-19 SICK LEAVE Q &A FOR PRE-K TEACHERS

In response to some frequently asked questions about new federal paid sick leave provisions for COVID-19, this FAQ document has been created. These questions and answers are not intended to be exhaustive and do not constitute legal advice for any question, issue or concern.

If I get sick or need to quarantine due to COVID-19, does my employer have to pay me sick leave?

Under a new federal law called the **Families First Coronavirus Response Act (FFCRA)**, you may qualify for up to 80 hours of emergency paid sick leave, but it depends on your employer. Generally, the FFCRA only applies to private sector employers with less than 500 employees or governmental entities. You may be eligible for 80 hours of paid sick leave at your regular rate of pay if you are:

- subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- advised by a health care provider to self-quarantine due to COVID-19; or
- experiencing COVID-19 symptoms and seeking a medical diagnosis.

Additionally, if you are caring for an individual who is subject to a quarantine order or you are caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19, then you may qualify for up to 80 hours of paid sick leave at 2/3 of your regular rate of pay. Paid sick leave due to school closures may not apply to small businesses with less than 50 employees if a small business exemption is claimed.

What if I need to take more than 80 hours of sick leave to care for my child(ren) due to a school closure caused by COVID-19?

The FFCRA also provides expanded paid family and medical leave. If you must care for your child whose school, child care provider, or place of care is unavailable due to COVID-19 and you've been employed at least 30 calendar days, then you may qualify for up to 10 additional weeks of family leave paid at 2/3 of your regular rate of pay. Small businesses with fewer than 50 employees may be exempt from these provisions.

Where can I go for more information regarding sick leave due to COVID-19?

The U.S. Department of Labor (DOL) provides extensive guidance about the FFCRA and is a wonderful resource for information. Please visit their website at www.dol.gov for more information.

Who should I contact if I feel I am entitled to emergency paid sick leave but my employer will not grant it?

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. If you believe your employer is improperly refusing you paid sick leave, you may call 1-866-4US-WAGE (1-866-487-9243). WHD is responsible for administering and enforcing these provisions. If you have questions or concerns, you can contact WHD by phone or visit www.dol.gov/agencies/whd.

Who should I contact if I feel I have been wrongly terminated due to covid-19?

Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA. If you feel your employer has violated the FFCRA, you may file a complaint with the U.S. Department of Labor by calling 1-866-4US-WAGE (1-866-487-9243) or visit www.dol.gov/agencies/whd.