



"THE VOICE OF COOPERATIVES"

TOMMY ENGELKE

EXECUTIVE VICE PRESIDENT

CHRISTY LEWIS

DIRECTOR OF ADMINISTRATION
AND MEMBER SERVICES

JESSICA MINTER

ADMINISTRATION AND
COMMUNICATIONS ASSISTANT

TEXAS AGRICULTURAL COOPERATIVE COUNCIL
1210 SAN ANTONIO STREET, SUITE 101
AUSTIN, TEXAS 78701
O) 512-450-0555
F) 512-450-0655
COOP@TEXAS.COOP
WWW.TEXAS.COOP

OVERVIEW OF LEGISLATIVE CHANGES TO EMERGENCY PAID SICK

LEAVE ACT (FOR COMPANIES WITH 50-499 EMPLOYEES)

(This is a helpful guide from TACC associate member Land O' Lakes to aid companies (with 50-499 employees) in understanding the new legislation that went into effect April 1st. The following is for informational purposes only -- not legal advice.)

- The Families First Coronavirus Response Act (FFCRA) **created two paid leave provisions for employers with fewer than 500 employees** and public employers with at least one employee. The FFCRA's paid leave provisions are effective on April 1, 2020, and apply to leave taken between April 1, 2020, and December 31, 2020.
- The Emergency Paid Sick Leave Act (EPSL) **provides up to two weeks of paid sick leave for an employee who is unable to work or work remotely** because:
 1. Employee's own quarantine or isolation order related to COVID-19;
 2. Employee has been advised by a health care provider to self-quarantine because of COVID-19;
 3. Employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
 4. Employee is caring for an individual subject to quarantine or isolation, or advised to self-quarantine by health care provider;
 5. Employee is caring for a son or daughter whose school or place of care is closed, or childcare provider is unavailable, due to COVID-19 precautions; or
 6. Employee is experiencing "other substantially similar conditions as specified by the Secretary of Health and Human Services."
- The Emergency Family Medical Leave Act (EFMLA) **expands the protections** of the Family and Medical Leave Act (FMLA) to **provide paid benefits in certain situations**.
 - A. Employees employed for at least 30 days, will be entitled to take up to 12 weeks of job-protected leave if an employee is unable to work (or remote work) due to caring for the employee's son or daughter (who is under 18) because the child's school or place of care has been closed or his or her childcare provider is unavailable due to the public health emergency.
 - B. The EFMLA provides for a combination of unpaid and paid leave:
 - The first 10 days of EFMLA may be unpaid. An employee may choose to take any existing pay benefit (i.e. PTO, vacation, sick pay) during the 10-day unpaid period, or the 10 days may be paid under emergency paid sick leave, if taken for a qualifying reason.
 - After ten days of unpaid leave, employees are entitled to 10 weeks of job-protected leave of two-thirds their usual pay.
 - Part-time employees are entitled to be paid two-thirds of their usual pay based on the average number of hours worked for the six months prior to taking the leave.
 - The cap of the paid leave entitlement for employees is \$200 per day (\$10,000 in the aggregate).
- **Employers with fewer than 50 employees** are eligible for an exemption from the requirement to provide leave to care for a child whose school is closed, or child care is unavailable in cases where the viability to the business is threatened. To elect this small business exemption, you should document why your business with fewer than 50 employees meets the criteria set forth by the US Department of Labor, which will be addressed in more detail in forthcoming regulations.

Be sure to check out all of TACC's COVID-19 resources for co-ops on our website at www.texas.coop/resources