

# EMPLOYEE RIGHTS

## PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE AMERICAN RESCUE PLAN

The **American Rescue Plan Act of 2021 (ARPA)**, the latest COVID-19 relief law, extends until September 30, 2021, the optional emergency paid sick leave and Expanded Family Medical Leave Act (FMLA) benefits that were scheduled to expire on March 31, 2021.

The Rescue Plan makes certain changes to the current paid leave programs, all of which are effective on April 1, 2021 – September 30, 2021:

1. **Covered Reasons for Sick Leave:** In addition to the original six reasons for leave, the American Rescue Plan Act expands the **reasons** for which an employer may offer emergency sick leave for an employee who is:
  - obtaining an immunization related to COVID-19 or recovering from any injury, disability, illness or condition related to such immunization; and
  - seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19, when such employee has been exposed to COVID-19 or the employer has requested such test or diagnosis.
2. **Reset of Paid Sick Leave Clock:** The Rescue Plan permits an employer to provide employees who previously took 10 days of emergency paid sick leave with an additional 10 days of leave from April 1, 2021 through September 30, 2021.
3. **Emergency Family and Medical Leave (EMFLA) Expansion:** Previously, EMFLA was only available if the employee was unable to work (or telework) to care for their child whose school or place of care has been closed or was unavailable due to the public health emergency.
  - Now, employees may take EFMLA for the same 8 qualifying reasons as paid leave as described in #1 above. That
  - The ARPA also removes the two-week waiting period before an employee can receive payment for EMFLA and raises the total benefit amount from \$10,000 to \$12,000.
4. **Non-Discrimination Rules:** ARPA includes new non-discrimination rules for employers. Employers may not opt to provide paid leave benefits to some employees and not others. As an employer you must decide if you wish to offer the paid leave benefits to your employees. These benefits are provided at no cost to you and have no impact on your individual budget.

### Qualifying Reasons for Taking Paid Sick Leave or Expanded Family Medical Leave.

Below are the qualifying reasons for which your employee may qualify for 10 days of Paid Sick Leave or up to 12 weeks of EFMLA between April 1, 2021 – September 30, 2021. If the employee has not exhausted their Paid Sick Leave or EFMLA entitlement during the leave year, the employer can approve Expanded Medical Leave for up to 12 weeks of leave for any or all of the following reasons:

1. An employee is subject to a Federal, State or local quarantine or isolation order relative to COVID-19 (100% of pay up to \$511 per day for Paid Sick Leave and \$200/day for EMFLA);
2. An employee has been advised by a health care provider to self-quarantine related to COVID-19 (100% of pay up to \$511 per day for Paid Sick Leave and \$200/day for EMFLA);

3. An employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis (100% of pay up to \$511 per day for Paid Sick Leave and \$200 for EMFLA);
4. An employee is caring for an individual subject to an order described in reason #1 or self-quarantine as described in reason #2 (2/3 of pay up to \$200 per day);
5. An employee is caring for his or her child whose school or place of care is closed (or care provider is unavailable due to COVID-19 related reasons (2/3 of pay up to \$200 per day); or
6. An employee is experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services (2/3 of pay up to \$200 per day).
7. An employee is obtaining an immunization related to COVID-19 or recovering from any injury, disability, illness or condition related to such immunization (100% of pay up to \$511 per day for Paid Sick Leave and \$200/day for EMFLA).
8. An employee is seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19, when such employee has been exposed to COVID-19 or the employer has requested such test or diagnosis (100% of pay up to \$511 per day for Paid Sick Leave and \$200/day for EMFLA).

### **Stay Safe! It is Your Responsibility to Maintain Your Safety and that of Your Employees While At Work**

It is encouraged that all employers and employees continue to exercise the safety precautions outlined by **Department of Public Health** below.

- COVID-19 also known as Novel Coronavirus is spread from person to person through droplets in the air. Someone can become infected by touching an infected surface and then touching their mouth, nose or eyes. The Centers for Disease Control and Prevention currently estimate that the incubation period for COVID-19 ranges from 2-14 days. Symptoms may include fever, cough and shortness of breath, although some people may not have any symptoms.
  - You can help prevent the spread of the disease at home and at work by:
    - getting vaccinated
    - washing your hands often with soap and water and often cleaning frequently touched surfaces;
    - using alcohol-based sanitizers when you cannot wash your hands;
    - avoiding touching your eyes, nose or mouth with your hands;
    - covering your coughs and sneezes with a tissue and dispose of the tissue right away;
    - staying home when you are sick; and getting plenty of rest, drinking fluids, eating healthy foods and managing your stress.
  - If you have general questions about **COVID-19**, but do not have symptoms, access the state website at [ct.gov/coronavirus](http://ct.gov/coronavirus) or call 2-1-1 or text “CTCOVID” to 898211.
  - **If you have symptoms of COVID-19 and are covered by HUSKY Health.**
    - We strongly urge you to contact your primary care provider to seek treatment.
    - If you do not have a primary care provider, please call HUSKY Health at **1.800.859.9889** or access the online provider look-up at the following link: [https://www.huskyhealthct.org/provider\\_lookup.html#](https://www.huskyhealthct.org/provider_lookup.html#)
  - If you would like to speak with a nurse about your symptoms, call the HUSKY Health Nurse Helpline at **1.800.859.9889**, and follow the prompts to talk to a nurse.
  - If you have COVID-19 symptoms, you should wear a mask if you live with others. Your Self-hire/PCA should also use personal protective equipment (PPE) such as a mask and gloves for his or her own personal protection. For more information, review the CDC’s Infection Prevention FAQ [https://www.cdc.gov/coronavirus/2019-ncov/hcp/faq.html#COVID-19\\_Risk](https://www.cdc.gov/coronavirus/2019-ncov/hcp/faq.html#COVID-19_Risk)
- The administration is pursuing additional supplies of PPE and will advise when they become available.
- If your employee(s) has/have symptoms of COVID-19, he/she/they should stay home and you should us your back-up plan.