Thank you for your interest in our Small Business COVID-19 toolkit for employers. The UCSD COVID-19 Small Business Outreach Project is a team of volunteers committed to providing material that supports the public during the Coronavirus pandemic.

This toolkit provides information, checklists and graphics to help:

- Learn more about COVID-19
- Implement on-site safety measures in your business, including employee health screening and social distancing
- Review your business’s compliance to federal, state, and county guidelines

The toolkit and its materials are based on recommendations from the CDC, San Diego Public Health Services, and other reputable health information organizations. The information provided in the toolkit does not replace legal or medical advice. If you or an employee is a contact of someone with COVID-19, experiencing any symptoms of COVID-19, or has been tested for COVID-19, please contact a healthcare provider or call 2-1-1.

If you have additional questions, contact the resources below.

**San Diego County Business Resources**
General questions and resources: COVID-Business@sdcounty.ca.gov
Reopening questions: COVID19BusinessQuestions@sdcounty.ca.gov

**2-1-1 San Diego**: A free 24 hour confidential phone service
Phone: 2-1-1
https://211sandiego.org/

**Contact the UCSD COVID-19 Small Business Outreach Project**
Email: CoRespond.Business@gmail.com
Phone: 619-335-5882
www.UCSDBusinessOutreach.org
# SMALL BUSINESS COVID-19 TOOLKIT

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STAY CONNECTED

Support for Businesses and Employers

Stay connected during the Coronavirus (COVID-19) public health pandemic.
The resources below will help you stay up-to-date on all COVID-19 related issues as they emerge.

Here are the ways you can stay connected!

Coronavirus-SD.com/Business

Our Businesses and Employers page offers updated information about announcements, updates, communications, financial resources, and more for sector-specific support. Please regularly review this webpage to make sure your business is well prepared during the reopening phases of the statewide stay-at-home order.

For general questions and resources, please email: COVID-Business@sdcounty.ca.gov

Business Telebriefings: Every 2nd & 4th Wednesday | 9:30 AM

Join us for telebriefings to hear the latest updates on COVID-19 and reopening efforts in San Diego County. Frequency of telebriefings are subject to change. Please check the page above for updates.

How to Participate:

Option 1—Computer (preferred): Visit the following link: https://zoom.us/j/157409037 using your computer.
Meeting ID: 157 409 037.

Option 2—Phone (listen-in only): Call into the meeting using this number: 1 (669) 900-6833 or 1 (346) 248-7799.
Meeting ID: 157 409 037.

We encourage you to submit your questions 24 hours before the telebriefing at: https://bit.ly/35FbNeo

Safe Reopening Plan & Restaurant Info

Businesses will need to complete and post the their Safe Reopening Plan. Restaurants/Food Facilities will need to complete and post their Restaurant Operating Protocol. These resources are available at Coronavirus-SD.com/Business. The County will not require approval for this plan. Essential businesses already operating do not need to submit a new plan.

For reopening questions, please email: COVID19BusinessQuestions@sdcounty.ca.gov

Email Updates


Media Briefing

Effective June 17, 2020, updates will be streamed LIVE Monday and Wednesday at 2:30 PM on the County’s Facebook, Instagram, and Twitter accounts.
WHY ARE COVID-19 PRECAUTIONS IMPORTANT?

1. To protect yourself
2. To protect the most vulnerable, including loved ones
3. To keep the economy on the road to recovery!

Workplace safety is important for keeping businesses open

The county is constantly monitoring the COVID-19 situation. If infections pass certain thresholds, or “triggers,” the county or state will force business closures again.

We all have to do our part, both at work and at home, to prevent coronavirus from spreading so that we can continue towards a safe reopening and recovery.

See the current status of the shutdown triggers at www.coronavirus-sd.com
1 IMPORTANT INFORMATION FOR EMPLOYERS

Mandatory: Safety Requirements for businesses to open

Make sure to implement and post the County of San Diego Safe Reopening Plan

Tips for Maximizing Your Business's Safety

1. Review and implement all relevant suggestions from the industry-specific Cal/OSHA guidelines: https://covid19.ca.gov/industry-guidance/

2. Train employees on updated safety policies and practices

3. Encourage employees to stay home if sick and inform them of paid sick and family leave rights. You are required by federal law to post notice of the FFCRA.
   a. Use the Employee Rights factsheet on pg. 20, or visit www.dol.gov/agencies/whd/posters for more languages.

4. Stress the importance of maintaining safety practices outside of the workplace for slowing the spread of COVID-19 and keeping the county open.

5. Sign up for the county’s business newsletter to stay updated on the latest guidelines and official directives:
   https://app.smartsheet.com/b/form/02c91f7b6ce944f8b5a1562e9b607ce8
STAYING SAFE AT WORK AND AT HOME

Tips for safety in the workplace and at home

The simplest way you can keep employees and customers safe is by encouraging employees and customers to:

A. Maintain 6 feet social distancing
B. Cough or sneeze into a tissue or the inside of your elbow
C. Wash your hands frequently for 20 seconds with soap and running water
D. Use hand sanitizer with at least 60% alcohol only if soap and water are unavailable
E. Avoiding touching your eyes, nose, and mouth
F. Use a cloth facemask to protect others, as required by state law

IMPORTANT TO KNOW

Even if you have no symptoms, you could have COVID-19 and could be spreading it to others. Make sure to follow best safety practices anytime you are not with members of your household, whether at work or at home.

Carpooling: employees should only carpool to work with members of their household.

Proper facemask use

- Wash hands before and after use
- Cover nose and chin
- Try not to touch the mask while in use
2.1 What information should I share with my employees?

1. Employee rights to paid sick leave and family leave (with exceptions)
   - All private sector companies of less than 500 employees are required to post notice of the FFCRA for their employees. See the Employee Rights poster on pg. 20.

2. Updates and implementation of new safety precautions for COVID-19.

3. COVID-19 symptoms and what to do if they feel sick (see pg. 8).

2.2 Should I screen my employees for symptoms?

Yes. County public health orders require that employers “conduct temperature screening of all employees and prohibit entrance to the workplace of all employees” with:

- A temperature of 100 degrees Fahrenheit or more
- Exhibiting COVID-19 symptoms
- Recent exposure to a person who has tested positive for COVID-19

IMPORTANT: not all patients with COVID-19 have a fever. That is why it is important to screen for all of the COVID-19 symptoms and exposures. See pg. 8 or the sample employee health log sheet on pg. 21 for a list of symptoms.

If you choose to use the health log, make sure to treat it as a confidential medical record. It should be stored separately from the employee’s personnel file and have restricted access.

WHAT SHOULD EMPLOYEES DO IF THEY FEEL SICK?

The following information is also in the Employee Packet on our website.

1. **KNOW** the symptoms of COVID-19:
   - Fever or chills
   - Sore throat
   - Headache
   - Nausea or vomiting
   - Cough
   - Body aches
   - Diarrhea
   - Shortness of breath
   - Fatigue
   - Congestion / runny nose
   - New loss of taste or smell

2. **DO NOT COME INTO WORK** and stay home if they have any COVID-19 symptoms.

3. **NOTIFY** their employer.

4. **CALL** to get free COVID-19 testing.

   Stay home and call their healthcare provider or **CALL 2-1-1**

Their **healthcare provider** or **2-1-1** will connect them with **FREE TESTING**. They can also make an appointment at a free testing center at [coronavirus-sd.gov](http://coronavirus-sd.gov)

Seek medical care immediately if you have **life-threatening symptoms**, including but not limited to: difficulty breathing, inability to wake or stay awake, persistent pain or pressure in the chest, bluish lips or face, or new confusion.

**Call 911 or call ahead to your local emergency healthcare facility** and let them know that you are seeking care for someone who has or may have COVID-19.
3.1 Paid Sick and Family Leave

Under the Families First Coronavirus Response Act (FFCRA), employees may be entitled to **PAID SICK AND FAMILY LEAVE** if they are:

1. Experiencing symptoms of COVID-19 and are seeking a medical diagnosis
2. Quarantined by federal, state, or local government, or by a healthcare provider
3. Caring for a family member who is sick with COVID-19
4. Other reasons outlined in the FFCRA.

More information on the FFCRA: pg. 18

3.2 What if my employees don’t have health insurance?

Even if your employees are undocumented immigrants and/or don’t have insurance, they can get necessary testing and treatment for COVID-19 through Medi-Cal emergency services.

**Would seeking testing or treatment for COVID-19 impact an employee's immigration status under the public charge rule?**

NO. Seeking testing or treatment for COVID-19 is treatment for an emergency medical condition and is not considered under the public charge rule.

See also: COVID-19 Guidance for Immigrant Californians
WHAT TO DO IF AN EMPLOYEE HAS SUSPECTED OR CONFIRMED COVID-19

1. Check with your staff member who tested positive

See if they had symptoms of COVID-19 while they were either:

- At work
- Within 48 hours after leaving work

The symptoms of COVID-19 include fever, cough, difficulty breathing, sore throat, runny nose, nausea, vomiting, or diarrhea.

If the staff member did not have symptoms of COVID-19 at work or within 48 hours after leaving work, you are not required to notify staff. Your staff member should follow their healthcare provider's instructions.

2. Inform your staff

Remember, you must maintain their privacy. Do not name anyone who is sick unless they give you permission.

1. Determine the last day that the person with COVID-19 was at the workplace.

2. Figure out who had close contact with the ill person, within 48 hours of that person feeling sick. Close contact is defined as being within 6 feet for 15 minutes or more. Close contact also includes people who live with, take care of, or are taken care of by the person with COVID-19.

3. Tell close contacts that they **must quarantine for 14 days** since the last day that the ill person was at work. Even if they test negative for COVID-19, they must finish the entire 14 day quarantine.

4. Give all other staff members a [General Exposure Advisory](#). They should self monitor for symptoms for 14 days after the last day that the case was at work. They should contact a healthcare provider if they develop symptoms.
3. Clean and disinfect thoroughly before reopening or bringing staff back to work

Cleaning includes:

- Open outside doors and windows to increase air circulation in the area, if possible.
- Clean and disinfect all areas used by the staff member, such as offices, bathrooms, common areas, shared electronic equipment like tablets, touch screens, keyboards, and remote controls.
- Disinfect frequently touched surfaces including door knobs, tabletops, counters, phones, keyboards, and fixtures.

4. Allow a recovered staff member to return to work

The staff member who tested positive must isolate themselves at home. They must stay home and not go to work until all of the following are true:

- Their temperature has gone under 100.4°F Fahrenheit (38.0°C Celsius) for the past 24 hours, without medicine like acetaminophen
- Their cough or breathing problems have gotten better for the past 24 hours
- It’s been at least 10 days after their first symptoms, even if they tested negative for COVID-19

They do not need a doctor’s note to return to work.

Additional resources

- County Flowchart: Employee Tests Positive for COVID-19 (pg. 17)
- Responding to COVID-19 in the workplace: https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Workplace-Outbreak-Employer-Guidance.aspx
- California COVID-19 Employer Playbook (pg. 16)

For help with a specific case, contact the County Epidemiology Department at novelvirus@cdph.ca.gov
Reporting Requirements

The County of San Diego requires that employers take the following actions if an employer becomes aware that an employee is diagnosed with COVID-19:

- **Promptly notify** the County Department of Public Health that there is an employee diagnosed with COVID-19.
- **Cooperate** with the County Department of Public Health’s COVID-19 response team to identify and provide contact information for any persons exposed by the employee at the workplace.
- **Provide notice of the exposure** to any employees, and contractors (who regularly work at the workplace), who may have been exposed to COVID-19, as stated in the State’s COVID-19 Employer Playbook for a Safe Reopening, available at [https://files.covid19.ca.gov/pdf/employerplaybook-for-safe-reopening--en.pdf](https://files.covid19.ca.gov/pdf/employerplaybook-for-safe-reopening--en.pdf)

### Notifying the County Department of Public Health

- Your name and contact number
- Name of Business or entity
- Employee’s name, date of birth, and contact number

**Call**

(888) 950-9905

### Cal/OSHA Reporting and Recording Requirements

A work-related case of COVID-19 may fall under Cal/OSHA’s recording and reporting requirements if it results in serious illness, injury, or death. For more information, see the California COVID-19 Employer Playbook: [https://files.covid19.ca.gov/pdf/employer-playbook-for-safe-reopening--en.pdf](https://files.covid19.ca.gov/pdf/employer-playbook-for-safe-reopening--en.pdf)
Under the Families First Coronavirus Response Act (FFCRA), certain employers (employers with less than 500 employees) are required to provide their employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. In order to ease the burden on employers, the FFCRA also includes COVID-19 related tax credits.

What tax credits does the FFCRA provide?

The FFCRA provides businesses with tax credits to cover certain costs of providing employees with required paid sick leave and expanded family and medical leave for reasons related to COVID-19, from April 1, 2020, through December 31, 2020.

When can employers start claiming the credits?

A. Eligible Employers may claim tax credits for qualified leave wages paid to employees on leave due to paid sick leave or expanded family and medical leave for reasons related to COVID-19 for leave taken beginning on April 1, 2020 and ending on December 31, 2020.

B. Eligible Employers will claim the credits on their federal employment tax returns (e.g., Form 941, Employer's Quarterly Federal Tax Return), but they can benefit more quickly from the credits by reducing their federal employment tax deposits.

For eligible employers, paid sick leave wages due to COVID-19 will be fully reimbursed by the IRS through refundable tax credits.

For more information, visit: https://www.irs.gov/newsroom/covid-19-related-tax-credits-for-paid-sick-and-paid-family-leave-overview or see the Families First Coronavirus Response Act for Employers on pg. 26

For help filing taxes or tax credits, call 211
Tips and tricks from other small businesses

Tip: Move and change signs every week or so

Using different signs, or moving signs around, can prompt employees and regular customers to pay more attention.

Request free signs from the County: email COVID-Business@sdcounty.ca.gov and provide:

- your contact information (Name, Phone, Email)
- language materials needed (English, Spanish, or both)
- number of requested items, and address for postal delivery.

Tip: Use reflective or colorful tape to encourage social distancing

Mark areas on your floor where you want customers to stand - these should be at least 6 feet apart. Use reflective or brightly colored tape. Some businesses have found that orange and red tape is better than blue tape - customers are more likely to notice the markings and use them properly.

Have tips to share with other businesses? Let us know at UCSDBusinessOutreach@gmail.com
7 IMPORTANCE OF GETTING THE INFLUENZA VACCINE THIS FALL

Flu and COVID-19 will likely be spreading this winter. Even though there may not be a COVID-19 vaccine yet, there is a flu vaccine. Encourage your employees to get a flu vaccine because:

- Flu symptoms can mimic COVID-19, so employees that get flu will be unable to work and businesses may have to follow procedures that assume the employee have COVID-19
- Slowing the spread of the flu by getting vaccinated will reduce the burden on the healthcare system during the COVID-19 pandemic

For more information visit: https://www.cdc.gov/flu/season/faq-flu-season-2020-2021.htm
KEY RESOURCES: SAFETY AND COMPLIANCE

Compliance Resources

**San Diego County Public Health Order**
Follow the latest changes to the county health order.
https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/HealthOfficerOrderCOVID19.pdf

**Cal/OSHA Industry-Specific Guidelines**
Employers must implement all mandatory measures and suggested measures that are necessary for sanitation, employee screening, social distancing and facial coverings.
https://www.dir.ca.gov/dosh/coronavirus/Health-Care-General-Industry.html

**California COVID-19 Employer Playbook**
Detailed guidance for employers on best safety practices, handling a case of COVID-19 in the workplace, Cal/OSHA reporting and recording requirements, and workers’ rights and benefits.

Safety Resources

**CDC Interim Guidance for Businesses**
Provides important guidance and checklists for measures to implement to increase the safety of your business.

**Federal OSHA Guidance on Preparing Workplaces for COVID-19**
Helps employers identify COVID-19 hazards in the workplace and design protections against these hazards.
**Flowchart if an employee tests positive for COVID-19**

1. **Instruct employee to remain home at least 10 days** as recommended by their healthcare provider (HCP).

2. The CDC recommends employers take the following steps to prevent the spread of COVID-19:
   - Actively encourage sick employees to stay home.
   - Accommodate employees through social distancing or telework (if possible).
   - Emphasize respiratory etiquette and hand hygiene by all employees.
   - Perform routine environmental cleaning.
   - Check government websites (CDC, State Department) for any travel advisories.
   - Plan for infection disease outbreaks in the workplace.
   - Close general area for 24 hours where infected employee worked until cleaning is completed. Conduct deep cleaning of the area where infected employee worked and may have been exposed to someone with COVID-19.
   - Ensure cleaning personnel are equipped with appropriate personal protective equipment (PPE).
   - Inform employees, as recommended by the Epidemiology Unit, of their possible exposure while maintaining confidentiality as required by the Americans with Disabilities Act (ADA).

3. If an individual at your organization develops symptoms of COVID-19, please advise them to contact their healthcare provider and to let their provider know that they may have been exposed to someone with COVID-19. If there are any severe symptoms, advise them to seek medical attention immediately.

4. **When: At least 24 hours since the last fever without the use of fever-reducing medications**

5. **Return to work** when:
   - Improvement in symptoms
   - At least 10 days since onset of symptoms (or since first positive PCR test if the person is asymptomatic)

6. Additional recommendations:
   - Contact the County of San Diego Epidemiology Unit for guidance on infection control, case investigation, contact tracing, and return to work recommendations.
   - When the confirmed case is reported to the Public Health Department, case investigators will identify person(s) the infected employee had close contact with during the time they were considered infectious.
   - Record and report work-related COVID-19 illnesses or fatalities as per other occupational health reporting requirements.

7. Employers should not require sick employees to provide a negative COVID-19 test result or HCP’s note to return to work.

8. Isolate for 20 days for patients with severe to critical illness or who are severely immunocompromised.

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*See COVID-19 Employer Playbook for a Safe Reopening for more information.*

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**Note:**

- See COVID-19 Industry Guidance: Schools and School-Based Programs for more information for schools.
- Revised 07/24/2020
- Revised 06/19/2020
- Revised 03/11/2020
- Revised 03/16/2020
- Revised 04/23/2020
- Revised 05/05/2020
- Revised 05/07/2020
- Revised 05/11/2020
- Revised 05/13/2020
- Revised 06/17/2020
- Revised 06/19/2020
- Revised 07/24/2020
- Revised 10/27/2020
- Revised 12/16/2020

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**Other occupational health reporting**

- COVID-19 illnesses or fatalities are per the Public Health Department.
- Other occupational health reporting requirements are as per the applicable regulation.

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**When the confirmed case is reported to the Public Health Department, case investigators will identify person(s) the infected employee had close contact with during the time they were considered infectious.**

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**CDC’s Recommendations:**

- Isolate for 20 days for patients with severe to critical illness or who are severely immunocompromised.
- Close general area for 24 hours where infected employee worked until cleaning is completed. Conduct deep cleaning of the area where infected employee worked and may have been exposed to someone with COVID-19.
- Contact the County of San Diego Epidemiology Unit for guidance on infection control, case investigation, contact tracing, and return to work recommendations.

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**Employer**

- Ensure cleaning personnel are equipped with appropriate personal protective equipment (PPE).
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- Contact the County of San Diego Epidemiology Unit for guidance on infection control, case investigation, contact tracing, and return to work recommendations.
The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. [1] The Department of Labor’s (Department) Wage and Hour Division (WHD) administers and enforces the new law’s paid leave requirements. These provisions will apply from the effective date through December 31, 2020.

Generally, the Act provides that covered employers must provide to all employees: [2]

- Two weeks (up to 80 hours) of paid sick leave at the employee’s regular rate of pay where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or
- Two weeks (up to 80 hours) of paid sick leave at two-thirds the employee’s regular rate of pay because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor.

A covered employer must provide to employees that it has employed for at least 30 days: [3]

- Up to an additional 10 weeks of paid expanded family and medical leave at two-thirds the employee’s regular rate of pay where an employee is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

Covered Employers: The paid sick leave and expanded family and medical leave provisions of the FFCRA apply to certain public employers, and private employers with fewer than 500 employees. [4] Most employees of the federal government are covered by Title II of the Family and Medical Leave Act, which was not amended by this Act, and are therefore not covered by the expanded family and medical leave provisions of the FFCRA. However, federal employees covered by Title II of the Family and Medical Leave Act are covered by the paid sick leave provision.

Small businesses with fewer than 50 employees may qualify for exemption from the requirement to provide leave due to school closings or child care unavailability if the leave requirements would jeopardize the viability of the business as a going concern.

Qualifying Reasons for Leave

Under the FFCRA, an employee qualifies for paid sick time if the employee is unable to work (or unable to telework) due to a need for leave because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Under the FFCRA, an employee qualifies for expanded family leave if the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19.

[1] Wage and Hour Division does not administer this aspect of the law, but notes that every dollar of required paid leave (plus the cost of the employer’s health insurance premiums during leave) will be 100% covered by a dollar-for-dollar refundable tax credit available to the employer. For more information, please see the Department of the Treasury’s website.
[2] Employers of Health Care Providers or Emergency Responders may elect to exclude such employees from eligibility for the leave provided under the Act.
[3] Employers of Health Care Providers or Emergency Responders may elect to exclude such employees from eligibility for the leave provided under the Act.
[4] Certain provisions may not apply to certain employers with fewer than 50 employees. See Department FFCRA regulations (expected April 2020).
Duration of Leave

For reasons (1)-(4) and (6): A full-time employee is eligible for up to 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

For reason (5): A full-time employee is eligible for up to 12 weeks of leave at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

Calculation of Pay [5]

For leave reasons (1), (2), or (3): employees taking leave shall be paid at either their regular rate or the applicable minimum wage, whichever is higher, up to $511 per day and $6,110 in the aggregate (over a 2-week period).

For leave reasons (4) or (6): employees taking leave shall be paid at ⅔ their regular rate or ⅔ the applicable minimum wage, whichever is higher, up to $200 per day and $2,000 in the aggregate (over a 2-week period).

For leave reason (5): employees taking leave shall be paid at ⅔ their regular rate or ⅔ the applicable minimum wage, whichever is higher, up to $200 per day and $12,000 in the aggregate (over a 12-week period—two weeks of paid sick leave followed by up to 10 weeks of paid expanded family and medical leave). [6]

Tax Credits: Covered employers qualify for dollar-for-dollar reimbursement through tax credits for all qualifying wages paid under the FFCRA. Qualifying wages are those paid to an employee who takes leave under the Act for a qualifying reason, up to the appropriate per diem and aggregate payment caps. Applicable tax credits also extend to amounts paid or incurred to maintain health insurance coverage. For more information, please see the Department of the Treasury’s website.

Employer Notice: Each covered employer must post in a conspicuous place on its premises a notice of FFCRA requirements. [7]

Prohibitions: Employers may not discharge, discipline, or otherwise discriminate against any employee who takes paid sick leave under the FFCRA and files a complaint or institutes a proceeding under or related to the FFCRA.

Penalties and Enforcement: Employers in violation of the first two weeks’ paid sick time or unlawful termination provisions of the FFCRA will be subject to the penalties and enforcement described in Sections 16 and 17 of the Fair Labor Standards Act, 29 U.S.C. 216; 217. Employers in violation of the provisions providing for up to an additional 10 weeks of paid leave to care for a child whose school or place of care is closed (or child care provider is unavailable) are subject to the enforcement provisions of the Family and Medical Leave Act. The Department will observe a temporary period of non-enforcement for the first 30 days after the Act takes effect, so long as the employer has acted reasonably and in good faith to comply with the Act. For purposes of this non-enforcement position, “good faith” exists when violations are remedied and the employee is made whole as soon as practicable by the employer, the violations were not willful, and the Department receives a written commitment from the employer to comply with the Act in the future.

RESOURCES

For additional information or to file a complaint:

1-866-487-9243 | TTY: 1-877-889-5627
dol.gov/agencies/whd

[5] Paid sick time provided under this Act does not carry over from one year to the next. Employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment.

[6] An employee may elect to substitute any accrued vacation leave, personal leave, or medical or sick leave for the first two weeks of partial paid leave under this section.

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

▶ PAID LEAVE ENTITLEMENTS
Generally, employers covered under the Act must provide employees:
Up to two weeks (80 hours, or a part-time employee’s two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:
- 100% for qualifying reasons #1-3 below, up to $511 daily and $5,110 total;
- 2/3 for qualifying reasons #4 and 6 below, up to $200 daily and $2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at 2/3 for qualifying reason #5 below for up to $200 daily and $12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

▶ ELIGIBLE EMPLOYEES
In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19
An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

| 1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19; | 5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons, or |
| 2. has been advised by a health care provider to self-quarantine related to COVID-19; | 6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
| 3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis; | |
| 4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); | |

▶ ENFORCEMENT
The U.S. Department of Labor’s Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. 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, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.
Employee Health Screening Form (sample)

Screen each employee for these symptoms before their shift. Circle and answer (Y=yes, N=no) for each symptom and each employee. If an employee has a temperature greater than 100 degrees Fahrenheit or reports any of the symptoms:

1. Send employee home immediately
2. Advise employee to contact medical provider or 2-1-1 for further guidance

*If you have trouble breathing, persistent pain or pressure in the chest, new confusion, inability to wake or stay awake, bluish lips/face, or any other severe symptoms, seek immediate emergency medical treatment.

https://www.cdc.gov/coronavirus/2019-ncov/community/general-business-faq.html#text=Employees%20who%20have%20symptoms%20when%20or%20local%20health%20department. (Adapted from CDC)

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<th>Sore Throat</th>
<th>Congestion or Runny Nose</th>
<th>Nausea, Vomiting, Or Diarrhea</th>
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GUIDANCE FOR EMPLOYERS AND WORKERS IN ENFORCING MASK REQUIREMENTS

Workers should avoid approaching coworkers or members of the public who are not wearing a face covering for the purpose of attempting to enforce any face-covering recommendation or requirement.

In these instances, workers should maintain at least a 6-foot distance from others and raise any concerns to their supervisor.

Supervisors should discuss any concerns with their Human Resources Department for guidance on handling these situations.

Employers should train their workers on what to do in such situations, including how to minimize risk of workplace violence and what to do to get support when de-escalation efforts are unsuccessful in these situations. There may also be limited circumstances where an employer will need to engage in a process with workers and/or customers who claim a disability-related reason for not being able to wear a mask to see if there are accommodations that are effective in maintaining the safety of the workplace.

Consider using the following language:

- “Following the guidelines (on face coverings or distancing) can protect you and everyone else, so we ask that you follow them.”
- “If you don’t have a face covering, we’d be happy to provide one (if available).”
- For customers and visitors to the workplace: “We regret that you’re unwilling to follow the guidelines. Please give us a bit of time to organize the area to allow additional physical distance between you and our fellow workers.”

In all instances, it is important to focus on minimizing risk and to practice de-escalation measures:

- Speak with a calm voice at a normal volume and communicate with posture and expression that the person will be respected.
- Settle on a method for calling in support from security or law enforcement if needed.