



Teamsters Union Legislative Update: COVID-19

Fact Sheet:

Unemployment and Paid Sick & Family Leave Protections Under the Families First Coronavirus Response Act (FFCRA) and Coronavirus Aid, Relief, and Economic Security Act (CARES Act)

Two pieces of legislation have been passed that assist workers and their families during the COVID-19 crisis. The Families First Coronavirus Response Act (FFCRA) provides for additional paid sick and family leave requirements for certain employers, while the Coronavirus Aid, Relief and Economic Security Act (CARES Act) provides additional unemployment benefits beyond that provided by states, including for independent contractors and other workers who would ordinarily not be eligible for state unemployment insurance.

The following fact sheet is intended to inform Teamster Local Unions and Teamster members regarding employee rights to paid sick leave, family leave and expanded unemployment benefits.

Recommendations for Teamster Members

- Determine if your employer is covered by the paid sick and family leave provisions of FFCRA. Private sector employers with 500 or fewer employees are covered, and employers with fewer than 50 employees may request to be exempted from the family leave provisions. All public sector employers are covered. Firms with 500 or fewer employees employ only 47%, or less than half, of the US workforce.¹
- Apply for unemployment insurance if you have been laid off, furloughed, or had hours reduced. There are multiple parts to this legislation and workers qualify under different sections depending on the nature of their employment (ie full time, contractor, etc).
- If you work on a contract basis in construction, motion picture, or in a seasonal industry like food processing, a provision of the CARES Act *will* provide you with unemployment benefits even if you would ordinarily not qualify.

¹ <https://www.hrdive.com/news/5-things-to-know-about-the-new-coronavirus-paid-leave-law/574611/>

FFCRA Paid Sick Leave Provisions

- Under the FFCRA, which goes into effect April 1, 2020,² all employees of private sector companies with less than 500 employees, and government employers of any size,³ are eligible for up to 2 weeks (80 hours) of paid sick leave, to be paid at the employee's regular rate of pay.
- Any employee who is quarantined in accordance with doctor's orders or local health directives, who is experiencing COVID-19 symptoms and seeking a diagnosis is entitled to up to \$511 per day and \$5,110 total in paid sick leave.
- Any employee who uses the leave to care for an individual under quarantine or for a child under 18 whose school or daycare is closed is entitled to $\frac{2}{3}$ pay, or up to \$200 per day and \$2,000 total in paid leave.⁴
- The US Department of Labor provides [additional details on the criteria](#) employees must meet to qualify for paid leave.
- Paid sick leave under the Emergency Paid Sick Leave Act is in addition to other leave provided under Federal, State, or local law; an applicable collective bargaining agreement; or existing company policy.⁵

FFCRA Paid Family Leave Provisions

- These provisions amend the existing Family Medical Leave Act (FMLA).⁶
- Federal employees that are already covered by Title II of the FMLA (which was not amended by this act) are not covered under these expanded family and medical leave provisions.⁷
- Expanded paid family leave is available under certain circumstances to employees of companies with less than 500 employees, though companies with less than 50 employees may qualify for an exemption if providing this leave would threaten the viability of the business.
- Employees must have worked at the company for at least 30 days to be eligible for extended paid family leave.⁸
- Employees are entitled to an additional 10 weeks of job-protected leave paid at $\frac{2}{3}$ their normal rate if the employee needs to care for a child whose school or daycare is closed.⁹

² <https://www.nfib.com/content/legal-compliance/coronavirus/coronavirus-paid-sick-leave-and-expanded-family-leave-law-effective-april-1-2020/>

³ <https://www.afscme.org/downloadable-asset/AFSCME-Facts-New-Leave-Requirements.pdf>

⁴ <https://www.hrdiver.com/news/5-things-to-know-about-the-new-coronavirus-paid-leave-law/574611/>

⁵ <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

⁶ "What you need to know if you are unemployed or have reduced hours due to COVID-19," <https://nabtu.org/covid-19-resources/>.

⁷ <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>

⁸ <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>

⁹ <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>

- Note: Employees in this situation are eligible for up to 12 total weeks of paid leave - two weeks of paid sick leave (see above) followed by the 10 weeks of paid expanded family & medical leave - based on their normal hours of work (full or part time) at the reduced rate.¹⁰
- There is an exemption for job protection under certain circumstances for employers with less than 25 employees.¹¹

CARES Act Expanded Unemployment Assistance and Eligibility

- The CARES Act creates three new federal unemployment programs:
- Pandemic Unemployment Compensation (PUC)
- Pandemic Emergency Unemployment Compensation (PEUC)
- Pandemic Unemployment Assistance (PUA)
- From March 27, 2020, through July 31, 2020, all unemployment assistance claimants entitled to state unemployment insurance (UI) will receive an additional \$600 per week under the Pandemic Unemployment Compensation program, funded by the federal government.
- States are incentivized to offer additional benefits as they will be fully reimbursed by the federal government.

Elimination of Waiting Periods and Extension of Benefits

- The federal government will reimburse states that waive state-mandated one-week waiting period for unemployment benefits to begin.
- Pandemic Emergency Unemployment Compensation extends unemployment benefits beyond the usual state limit of 26 weeks (all but 8 states provide up to 26 weeks of UI) by an additional 13 weeks. Beneficiaries can therefore continue to receive federal PEUC benefits through December 31, 2020.

Eligibility Requirement Changes

- Although PEUC benefits beyond 26 weeks of UI require the recipient to be actively seeking work, the legislation calls for states to “provide flexibility in meeting such requirements” in cases where individuals are unable to seek work due to COVID-19-related circumstances.¹²

Coverage for Independent Contractors, Seasonal, Temporary, and Low-Wage Workers

- Independent contractors, freelancers, part-time workers, and workers with limited prior job tenure are eligible for federal UI under the Pandemic Unemployment Assistance (PUA) program, which extends benefits to workers who are typically excluded from UI.

¹⁰ <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>

¹¹ <https://www.hrdiver.com/news/5-things-to-know-about-the-new-coronavirus-paid-leave-law/574611/>

¹² <https://www.nelp.org/publication/unemployment-insurance-provisions-coronavirus-aid-relief-economic-security-cares-act/>

- PUA would benefit Teamster members such as: owner-operator or independent contractor drivers, taxicab drivers, workers in the motion picture industry whose upcoming scheduled jobs were cancelled¹³, seasonal food processing employees, construction employees whose jobs have been cancelled, or new hires who have not yet begun work.
- Applicants to the PUA program must demonstrate that they meet a number of criteria to receive benefits. Qualifying criteria include: a COVID-19 diagnosis, care for an ill family member or child whose school is closed, place of employment is closed, or the scheduled start date of work was postponed. There are several [additional qualifying criteria](#) as well.
- Eligible beneficiaries of PUA are also eligible to receive the additional flat rate \$600 per week under PUC.¹⁴
- The program runs from January 27, 2020 through December 31, 2020. Participants are eligible for up to 39 weeks of benefits, including retroactive benefits.¹⁵

For more information, please contact your Local Union.

Sources

US Department of Labor Guidance:

<https://www.dol.gov/newsroom/releases/whd/whd20200324>

National Employment Law Project: Cited for unemployment Insurance expansion programs

<https://www.nelp.org/publication/unemployment-insurance-provisions-coronavirus-aid-relief-economic-security-cares-act/>

AFSCME: <https://www.afscme.org/downloadable-asset/AFSCME-Facts-New-Leave-Requirements.pdf>

NABTU: <https://nabtu.org/covid-19-resources/>

IATSE: <https://www.iatse.net/news/congress-passes-cares-act-providing-immediate-economic-relief-entertainment-workers>

¹³ <https://www.iatse.net/news/congress-passes-cares-act-providing-immediate-economic-relief-entertainment-workers>

¹⁴ <https://www.nelp.org/publication/unemployment-insurance-provisions-coronavirus-aid-relief-economic-security-cares-act/>

¹⁵ <https://www.nelp.org/publication/unemployment-insurance-provisions-coronavirus-aid-relief-economic-security-cares-act/>