

April 7, 2020

Covid-19 Daily Briefing Recap

Clarification of FFCRA Qualifying Events

Please note that the following is a recap of our COVID-19 Daily Briefing from 4/7/2020. Due to the rapidly evolving nature of the pandemic, we recommend that you consult the most up to date materials possible. Visit Jackson Lewis P.C.'s [COVID-19 resource page](#) for updates on workplace impacts of the Coronavirus, and [sign up here](#) to receive invitations to future daily COVID-19 webinar briefings and updates on ongoing legal and workplace health challenges.

The “But for” Test

- An employee who is subject to any of the Qualifying Events described below may take Paid Sick Leave only if, *but for being subject to the order*, he or she would be able to perform work that is otherwise allowed or permitted by his or her employer, either at the employee's normal workplace or by telework.
- The employee must be unable to work *because of* the events listed below.

Qualifying Events

- 1) **Quarantine or Isolation Order:** Order must be directed to the particular individual; however, also included are instances where a federal, state, or local government authority advises categories of citizens (e.g., by age or medical condition) to shelter in place, stay at home, isolate, or quarantine.
- 2) **Advised by Healthcare Provider to Self-Quarantine:** Healthcare provider recommends self-quarantine “due to COVID-19”, including as protection for those who are “particularly vulnerable” due to age and/or medical condition.
- 3) **Seeking Medical Diagnosis:** Limited to the time employees are unable to work because they are taking affirmative steps to obtain medical diagnoses, including making, waiting for, or

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attending an appointment for a COVID-19 test; not available to those able to telework while waiting for diagnosis.

- 4) **Caring for Another.** Leave to provide care for an individual subject to quarantine, isolation or self-quarantine as described in 1) and 2) above.
- 5) **Caring for Child Due to School Closure or Lack of Child Care:** Leave is only available if no other suitable person (e.g. co-parent, co-guardian or usual care provider) is available during the leave period; eligible childcare need not be compensated or licensed if providers are family members or friends.

What if I have more questions?

As issues and concerns around Coronavirus COVID-19 unfold daily, employers must prepare to address the threat as it relates to the health and safety of their workforce. Keep up to date with [Jackson Lewis' latest available information and resources](#).

If you have any questions, please contact the Jackson Lewis attorneys with whom you regularly work.