

Summary of Federal and State Options for Pay during Absence for COVID-19

Caution: In light of the rapidly evolving legal issues related to COVID-19, we will be updating this chart regularly. Please consult the most recent version on our website

Employee Status	(Federal) Emergency Family and Medical Leave Expansion Act For employers with <500 ees	(Federal) Emergency Paid Sick Leave Act For employers with <500 ees	(State) ME Emergency Unemployment	(State) MA Emergency Unemployment	(State) NH Emergency Unemployment	(State) Sick Time Laws	(Employer) Vacation/PTO/ Sick Time policies	(Employer) Short Term Disability
1. Employee is working from home	Not covered because ee should be paid regular wages	Not covered because ee should be paid regular wages	Not covered if working regular schedule because ee should be paid regular wages. If working reduced schedule, ee may be entitled to partial unemployment	Not covered if working regular schedule because ee should be paid regular wages. If working reduced schedule, ee may be entitled to partial unemployment	Not covered if working regular schedule because ee should be paid regular wages. If working reduced schedule, ee may be entitled to partial unemployment	Not covered because ee should be paid regular wages	Not covered because ee should be paid regular wages	Not covered because ee should be paid regular wages

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2. Employee is confirmed to have COVID-19 or has symptoms consistent with COVID-19	Not covered	Covered “if ee is seeking a medical diagnosis” Up to 80 hours for f/t (or 2 weeks of regular schedule for p/t) paid at regular rate of pay up to cap of \$511/day (\$5110 total)	Covered “Under a temporary medical quarantine or isolation restriction to ensure that the individual has not been affected by” COVID-19	Likely Covered if employee’s medical provider has suggested quarantine “A request to a claimant from ... a medical professional ... [that the claimant] ... be isolated or quarantined as a consequence of COVID-19”	Covered “The individual has a current diagnosis of COVID-19”	Covered under MA Earned Sick Time	Likely covered	Depends on terms of plan, but likely covered after elimination period
3. Employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19	Not covered	Covered Up to 80 hours for f/t (or 2 weeks of regular schedule for p/t) paid at regular rate of pay up to cap of \$511/day (\$5110 total)	Covered “Under a temporary medical quarantine or isolation restriction to ensure that the individual has not been affected by” COVID-19”	Likely Covered “A request to a claimant from...a local health official, or any civil authority [that the claimant] ... be isolated or quarantined as a consequence of COVID-19”	Covered “The individual is quarantined . . . at the instruction of a . . . government official to prevent the spread of COVID-19”	Covered under MA Earned Sick Time	Likely covered	Unclear, depends on terms of plan

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4. Employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19	Not covered	Covered Up to 80 hours for f/t (or 2 weeks of regular schedule for p/t) paid at regular rate of pay up to cap of \$511/day (\$5110 total)	Covered “Under a temporary medical quarantine or isolation restriction to ensure that the individual has not been affected by” COVID-19”	Likely Covered “A request to a claimant from ... a medical professional ... [that the claimant]...be isolated or quarantined as a consequence of COVID-19, even if the claimant ... has not actually been diagnosed with COVID-19”	Covered “The individual is quarantined . . . at the instruction of a health care provider . . . to prevent the spread of COVID-19”	Covered under MA Earned Sick Time	Likely covered	Unclear, depends on terms of plan

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5. Employee is caring for an individual who is subject to an order as described in 3 above or has been advised as described in 4 above.	Not covered	Covered Up to 80 hours for f/t (or 2 weeks of regular schedule for p/t) paid at 2/3 of regular rate of pay up to cap of \$200/day (\$2000 total)	Covered “an individual who is on a temporary leave of absence due to . . . a need to care for a dependent family member as a result of COVID-19”	Likely Covered “A request to a claimant from ... a medical professional, a local health official, or any civil authority that ... a member of the claimant’s immediate family or household member be isolated or quarantined as a consequence of COVID-19, even if ... the claimant’s immediate family or household member has not actually been diagnosed with COVID-19”	Covered “The individual is caring for a family member or dependent who . . . is under a quarantine related to COVID-19”	Covered under MA Earned Sick Time	Likely covered	Not covered

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6. Employee is caring for a son or daughter if the school or place of care has been closed, or the child care provider is unavailable, due to COVID-19 precautions	Covered if son or daughter is under 18 years (school means elementary or secondary school) Up to 12 weeks of job-protected leave if ee cannot work or telework. First 10 days is unpaid, thereafter paid at rate of 2/3 regular rate of pay up to cap of \$200 per day, \$10,000 in aggregate	Covered Up to 80 hours for f/t (or 2 weeks of regular schedule for p/t) paid at 2/3 of regular pay up to cap of \$200/day (\$2000 total)	Covered “an individual who is on a temporary leave of absence due to . . . a need to care for a dependent family member as a result of COVID-19” Confirmed through DOL that Maine UI covers ees when school is closed and ee maintains contact with er and er intends to recall ee.	Likely Covered “a request to a claimant from . . . any civil authority that . . . a member of the claimant’s immediate family be isolated or quarantined as a consequence of COVID-19...”	Covered if family member is “unable to care for themselves” “The individual is caring for a family member or dependent who is unable to care for themselves due to the COVID-19 related closing of their school, child care facility, or other care program.”	Not covered	Likely covered	Not covered

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7. Employee is experiencing any other substantially similar condition specified by the Sec’y of HHS in consultation with the Sec’y of Treasury and Labor	Not covered	Covered Up to 80 hours for f/t (or 2 weeks of regular schedule for p/t) paid at 2/3 of regular pay up to cap of \$200/day (\$2000 total)	Not addressed	Not addressed	Not addressed	Not addressed	Likely covered	Unclear, depends on terms of plan
8. Employer closes the workplace due to lack of work and employee cannot work from home (this includes furlough)	Not covered	Not covered	Covered “Temporarily laid off due to a partial or full closure of the individual’s place of employment as a result of the state of emergency and is expected to return to work once the emergency closure is lifted.”	Covered “Temporarily unemployed because of a lack of work due to COVID 19, with an expected return-to-work date”	Not addressed in emergency order but covered under usual eligibility rules	Not covered	Likely covered	Not covered

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9. Employer directs employee to stay home due to exposure and ee has no symptoms (e.g., no travel to high risk area, no known exposure to member of household or other contact who has COVID-19)	Not covered	Not covered	Covered “Under a temporary medical quarantine or isolation restriction to ensure that the individual has not been affected by” COVID-19 or “a demonstrated risk of exposure or infection”	Covered “A request to a claimant from an employer ... that the claimant or a member of the claimant’s immediate family or household member be isolated or quarantined as a consequence of COVID-19, even if the claimant or the claimant’s immediate family or household member has not actually been diagnosed with COVID-19”	Covered “The individual is quarantined . . . at the instruction of an . . . employer . . . to prevent the spread of COVID-19”	Not covered	Likely covered	Unclear, depends on terms of plan

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10. Employee requests to work from home because of medical condition and/or fear of exposure	Not covered because ee is working	Not covered because ee is working	Not covered because ee is working	Not covered because ee is working	Not covered because ee is working	Not covered because ee is working	Not covered because ee is working	Not covered because ee is working
11. Employee requests to stay home because of medical condition and/or fear of exposure and job cannot be done at home	Not covered	Not covered	Not covered	Not covered	Covered “The individual is quarantined (including self-imposed quarantine) . . . to prevent the spread of COVID-19.”	Not covered	Likely covered depends on the circumstances, consider treating as a request for an accommodation under disability laws	Not covered

Please contact one of our employment attorneys with questions.

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