

FAMILIES FIRST: WORKERS' VOICES DURING THE PANDEMIC

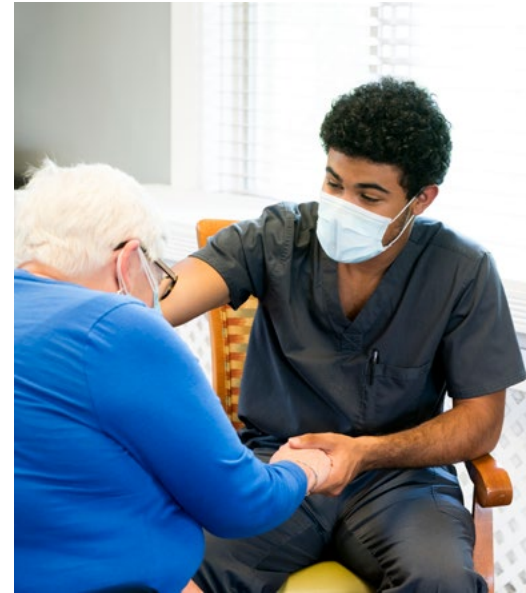
The 2019 novel coronavirus pandemic has laid bare vast systemic problems that advocates have sought to rectify for generations. Workers are speaking out about their struggles balancing protecting their health, caring for their families, and staying afloat economically during these unprecedented times. We must listen to their voices, especially the voices of low-wage workers and those most marginalized, to inform policy-making in the short-term and long-term.

WHO WE ARE

A Better Balance is a national legal advocacy organization dedicated to promoting fairness in the workplace. Through legislative advocacy, strategic litigation, and direct legal services, we use the power of the law to advance justice for workers, so they can care for themselves and their loved ones without jeopardizing their economic security. We believe that when all working parents and caregivers have a fair shot in the workplace, our families, our communities, and our nation are healthier and stronger.

The Significance of the Families First Coronavirus Response Act

The Families First Coronavirus Response Act (FFCRA) is the first federal paid leave law, and for many workers, it is their only source of paid leave. The FFCRA guarantees covered workers critical access to emergency paid leave to care for their own health or for some close family members when impacted by COVID-19. Emergency paid sick leave covers days when workers cannot work because they are subject to a quarantine or isolation order (including a shelter-in-place or similar order), have been advised by a medical provider to self-quarantine, or are experiencing coronavirus symptoms and seeking medical diagnosis. The sick leave also covers days when workers need to care for certain loved ones who are subject to a quarantine or isolation order or have been advised to self-quarantine, or to care for a child who has been affected by school closures. The law also provides up to 12 weeks of leave (10 paid) when a child's school or place of care has been closed, or childcare is unavailable, due to COVID-19.



More Must Be Done

Through our [Free Work-Family Legal Helpline](#), A Better Balance has heard from hundreds of workers across the country who are facing economic insecurity and struggling to care for themselves and their loved ones due to the COVID-19 crisis. A disproportionate number of callers have been people of color, which reflects the disproportionate impact COVID-19 has had on communities of color.¹ Many of the low-wage workers we have spoken to were able to use the FFCRA to care

for themselves and their families. However, the experiences of many others that we've heard from show that while enacting the FFCRA was a necessary first step for helping our nation through this unprecedented emergency, further action must be taken.

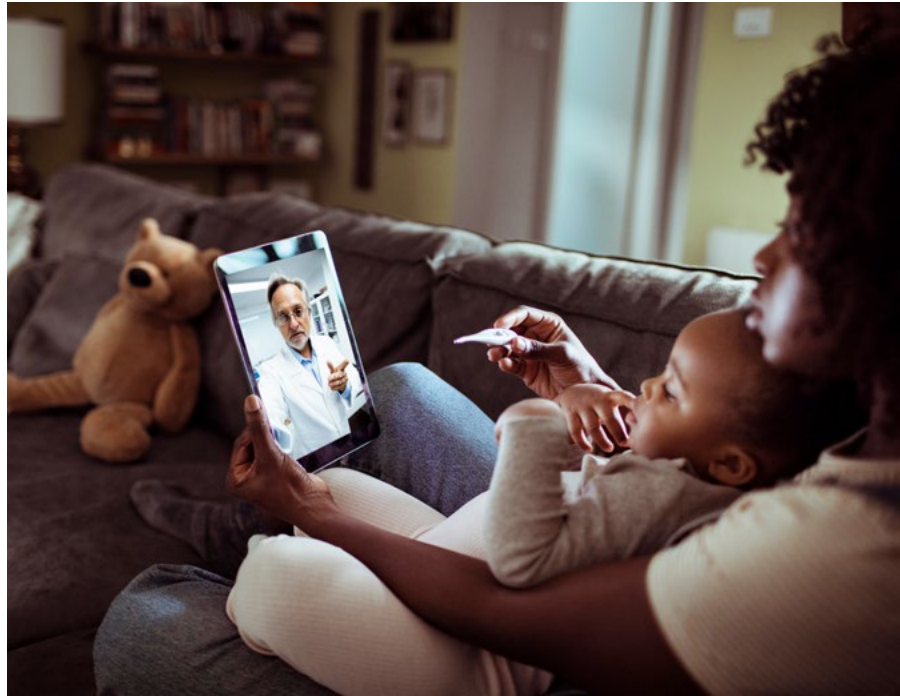
Unfortunately, the law currently leaves out up to 106 million workers.² Principally, workers who work at businesses with 500 or more employees are explicitly excluded. Additionally, the law allows certain healthcare provider and emergency responder employers to opt out of coverage. These exclusions disproportionately affect women of color and can weigh especially heavily



on low-income workers, who are much less likely to have access to paid sick days or paid leave without a legal right.³ Additionally, workers who have taken or will take FMLA leave within the current 12-month period for reasons unrelated to COVID-19, due to the Department of Labor's (DOL) interpretation of the FFCRA, have severely diminished rights, because the 12 weeks of paid leave to care for a child whose school or place of care has been closed due to COVID-19 come from the same bank of leave as regular FMLA leave. All workers need accessible paid leave protections during this national emergency and beyond, and failure to protect millions of workers nationwide is both unjust and dangerous for public health.

Workers Have Benefited from the FFCRA's Protections

A Better Balance has spoken to many workers who have successfully taken urgently-needed leave under the law, much to their and their families' benefit. Our helpline is often the first place they hear about the law, and its relevance to them. And all too often, they have to push to assert their rights with employers who are uninformed about its application or resistant to complying with their obligations. For many of our callers who are covered by the law, and who are able to equip themselves with the facts, the FFCRA has provided invaluable leave at a difficult time. For example, **STEPHANIE**, who works for the city of Huntsville, **Alabama**, was unable to work because she needed to care for her son, who had recently been advised to quarantine by his doctor. She called us to find out if she was eligible for emergency sick time and family leave under the FFCRA. After sharing our fact sheet and talking with her employer, she was able to receive paid sick leave and paid family leave under the FFCRA to care for her son and maintain her income and benefits. We also heard from **DAVID TIEU**, a fire alarm technician in New York, **New York**, who, before the FFCRA was enacted, was told that he was being laid off after he asked to use his accrued time off when his son's daycare closed due to COVID-19 and he suddenly had no childcare. He was ultimately able to get his job restored after filing a complaint with the National Labor Relations Board, and was able to take twelve weeks of leave under the FFCRA based on his need to care for a child who no longer had childcare available due to COVID-19. We also heard from **ANGELICA**, who works at a warehouse in Santa Ana, **California**. She contracted COVID-19 and her employer gave her time off work to recover, but initially said she wouldn't get paid. Thankfully, she spoke with HR, who told her she will be able to get paid for two weeks under the FFCRA. These are only a few of the many workers who have been able to take the paid time off they urgently need under the FFCRA.



But we have also heard from many others who are unable to take FFCRA leave for the reasons mentioned above. Here are some of their stories:



We've heard from workers whose employers are too large to be covered by the FFCRA:

- **MONA***, an occupational therapist in **Maine**, needed leave to care for her neurodivergent daughter, whose school had closed due to COVID-19. Her employer initially told her they would provide her with leave, but later backtracked and told her to return to work. Her employer told her that if she did not return to work, she would be removed from her status as a full-time employee. Her employer is too large to be covered by the FFCRA, which might otherwise give her the right to job-protected paid sick leave and emergency paid family leave in this situation.
- **SARAH*** is part of the kitchen staff at a large nursing home in **Michigan**. She tested positive for COVID-19, and her employer required her to stay home but would not pay her for the time she was out. Since her employer is too large for the FFCRA to apply—and, even if they were small enough to be covered, they could claim the optional exemption for employers of health-care workers—she has no paid leave available to her.
- **JEFFREY** is an HVAC technician in Long Island, **New York**. He has worked at the same company for over ten years. He is immunocompromised and at an increased risk of infection. He has a 7-year-old son whose school closed due to the COVID-19 outbreak, and his wife, a nurse, is unable to stay at home during the work day because she is an essential worker. Jeffrey, worried about his family's options, called to find out if he might be eligible to take paid family leave to care for his son, while staying healthy and employed. He is likely not protected by the FFCRA since his employer is too large.
- **DIANE*** is a supermarket worker in **Washington** State. She has metabolic disorders including type 1 diabetes. She is on an unpaid leave of absence right now because her doctor has advised her to self-quarantine due to the risks of contracting COVID-19. While she was able to use the remainder of her sick time, she was not eligible for emergency paid sick leave under FFCRA since her employer has 500 or more employees.



* indicates that a name has been changed to preserve privacy throughout this document.

- **AFIYA** works at a non-profit organization in New York, **New York**, with 500 or more employees. She is therefore exempt from the FFCRA. She does not have childcare available due to COVID-19 and her employer told her that because the FFCRA does not apply to them due to their size, the only option she has is to go on unemployment and then re-apply to work at the organization once she has childcare.



We've heard from workers who may be denied leave under the FFCRA because their employers could be eligible for the small business exemption:

- **SOFIA*** works for a small construction company in **California**. Her children's school closed as a result of COVID-19 and while her employer has permitted her to work from home, she is unable to do so full time as a result of her childcare responsibilities. Her employer may be able to opt for the small business exemption under the FFCRA, since they have fewer than 50 employees.
- **HEATHER** is a bartender in **Tennessee** for an employer with fewer than 50 employees. Her daycare provider has an autoimmune condition and, accordingly, shut down due to the pandemic, leaving Heather without childcare for her 9- and 11-year-old children. Since her employer is a small business, they may be able to claim the FFCRA's small business exemption for childcare-related FFCRA leave. Heather requested leave to address her childcare needs, and her employer terminated her shortly after.

We've heard from healthcare workers whose employers may opt to exempt them from FFCRA coverage:

- **MIA** is a hospital worker in Denver, **Colorado**. She contracted COVID-19 shortly after returning to work in June and quickly used up her PTO. She went back to work after only 11 days, even though she was still recovering, because she didn't have any more paid time available. Because she works for an employer with 500 or more employees, she was not eligible for emergency paid sick leave under the FFCRA. She also could've been exempt as a healthcare provider even if she worked for a smaller employer. Note that this situation happened before the Colorado paid sick days bill passed.



- **TATIANA*** is a mammography technologist at a hospital in Boynton Beach, **Florida**. She experienced COVID-19 symptoms and was sent home on unpaid leave while she recovered and awaited test results. She felt she had no choice but to return to work at her employer's request after only 11 days from when she first experienced symptoms; she got her positive test result back 3 days later. She wanted to know if she could get paid for the time she had to take off to quarantine, but unfortunately, since she works for a healthcare provider with greater than 500 employees, she cannot be compensated through the FFCRA.
- **JEANNE*** is a nurse at a hospital in **Kansas** with 500 or more employees. She needs leave to care for her 96-year-old father who is in hospice and at high-risk for COVID-19. She is not eligible for any leave under the FFCRA because of her employer's size. Even if her employer had fewer than 500 employees, she still might be exempt as a healthcare provider.



We've heard from emergency responders whose employers may opt to exempt them from FFCRA coverage:



- **MARINA** was a security officer in **Georgia**. Her 9-year-old's daycare was closed due to COVID-19. Additionally, the childcare provider who typically assists her 17-year-old, who has special needs, closed due to COVID-19. Due to the nature of Marina's work, she is considered an emergency responder under the FFCRA. Her employer opted for the emergency responder exemption under the FFCRA, so Marina was unable to take the leave she needed due to a lack of childcare for her daughter. As a result, she was forced to quit her job.
- **DANNY***, a paramedic in New York, **New York**, has a pregnant fiancée at home who tested positive for COVID-19. She is in self-isolation, and Danny* is responsible for her care and the care of her son, whose school is closed due to COVID-19. His employer told him that he doesn't qualify for FFCRA leave since he is a paramedic, apparently invoking the emergency responder exemption. He has exhausted all of his PTO during the pandemic and will now be on unpaid leave.

1 Centers for Disease Control and Prevention, COVID-19 in Racial and Ethnic Minority Groups (June 25 2020), <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html>.

2 See Sarah Jane Glynn, *Coronavirus Paid Leave Exemptions Include Millions of Workers from Coverage*, Center for American Progress (Apr. 17, 2020), <https://www.americanprogress.org/issues/economy/news/2020/04/17/483287/coronavirus-paid-leave-exemptions-exclude-millions-workers-coverage/>.

3 *New Emergency Legislation Provides Paid Sick Days and Paid Leave for Childcare for Millions*, National Partnership for Women & Families (Apr. 2020), <https://www.nationalpartnership.org/our-work/resources/economic-justice/new-emergency-legislation-paid-sick-days-paid-leave-child-care.pdf>.

APPENDIX: STORIES STATE-BY-STATE

ALABAMA

STEPHANIE, who works for the city of Huntsville, **Alabama**, was unable to work because she needed to care for her son, who had recently been advised to quarantine by his doctor. She called us to find out if she was eligible for emergency sick time and family leave under the FFCRA. After sharing our fact sheet and talking with her employer, she was able to receive paid sick leave and paid family leave under the FFCRA to care for her son and maintain her income and benefits.



CALIFORNIA

SOFIA* works for a small construction company in **California**. Her children's school closed as a result of COVID-19 and while her employer has permitted her to work from home, she is unable to do so full time as a result of her childcare responsibilities. Her employer may be able to opt for the small business exemption under the FFCRA, since they have fewer than 50 employees.

ANGELICA works at a warehouse in Santa Ana, **California**. She contracted COVID-19 and her employer gave her time off work to recover, but initially said she wouldn't get paid. Thankfully, she spoke with HR, who told her she will be able to get paid for two weeks under the FFCRA.

BRIANA*, a human resources professional at an essential business in **California**, needed leave to care for a family member who is at high-risk for COVID-19, and to care for her children whose schools are closed as a result of COVID-19. She called us for information on her rights, and was then able to get approved for emergency sick and emergency paid family leave under the FFCRA.

COLORADO

MIA is a hospital worker in Denver, **Colorado**. She contracted COVID-19 shortly after returning to work in June and quickly used up her PTO. She went back to work after only 11 days, even though she was still recovering, because she didn't have any more paid time available. Because she works for an employer with 500 or more employees, she was not eligible for emergency paid sick leave under the FFCRA.

She also could've been exempt as a healthcare provider even if she worked for a smaller employer. Note that this situation happened before the Colorado paid sick days bill passed.

HILARIO is a single dad to a seven-year-old and a nine-year old. He works for a construction supply company in Aurora, **Colorado**. He lost his regular childcare provider due to COVID-19 and had to miss around 14 days of work. His employer told him he was having too many issues due to COVID-19 and they couldn't do anything for him, so they thought it was best that he resign. His employer is likely too large to be subject to the FFCRA, which likely would have otherwise given him the right to job-protected leave in this situation.



FLORIDA

TATIANA* is a mammography technologist at a hospital in Boynton Beach, **Florida**. She experienced COVID-19 symptoms and was sent home on unpaid leave while she recovered and awaited test results. She felt she had no choice but to return to work at her employer's request after only 11 days from when she first experienced symptoms; she got her positive test result back 3 days later. She wanted to know if she could get paid for the time she had to take off to quarantine, but unfortunately, since she works for a healthcare provider with greater than 500 employees, she cannot be compensated through the FFCRA.

DARRYL*, a security officer in **Florida** who had been ordered to self-quarantine by a healthcare provider while awaiting the results of a COVID-19 test called our helpline looking for help because his employer told him that they considered him an emergency responder, and that he was therefore ineligible for emergency paid sick time under the FFCRA. We provided information on his rights and the Department of Labor's definition of emergency responder. After talking with a DOL investigator, he was able to receive emergency sick time because he is not considered an emergency responder under the FFCRA.



KATHERINE* is a physical therapist assistant at a nursing home in Lakeland, **Florida**. She is classified as a healthcare worker, and suffered COVID-19 symptoms. Her tests came back negative, but she was forced onto a 14-day quarantine by her doctor. Her employer considered her positive for COVID-19 based on her symptoms and is placing her on an additional 14-day quarantine. She does not have enough PTO available to cover all of her time out of work, so much of her second quarantine period will be unpaid. Her employer can opt to exempt her from the FFCRA's coverage, since she is a healthcare worker.

GEORGIA

MARINA was a security officer in **Georgia**. Her 9-year-old's daycare was closed due to COVID-19. Additionally, the childcare provider who typically assists her 17-year-old, who has special needs, closed due to COVID-19. Due to the nature of Marina's work, she is considered an emergency responder under the FFCRA. Her employer opted for the emergency responder exemption under the FFCRA, so Marina was unable to take the leave she needed due to a lack of childcare for her daughter. As a result, she was forced to quit her job.



ILLINOIS

JENNA* is a factory worker in **Illinois** who has been employed at her company for more than three decades. Her husband suffers from various serious health conditions, for which she was approved for unpaid FMLA leave. However, she cannot afford unpaid leave. At the same time, she is fearful of contracting COVID-19 at work and exposing her husband as he is medically vulnerable. She is likely not eligible for paid leave under FFCRA due to her employer's size.

IMANI* is a package handler in **Illinois**. She is pregnant and has medical concerns at work because her employer is not enforcing social distancing or making sure employees are wearing their masks. She also has a one-year-old child with respiratory problems whose childcare provider is unavailable due to COVID-19. Her employer told her they'd only give her a 30-day unpaid leave of absence. They are too large to be covered by FFCRA which otherwise would have given her the right to both emergency paid sick leave and emergency paid family leave based on the need to care for a child whose childcare provider is unavailable due to COVID-19.

ULYSSES is a hospital worker in **Illinois**. He was out sick for about a month after being diagnosed with the coronavirus. He quickly used up his available vacation and sick time and then went without pay. He heard about the FFCRA and thought he should have been eligible for emergency paid sick leave under it, but unfortunately his employer is likely too large to be subject to the law and even if they weren't, they would still be able to claim the healthcare provider exemption.

KANSAS

JEANNE* is a nurse at a hospital in **Kansas** with 500 or more employees. She needs leave to care for her 96-year-old father who is in hospice and at high-risk for COVID-19. She is not eligible for any leave under the FFCRA because of her employer's size. Even if her employer had fewer than 500 employees, she still might be exempt as a healthcare provider.



KENTUCKY

CRYSTAL is a youth counselor in **Kentucky**. While suffering from COVID-19 symptoms, she was denied emergency paid sick leave under the FFCRA and told to take FMLA leave. Without access to emergency paid sick leave, Crystal would have exhausted all of her FMLA before her doctor-recommended quarantine period was up, and could have been terminated from her job. After talking with our helpline, she was able to receive emergency paid sick leave and correct her FMLA leave entitlement, giving her more time to care for her health.

MAINE

MONA*, an occupational therapist in **Maine**, needed leave to care for her neurodivergent daughter, whose school had closed due to COVID-19. Her employer initially told her they would provide her with leave, but later backtracked and told her to return to work. Her employer told her that if she did not return to work, she would be removed from her status as a full-time employee. Her employer is too large to be covered by the FFCRA, which might otherwise give her the right to job-protected paid sick leave and emergency paid family leave in this situation.

MASSACHUSETTS

AMY* is a certified dementia practitioner and memory care director at a luxury assisted living facility in **Massachusetts**. She started unpaid FMLA earlier than planned during her pregnancy because her doctor advised her to self-quarantine due to concerns about COVID-19 and her health. She is exempt from the FFCRA based on the size of her employer (and even if her employer were small enough to be covered, they could choose to claim the optional healthcare provider exemption), so she wasn't able to get paid during the time her doctor advised her to self-quarantine and she will have less FMLA time available to bond with her new baby than she would have if she were able to use the FFCRA's paid sick leave instead of starting her FMLA leave early.

EMILY* is a fast food worker in **Massachusetts**. She was supposed to return from maternity leave in May, but daycares were closed due to COVID-19 and, as a result, she does not have childcare available for her infant. Her employer told her they would have to fire her if she did not return to work. They are not subject to the FFCRA because of their size. Even if they were, she would only be entitled to two weeks of emergency sick leave, not twelve weeks of emergency family leave because she already exhausted her FMLA while on maternity leave.

RASHELLE*, a hospital employee in **Massachusetts**, is pregnant, has children whose daycares are closed due to COVID-19, and has a father who is considered high-risk. Her job requires her to work directly with COVID-19 patients. She was able to take some unpaid time off from work, but her employer has now indicated that they will not hold her job for much longer. Due to her employer's size, they are not covered by the FFCRA (and, if they were covered, they could opt to exclude her since she is a healthcare worker); if they were covered, she could potentially qualify for both paid sick leave and paid family leave, based on the fact that her children's daycares are closed due to COVID-19, which also come with job protection benefits.

REBECCA*, an employee at a fast food corporation in **Massachusetts**, needs leave to care for her elderly parents who have multiple health conditions and are at high-risk for COVID-19. Her employer is too large to be covered by the FFCRA, which might otherwise give her the ability to take two weeks of paid sick time in this situation.



MICHIGAN

SARAH* is part of the kitchen staff at a large nursing home in **Michigan**. She tested positive for COVID-19, and her employer required her to stay home but would not pay her for the time she was out. Since her employer is too large for the FFCRA to apply—and, even if they were small enough to be covered, they could claim the optional exemption for employers of healthcare workers—she has no paid leave available to her.



MINNESOTA

PAULA is a medical assistant at a clinic in **Minnesota**. She was supposed to return from maternity leave after 12 weeks, but was temporarily laid off due to COVID-19. She anticipates her employer will call her back to work soon, but she is fearful of returning at this point and potentially exposing her baby to COVID-19. Unfortunately, her employer is too large to be covered by FFCRA, and could also potentially claim the FFCRA's healthcare provider exemption. If her employer were covered, the FFCRA could potentially have given her the right to emergency paid sick leave in this situation, as someone who is caring for individuals who have been advised to self-quarantine by a healthcare provider.



JASMINE* is a cleaner at a hospital in Minneapolis, **Minnesota**. She doesn't have childcare right now due to COVID-19, and needs to take leave from work. HR said she could take an unpaid leave of absence after exhausting her sick time, but her manager would need to sign off. Her manager won't sign off because he says if they help her, they'll have to help everyone. She is not eligible for emergency paid leave under the FFCRA because her employer has 500 or more employees. Even if her employer had under 500 employees, she still might be exempt as a healthcare worker.

YOLANDA*, an employee at a disability care home in **Minnesota**, had COVID-19 symptoms and had to miss a week of work while she waited for her test results, at her employer's direction. She ultimately tested negative. She thought she would be paid for the time she missed under the FFCRA, as someone who had COVID-19 symptoms and was seeking a medical diagnosis, but her employer told her that they had opted out of the law's coverage (presumably under the law's optional exemption for the employers of healthcare workers).

HEATHER* is a dental hygienist in **Minnesota**. Her doctor has advised that she not return to work at this time due to possible exposure to COVID-19 while pregnant. Her employer granted her a leave of absence, but is requiring her to exhaust her remaining vacation time, which they could not require her to do if she were taking leave under the FFCRA. As a healthcare provider, her employer can claim an exemption from FFCRA even though there are under 500 employees.

MISSISSIPPI

TAMARA*, a worker at a hardware distribution plant in **Mississippi** called our helpline one week before the FFCRA took effect for information on her rights to care for her two children. Her one-year-old's childcare center closed due to COVID-19. She was worried because her manager told her that she could only go on leave without any pay, unlike workers at other plants in the area. After calling our helpline, we quickly provided information on the new federal legislation, including information on paid emergency family leave and how that might apply to her. She shared that information with her human resource manager who then reversed her original position and authorized her to take two weeks of leave to care for her children with full pay after providing that the schools were in fact closed due to COVID-19. Although she would prefer to stay home and receive paid family leave, this worker received the devastating news that her employer is too large to be covered under the federal law, and she must return to work after the two weeks.

MISSOURI

ALLISON, an EMT in **Missouri**, is pregnant and needs to quarantine, on the advice of her healthcare provider, for three weeks prior to her due date. If she were covered by the FFCRA, she could take the two weeks of sick time provided by the law for that purpose, but her employer is too large to be covered by the law and, even if they were not, could opt to exclude her as a healthcare provider. As a result, she will have to use more of her FMLA time during her period of quarantine, leaving her with less time available to bond with her new baby after she gives birth.



NEVADA

KIARA* is a warehouse worker in **Nevada**. She has been off work without pay because her daughter's school is closed due to COVID-19, and her employer is not providing her with any paid time off. They are exempt from the FFCRA because they have 500 or more employees—were they not, she would be eligible for paid sick leave and emergency paid family leave under the FFCRA in this situation.

NEW JERSEY

STACI, who works in a pharmacy in **New Jersey**, requested leave from work because she did not want to risk exposing her disabled daughter to COVID-19. Her daughter's doctor advised Staci that it was not safe for her to return to work. Staci is not eligible for FFCRA leave because her employer is too large for the law to apply. Were her employer covered, she would likely qualify for two weeks of emergency paid sick leave as someone who is caring for an individual who has been advised to self-quarantine by a healthcare provider. She hopes to return to work once it is safe for her to do so, but she may not have any job-protected leave available to her.

HOLLY* is a patient care worker at a hospital in **New Jersey**. She is on unpaid leave from her job to care for her daughter who had a severe seizure attack. She applied for NJ FLI benefits, but her application with the state is still pending after almost two months. Meanwhile she is also concerned about having to return to work while her child's school is still closed due to COVID-19. Her employer is exempt from the FFCRA based on its size, and even if they were not, they could potentially opt to exclude her since she is a healthcare worker. She could otherwise qualify for both paid sick leave and emergency family leave under the FFCRA due to her child's school closure.

KIANA* is a healthcare worker in **New Jersey**. She is currently pregnant and has been advised by her healthcare provider to self-quarantine due to the risks of exposure to COVID-19 in her situation. She asked Human Resources if there were any jobs she could do from home temporarily. HR told her no such positions existed, even though she had heard that a non-pregnant worker had been temporarily granted a remote position due to COVID-19. Her employer may opt to exempt her from the FFCRA's coverage since she's a healthcare worker.





NEW YORK

DAVID TIEU is a fire alarm technician in New York, **New York**, who, before the FFCRA was enacted, was told that he was being laid off after he asked to use his accrued time off when his son's daycare closed due to COVID-19 and he suddenly had no childcare. He was ultimately able to get his job restored after filing a complaint with the NLRB, and was able to take twelve weeks of leave under the FFCRA based on his need to care for a child who no longer had childcare available due to COVID-19.

JEFFREY is an HVAC technician in Long Island, **New York**. He has worked at the same company for over ten years. He is immunocompromised and at an increased risk of infection. He has a 7-year-old son whose school closed due to the COVID-19 outbreak, and his wife, a nurse, is unable to stay at home during the work day because she is an essential worker. Jeffrey, worried about his family's options, called to find out if he might be eligible to take paid family leave to care for his son, while staying healthy and employed. He is likely not protected by the FFCRA since his employer is too large.

DANNY*, a paramedic in New York, **New York**, has a pregnant fiancée at home who tested positive for COVID-19. She is in self-isolation, and Danny* is responsible for her care and the care of her son, whose school is closed due to COVID-19. His employer told him that he doesn't qualify for FFCRA leave since he is a paramedic, apparently invoking the emergency responder exemption. He has exhausted all of his PTO during the pandemic and will now be on unpaid leave.

NEW YORK CONTINUED

AFIYA works at a non-profit organization in New York, **New York**, with 500 or more employees. She is therefore exempt from the FFCRA. She does not have childcare available due to COVID-19 and her employer told her that, because the FFCRA does not apply to them due to their size, the only option she has is to go on unemployment and then re-apply to work at the organization once she has childcare.

KAMEEKA works for a health insurance company in the Bronx, **New York**. Five of her six children were home from school due to COVID-19- related school closures. She received two weeks of sick pay from her employer, but she is not entitled to additional pay beyond that since her employer is exempt under FFCRA due to its size.

KELLY* is a therapist at a large hospital on Long Island, **New York**. It's possible her children's summer camp may be cancelled due to COVID-19. If that's the case, she won't be eligible for emergency leave under the FFCRA because her employer has 500 or more employees and in addition could potentially claim an exemption as a healthcare provider.

KYLE is a priority mail service worker in Syracuse, **New York**. He called us when he was home without pay caring for his children whose school was closed due to COVID-19. Unfortunately, he is not eligible for paid leave under the FFCRA because of his employer's size.





NEW YORK CONTINUED

BRIDGET, who works at a large international education non-profit in New York, **New York**, has a newborn at home whose childcare is unavailable due to the COVID-19 pandemic. She is struggling to balance a full-time workload with full-time care-giving, and her employer has not offered any leave or accommodations to employees who find themselves in that situation. Her

employer is too large for the FFCRA to apply.

EMMA*, a nurse at a nursing home in **New York**, has an adult child with a chronic illness whose place of care has closed as a result of COVID-19. Her child requires round-the-clock care, and Emma* needs leave to provide care for her child. Since she is a healthcare worker, her employer has opted to exempt her from the FFCRA's coverage. Were she covered, she could likely have taken both emergency paid sick leave and emergency paid family leave under the FFCRA in this situation.

AASHNA*, a staff accountant at a healthcare organization in **New York**, is pregnant and has a child at home whose school closed, and whose regular care provider is unavailable, due to COVID-19. Due to her employer's size, she is not covered by the FFCRA. Even if her employer were small enough to be covered by the FFCRA, they could potentially claim the optional exemption for employers of healthcare workers.

JAY works in public safety as a dispatcher in New York, **New York**. She has a special needs child whose school is closed due to COVID-19. She is not eligible for emergency paid leave under the FFCRA, even though her child's school is closed due to COVID-19, because her employer has 500 or more employees and, even if they did not, they could potentially opt to exempt her as an emergency responder.

OHIO

PAOLA is a mental health case manager in **Ohio**. She was working from home due to COVID-19, but finding it very challenging with her three children (ages 4, 8, and 8 months) home from school and daycare due to COVID-19. Her 7-year-old stepson is sometimes home with her as well. Her employer wanted her to return to her office before she had childcare secured. She called to find out about her options. Unfortunately, her employer is likely exempt from FFCRA based on its size, and could also potentially claim FFCRA's healthcare provider exemption.



FAITH works at an optical center in Cleveland, **Ohio**. She is pregnant with her third child. Her doctor has advised her not to return to work until she is postpartum, or until her doctor clears her to return, due to COVID-19-related risks to her pregnancy. Her employer is exempt from FFCRA due to its size, so she will not be able to get paid sick leave under the law.

DANIELLE works for a large bank in **Ohio**. Her husband is a nurse who works at a hospital 3 days/week. They have a young child and are on a waitlist for him to return to daycare (class sizes have been reduced due to COVID-19). Danielle is having a very difficult time getting work done on days her husband is at work and she has to take care of their son while working from home. She is exempt from the FFCRA due to her employer's size; were she not exempt, she might be able to take paid sick leave and paid family leave on the days when she has childcare responsibilities due to COVID-19-related unavailability of childcare.

PENNSYLVANIA

CAROLINE* works for a managed care organization in **Pennsylvania**. She is a single mom to a young child whose school has been closed due to COVID-19. Her employer is exempt from the FFCRA due to its size, and therefore she doesn't have the right to take leave from work to care for her son. Were she covered, she would likely be eligible for both paid sick leave and paid family leave under the law, based on the need to care for a child whose school is closed due to COVID-19. She is working from home right now, but it has been a tremendous challenge to do so while caring for her son. She is relatively new to the job and her performance is suffering as a result of needing to care for her son during the day while also working. She is worried about losing her job.

RHODE ISLAND

CLAIRE*, a server at a restaurant in **Rhode Island**, is pregnant and is concerned about her restaurant reopening for indoor dining, based on her doctor's advice and her situation. Her employer has approximately 500 employees, which means they may be too large to be covered by the FFCRA. Were they covered, she could potentially get two weeks of paid sick leave if a healthcare provider advised her to self-quarantine due to concerns related to COVID-19.

SOUTH DAKOTA

DANIELLE, a Licensed Practical Nurse in **South Dakota**, was advised by a healthcare provider to self-quarantine while pregnant due to concerns about COVID-19 affecting her pregnancy. Since she is a healthcare provider, her employer can opt to exclude her from the paid leave provided by the FFCRA. Since FFCRA leave isn't available to her, she has been on unpaid leave. She applied for unemployment insurance benefits but was denied.

TENNESSEE

HEATHER is a bartender in **Tennessee** for an employer with fewer than 50 employees. Her daycare provider has an autoimmune condition and, accordingly, shut down due to the pandemic, leaving Heather without childcare for her 9- and 11-year-old children. Since her employer is a small business, they may be able to claim the FFCRA's small business exemption for childcare-related FFCRA leave. Heather requested leave to address her childcare needs, and her employer terminated her shortly after.



TEXAS

VIVIAN* is a property accountant in San Antonio, **Texas**. She called our helpline with questions on unemployment and the FFCRA. She requested to take FFCRA leave due to lack of childcare for her two children due to COVID-19, but she was denied FFCRA leave because her FMLA leave was exhausted due to maternity leave and the emergency family leave available under the FFCRA is considered a type of FMLA leave. Soon after this denial, she put in the two-week's notice of resignation due to the difficulties she experienced teleworking and taking care of her children during the pandemic.

ALMA* is a FAB operator in San Antonio, **Texas**. She called our helpline for information because she needed to stay home to care for her four kids, whose schools had closed due to COVID-19. Since her employer had 500 or more employees, they are not covered by the FFCRA, and do not have to provide her with the emergency paid sick leave and emergency paid family leave she would be entitled to were they covered by the law. Without paid emergency leave, her only option is unpaid leave.

BROOKE* is a software analyst for a civil engineering company in Houston, **Texas**. She had to telework because her child's school was closed due to COVID-19. Her employer is classified as essential because they build websites and coding for some transportation clients. After originally agreeing to allow her to work from home, her employer backtracked and exhausted all of her PTO and vacation time. Her employer may be able to opt for the FFCRA's small business exemption, so she may not be able to use the emergency paid sick time and emergency paid family leave to which she would otherwise be entitled under the law.

DEJA* is a server at an airport in **Texas**. She called our helpline with questions about her rights to emergency paid family leave because she did not have childcare for her three children since their schools—and then their summer camp—closed due to COVID-19. Her employer told her that, since they had gotten a PPP loan, leave under the FFCRA may not be available. After calling our helpline, she was able to explain the differences between the PPP loan and the FFCRA to her employer to make sure she would get the leave she needs. She submitted documentation that her children's summer camp was closed over the summer and HR approved her for FFCRA leave.



VIRGINIA



MADLINE*, an eyewear specialist in Lynchburg, **Virginia** was asked to return to work, after several months on furlough. Her children's daycare is closing an hour early due to COVID-19, and she cannot afford the late fees that she will incur if she is unable to pick them up on time.

Her employer is refusing to structure her schedule upon her return in a way that would allow her to pick them up. If her employer were covered by the FFCRA, she might be able to take leave intermittently to ensure that she can address her COVID-19-related childcare needs. Unfortunately, given her employer's size, that is not an option, and she is going to have to look for different employment.

BRENDA*, an emergency nurse in **Virginia**, is pregnant and high-risk. Her doctor initially

advised her to stay away from COVID-19 patients, and her employer was initially accommodating such requests but later backtracked. Her doctor then advised her to self-quarantine due to concerns related to COVID-19. She is not eligible for disability benefits under her employer's policy, and is not eligible for FMLA leave, so her employer told her that she would have to take an unpaid leave of absence. Her position may or may not be available when she comes back. Since she is a healthcare provider, her employer can choose to exempt her from the FFCRA, so she may not be able to access the FFCRA's two weeks of emergency paid sick leave, even though her doctor has advised her to stay out of work due to concerns related to COVID-19.

ERIC works in sales in **Virginia**. He needed leave to care for his child while her school was closed. He was relatively new to the job and did not have the option to telework, and he was concerned for the health and safety of his family and their financial security. He requested paid leave multiple times from his employer with no success. While he had not been employed long enough to qualify for emergency paid family leave under the FFCRA, he qualified for emergency paid sick leave under the FFCRA. After talking with A Better Balance and using our resources, he was able to receive emergency paid sick leave under the FFCRA to care for his family and stay safe.

GABRIELLA* is a customer service representative at a gas precision company in **Virginia**. She is pregnant and was worried about going into work, since she knew people at work had been sent home with COVID-19 symptoms and/or because they have spouses who have tested positive.

While her state was under a stay-at-home order when she called us, her employer was considered an essential business. As a result, she may not have been covered by the FFCRA since she would not have been considered to be under a federal, state, or local order of quarantine or isolation.

WASHINGTON

DIANE* is a supermarket worker in **Washington** State. She has metabolic disorders including type 1 diabetes. She is on an unpaid leave of absence right now because her doctor has advised her to self-quarantine due to the risks of contracting COVID-19. While she was able to use the remainder of her sick time, she was not eligible for emergency paid sick leave under FFCRA since her employer has 500 or more employees.

WISCONSIN

KEVIN is a supervisor at a large manufacturing company in **Wisconsin**. He is caring for his son who has COVID-19, and he has also been personally advised to self-quarantine. Kevin's employer is exempt from the FFCRA due to its size so his employer told him his only options were to use his PTO or go on unpaid leave. He told us, "I don't understand. Bigger companies still have employees that depend on [emergency paid sick leave] just like small ones do and it's big companies getting out of it once again."

DEAN has worked at a worldwide manufacturing company in **Wisconsin** for more than a decade. He and his wife have been advised by his wife's healthcare provider to self-quarantine due to his wife being at very high-risk. He is not eligible for emergency paid sick leave under the FFCRA because his employer is too large.





A Better Balance is a non-profit legal advocacy organization working nationally to promote fairness, equality, and justice in the workplace for women and families.

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