



Families First Coronavirus Response Act (H.R. 6201)

Education and Labor Provisions

Division A – Second Coronavirus Preparedness and Response Supplemental Appropriations Act

- Increases appropriations for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) by \$500 million. While this money could be used more effectively, such as providing access to meals for families, this, along with additional flexibility included, will help WIC participants.
- Appropriates \$160 million for home-delivered nutrition programs such as Meals on Wheels and \$10 million for nutrition services for Native Americans.
- The bill also appropriates \$80 million for congregate nutrition services.
 - Although these funds would be better spent by focusing more exclusively on home-delivered meals, the funds may be used to meet increased demand at congregate sites that remain open and some sites may move to preparing meals to be picked up or delivered.
 - Allows more flexibility for states to access emergency meals for seniors in need.

Division B – Nutrition Waivers

- Provides additional authority for the Agriculture Secretary to waive requirements in the child nutrition programs that limit program operators' ability to get these meals to the children who need them.
- Cited as the MEALS Act, permits the Secretary to waive provisions in the school meal programs even if it would result in an additional cost to the federal government.
 - This provision is not necessary currently, but as we continue to focus on access, we want to ensure the Trump administration has the necessary tools to provide access to nutritious meals to vulnerable students and families.
- Provides additional flexibilities in the WIC program by allowing the Secretary to waive administrative requirements including the requirement for a participant to have a physical presence to assess their nutritional risk.
 - Targeted flexibilities such as these will help WIC participants maintain access to their benefits.

Division C – Emergency Family and Medical Leave Expansion Act

- Expands the *Family and Medical Leave Act* (FMLA) to require only businesses with fewer than 500 employees to provide paid leave for all employees who have been employed for 30 days for a qualifying need related to a public health emergency related to the coronavirus declared by a federal, state, or local authority.
- The employee must be compensated for this leave at a level which is at least two-thirds of an employee's regular rate of pay.
- The first 14 days for which an employee takes FMLA leave under Division C may consist of unpaid leave. However, an employee may elect to substitute any accrued vacation leave, personal leave, or medical or sick leave provided by the employer in lieu of unpaid leave.
- Therefore, under Division E of the broader bill, a business employing fewer than 500 employees is required, at the request of the employee, to pay the employee for 14 days of mandated emergency paid leave instead of the initial 14 days of unpaid leave required by Division C.
- Under current law, the FMLA requires 12 weeks of unpaid, job-protected leave for employers with 50 or more employees, and an employee must be employed for at least 12 months and for at least 1,250 hours with the employer during the previous 12-month period to be eligible for leave.
- The requirements in Division C sunset after December 31, 2020.
- The Secretary of Labor has authority to issue regulations to exempt small businesses with fewer than 50 employees from the requirements of the Division C mandate when the imposition of such requirements would jeopardize the viability of the business as a going concern.

Division E – Emergency Paid Sick Leave Act

- Requires only employers with fewer than 500 employees to provide each employee immediately 14 days of paid sick leave for specific circumstances related to coronavirus.
- The paid sick leave must be made available in addition to paid leave currently provided by the employer.
- An employer may not change its current paid leave policy after enactment to avoid the obligations of the additional leave mandated by Division E.
- An employer may not require an employee to use other paid leave provided by the employer before the employee uses paid leave mandated by Division E.
- Division E's requirements expire after December 31, 2020.

Division G – Tax Credits for Paid Sick and Paid Family and Medical Leave

- Provides specific levels of reimbursement to covered employers and certain individuals in the form of payroll credits and tax credits for the leave payments required by the bill.