



AMERICAN  
SUSTAINABLE  
BUSINESS  
COUNCIL

## HEROES ACT PROVISIONS RELATED TO PAID FAMILY AND SICK LEAVE

### Eliminates Employer Exemptions

- Eliminates the 500+ employee exemption, but does not allow these employers to claim tax credits
- Eliminates the health care provider and emergency responder exclusions
- Eliminates the small business self-exemption

### Expands Uses of Paid Sick Days & Paid Leave

- Expands emergency paid leave to cover the same purposes as emergency PSD
- Expands caregiving & medical reasons for taking leave, including to allow leave in the event of a public order for self-isolation
- Expands the family care definitions to cover any adult disabled family member, in addition to children, and expands the overall family definition

### Expands the Ability To Use Paid Sick Days & Paid Leave

- Extends the sunset date from December 31, 2020 to December 31, 2021 (including the employer tax credits)
- Ensures that emergency FMLA leave does not count against your regular FMLA entitlement
- Clarifies that employees receive 10 days of paid sick days per year
- Adds job protection to paid sick days
- Clarifies the documentation required for employees to certify leave, eliminating much of the employer discretion in the DOL regs
- Clarifies that an employer can't make the employee substitute any of their existing PTO
- Eliminates the requirement requiring that an employee receive the employer's permission to take intermittent leave

### Increases Wage Replacement

- Increases wage replacement maximum for family care purposes
- Clarifies that the emergency paid leave benefit cannot be less than minimum wage
- Changes the paid leave aggregate limit from \$10,000 to \$12,000
- Eliminates the \$200/day limit on employer tax credits
- Allows self-employed people to use prior year earnings to calculate their self-employment income for the credit

## **Expands Access to Public & Nonprofit Employees and Provides Fiscal Aid to State and Local Governments**

- Allows federal, state, and local governments to claim tax credits for paid sick days and paid family and medical leave
- Includes TSA and VA employees in the paid sick days provisions
- Clarifies that nonprofits are covered