

**CHART – COMPARISON PAID FMLA, FEDERAL
PAID SICK LEAVE AND UNEMPLOYMENT**

Updated April 6, 2020

COVID-19 Related Situation	Federal Paid Sick Leave *	Paid FMLA*	State Unemployment plus \$600 Federal Supplement
The employee is laid off due to lack of work prior to April 1, 2020 (regardless if lack of work is due to state order to shut down)	No	No	Yes
The employee is laid off due to lack of work on or after April 1, 2020 (regardless if lack of work is due to state order to shut down)	No	No	Yes
Employee is subject to a quarantine or stay at home order and cannot work in person or telework - i.e. <i>but</i> for the order, the employee would be working because the employer has work to do	Yes	No	Yes, but cannot collect if receiving Paid Sick Leave
The employee has COVID-19 and cannot work in person or telework	Yes	No	Yes, but cannot collect if receiving Paid Sick Leave
The employee has been advised by a health care provider to self-quarantine and cannot work in person or telework.	Yes	No	Yes, but cannot collect if receiving Paid Sick Leave
The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis and cannot work in person or telework.	Yes	No	Yes, but cannot collect if receiving Paid Sick Leave
The employee is caring for someone who is subject to a quarantine or stay at home order and as a result cannot work in person or telework	Yes	No	Yes, but cannot collect if receiving Paid Sick Leave
The employee is caring for his/her son or daughter because school/childcare closed or childcare unavailable and cannot work in person or telework	Yes	Yes	Yes, but cannot collect if receiving Paid Sick Leave or Paid FMLA
The employee is caring for a family member or member of household who has been diagnosed with COVID-19 (and does not have self-quarantine order from health care provider)	No	No	Yes
The employee was scheduled to start a job but is unable to do so as a result of the public health emergency	No	No	Yes
The employer, as permitted under applicable government orders, has work but employee refuses due to concerns of exposure to COVID-19	No	No	Probably not. The CARES Act states unemployment is available if an employee “has to quit” as a direct result of COVID-19.
Employee refuses work because someone tested positive at their workplace - has not been advised by healthcare provider to self-quarantine.	No	No	Probably not. The CARES Act states unemployment is available if an employee “has to quit” as a direct result of COVID-19.
Employee refuses work because someone tested positive at their workplace - has been advised by healthcare provider to self-quarantine.	Yes	No	Yes, but cannot collect if receiving Paid Sick Leave

* **Paid FMLA and Paid Sick Leave** applicable to employers with under 500 Employees and for leaves taken between 4/1/20 and 12/31/20.

General Rule: Lack of work attributable to employer for any reason, including government shutdown, leads to unemployment claim. Lack of work caused by individual situation, paid leave may apply.

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