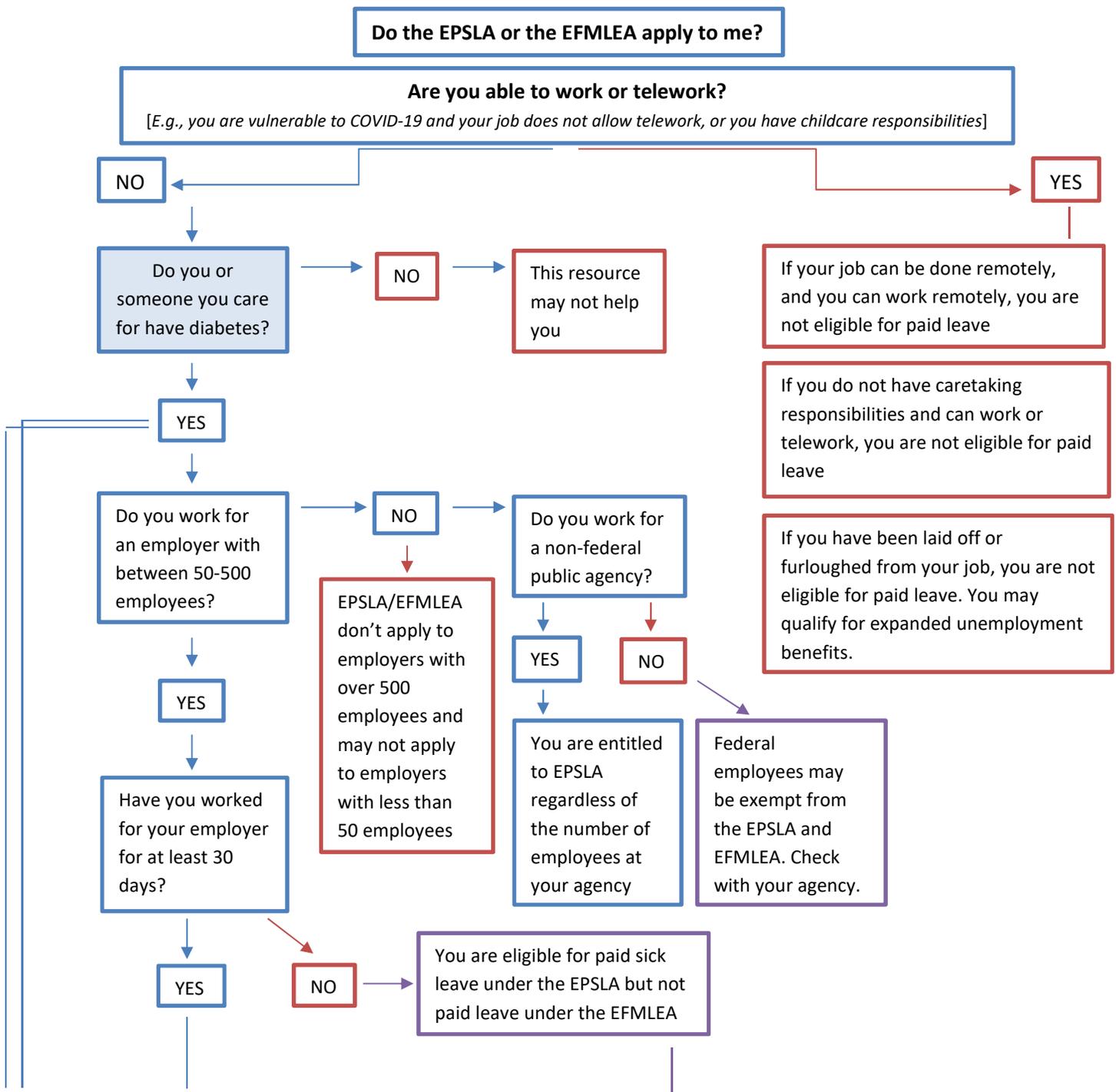


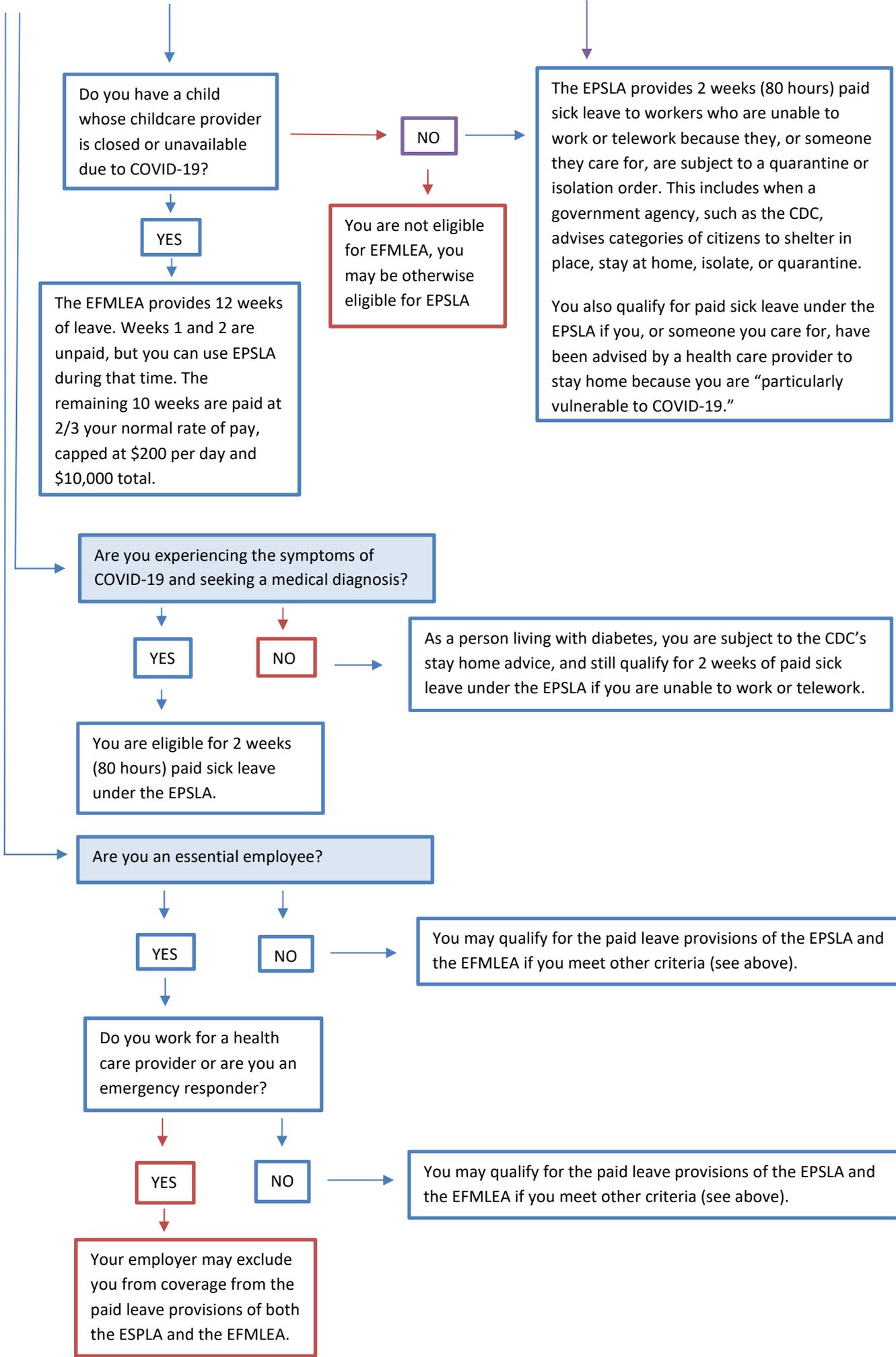
# Your Rights Under the New COVID-19 Laws as a Worker with Diabetes

New federal laws passed to address the COVID-19 pandemic impact workers with diabetes and many others by providing new, expanded, and temporary leave benefits.

The primary new law affecting workers is called the **Families First Coronavirus Response Act (FFCRA)**. It has several parts, including the **Emergency Paid Sick Leave Act (EPSLA)** and the **Emergency Family and Medical Leave Expansion Act (EFMLEA)**. Each law provides different levels of paid leave benefits to certain workers.

*See below to determine where you fit in.*





Do you have a child whose childcare provider is closed or unavailable due to COVID-19?

YES

The EFMLEA provides 12 weeks of leave. Weeks 1 and 2 are unpaid, but you can use EPSLA during that time. The remaining 10 weeks are paid at 2/3 your normal rate of pay, capped at \$200 per day and \$10,000 total.

NO

You are not eligible for EFMLEA, you may be otherwise eligible for EPSLA

The EPSLA provides 2 weeks (80 hours) paid sick leave to workers who are unable to work or telework because they, or someone they care for, are subject to a quarantine or isolation order. This includes when a government agency, such as the CDC, advises categories of citizens to shelter in place, stay at home, isolate, or quarantine. You also qualify for paid sick leave under the EPSLA if you, or someone you care for, have been advised by a health care provider to stay home because you are "particularly vulnerable to COVID-19."

Are you experiencing the symptoms of COVID-19 and seeking a medical diagnosis?

YES

You are eligible for 2 weeks (80 hours) paid sick leave under the EPSLA.

NO

As a person living with diabetes, you are subject to the CDC's stay home advice, and still qualify for 2 weeks of paid sick leave under the EPSLA if you are unable to work or telework.

Are you an essential employee?

YES

Do you work for a health care provider or are you an emergency responder?

YES

Your employer may exclude you from coverage from the paid leave provisions of both the ESPLA and the EFMLEA.

NO

You may qualify for the paid leave provisions of the EPSLA and the EFMLEA if you meet other criteria (see above).

NO

You may qualify for the paid leave provisions of the EPSLA and the EFMLEA if you meet other criteria (see above).

## References & Sources of Authority

- Authority for paid sick leave for those who are “unable to work or telework:” 29 CFR § 826.21
- Authority for provision of paid sick leave to people with diabetes because of a shelter in place, stay at home, isolate, or quarantine order or advice:  
<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/groups-at-higher-risk.html>  
<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/what-you-can-do.html>
- Authority for provision of paid sick leave to people with diabetes who have been advised by a health care provider to stay home because they are “particularly vulnerable to COVID-19”: 29 CFR § 826.20(a)(3)(i)(C)
- Authority for restrictions on leave provided to private employers with less than 50 employees: 29 CFR § 826.40(b)
- Authority for provision of paid sick leave for people who are experiencing the symptoms of COVID-19 and seeking a medical diagnosis: 29 CFR § 826.20(a)(iii)
- Definition of emergency responders: 29 CFR § 826.30(c)(2)(i)<sup>1</sup>
- Authority to exempt federal government employees from EPSLA: 29 CFR § 826.30(d)
- Authority to exempt federal government employees from EMFLEA: 29 CFR § 826.40(c)(3)

For more information on the leave benefits provided by the FFCRA, see the ADA FAQ: **Rights for Workers with Diabetes During the Coronavirus Pandemic** <https://www.diabetes.org/coronavirus-covid-19/rights-for-workers-with-diabetes-during-coronavirus-pandemic>

Sign up to be a **Diabetes Advocate** so you can make your voice heard on the importance of protecting all workers with diabetes for the duration of the pandemic in the next congressional relief bill (<https://www.diabetes.org/advocacy/become-an-advocate>)

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<sup>1</sup> Department of Labor regulations define emergency responders to include military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, child welfare workers and service providers, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency, as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. The highest official of a state or territory may determine additional individuals as emergency responders.