



Pay Guidelines for Employers

What are the requirements around paying my employees if we close or I send them home?

If the business closes due to COVID-19 related issues:

Non-Exempt*	<ul style="list-style-type: none"> ➤ Do not have to be paid for any time they don't work ➤ Employee may use PTO/paid sick leave to get paid†
Exempt (assuming ready and able to work)	<ul style="list-style-type: none"> ➤ Must be paid for the full week in which any amount of time was worked, regardless of the amount of time worked, subject to limited exceptions ➤ Employer can apply employee's available PTO/paid sick leave† <i>but...</i> ➤ Employees with no available PTO/paid sick leave must still receive full pay if they work any portion of the workweek, subject to limited exceptions

If the company is open and the employee does not to come in (either voluntarily, or they are involuntarily sent home due to exposure or potential illness):

Non-Exempt*	<ul style="list-style-type: none"> ➤ Do not have to be paid for any time they don't work ➤ Employee may use PTO/paid sick leave to get paid†
Exempt with no available PTO/sick leave	<ul style="list-style-type: none"> ➤ Employer can deduct for a <u>full</u> day of missed work if: <ul style="list-style-type: none"> • Time off is taken for personal reasons OTHER THAN sickness or disability; • Time off is taken for sickness or disability AND the employer has a "bona fide" health and welfare benefit plan ➤ Employer can deduct the proportionate amount of time taken off in a week where leave is taken pursuant to standard FMLA
Exempt with available PTO/sick leave	<ul style="list-style-type: none"> ➤ Employer can apply employee's available PTO/paid sick leave†

**Note: If the non-exempt employees are paid on a salary basis instead of by the hour, the same rules above apply. The way they are paid does not affect the non-exempt status, thus still allowing the employer to deduct pay.*



†Note: In many jurisdictions, paid sick leave is typically used at the employee's option, and the employer may not force employees to use it. Employers should review the paid sick leave requirements in their locations of operation.

This information is as of 3/24/2020. Please note that this information does not include the extended leave provisions under H.R. 6201: Families First CoronaVirus Response Act that will go into effect on April 1, 2020.