FLOOR AMENDMENT EXPLANATION

1. Provides for up to 10 days of paid sick leave for an employee in the field of leisure or hospitality, food services, child care, education, home healthcare, nursing homes or community living facilities, if the person:
   a. has a current diagnosis of COVID–19;
   b. is under quarantine, including self-imposed quarantine, at the instruction of a health care provider, employer, or a local, State, or Federal official, in order to prevent the spread of COVID–19;
   c. is engaged in caregiving for an individual who has a current diagnosis of COVID–19 or is under quarantine as described in clause (ii);
   d. is engaged in caregiving, because of the COVID–19-related closing of a school or other care facility or care program, for a child or other individual unable to provide self-care.

2. Requires pay to be provided either at the employee’s regular rate of pay, including all forms of wages and compensation and for the employee’s regularly worked hours.
   a. Requires employees who regularly earn less than the minimum wage due to a tip credit to be compensated at the applicable minimum wage rate.

3. Specifies that employers are not required to offer additional days of paid sick leave, if it already offers all employees an amount of paid leave sufficient to comply with.

Amendment explanation prepared by Vicente Reyna
Page 2, after line 27, insert:

"Sec. 4. Paid sick leave for certain employees; definitions

A. A covered employer shall provide up to at least ten days of paid sick leave to an employee who meets one or more of the following:


2. Is under quarantine, including self-imposed quarantine, at the instruction of a health care provider, an employer or a local, state or federal official to prevent the spread of COVID-19.

3. Is giving care to an individual who has a current diagnosis of COVID-19 or is under quarantine as described in paragraph 2 of this subsection.

4. Is giving care to a child or other individual who is unable to provide self-care because of the closure of a school or other care facility or program for reasons related to COVID-19.

B. Except as provided in subsection C of this section, if a covered employer allows an employee to take up to at least ten days of sick leave, this section does not require the covered employer to provide additional sick leave for the purposes prescribed in subsection A of this section.

C. If a covered employer provides sick leave and an employee has exhausted this sick leave, an employee who meets the requirements of subsection A of this section may take sick leave as provided in this section.

D. The covered employer shall provide sick leave pay based on the employee's regular rate of pay, including all forms of wages and compensation, and regularly worked hours, except that:
1. If the employee's rate of pay is reduced below the applicable minimum wage because the employee receives tip income, the employee's rate of pay is the applicable minimum wage.

2. If the employee's rate of pay or hours worked has varied in the period before the employee's absence as described in subsection A of this section, the employee's sick leave pay shall be based on the employee's average daily pay for the preceding month.

E. To the extent feasible, covered employers and employees shall comply with the procedures of the family and medical leave act (29 United States Code chapter 28), except that:

1. A covered employer may not terminate an employee for the inability to provide documentation during the period an employee meets the requirements of subsection A of this section.

2. Application of the family and medical leave act does not lessen the rights and responsibilities prescribed by this section.

F. For the purposes of this section:

1. "Covered employer" means an employer engaged in the field of leisure and hospitality, food services, child care, education or home health care working with elderly, disabled or ill individuals or otherwise high-risk individuals or an employer that operates a nursing home or a community living facility.

2. "Education" includes all levels of education and services related to providing education including campus-related cafeteria services and transportation."