

## **(FFCRA) - Families First Coronavirus Response Act**

### **Emergency Paid Sick Leave Act**

- Covered Employers are those with less than 500 employees
- All employees are covered no matter length of employment (some exclusions may apply)
- Special rules/exemptions for employers with less than 50 employees, healthcare providers or emergency responders
- Full time employees receive 80 hours of paid leave, prorated for part time workers
  - Capped at \$511 per day if personally quarantined, self-quarantined or experiencing symptoms and seeking diagnosis
  - 2/3 pay, capped at \$200 per day for other qualified reasons
- Caring for a child entitles an employee for sick pay if his or her school is closed, or childcare is unavailable due to COVID-19
- This is in addition to any leave the employee was already entitled to and must be paid before employee uses other leave
- Equivalent benefits are provided for self-employed individuals
- Amounts paid are not treated as compensation for purposes of Old Age, Survivors and Disability Insurance, normally imposed at a rate of 6.2% each for employer and employee.

### **Family and Medical Leave Act Expansion**

- Covered Employers are those with less than 500 employees
- Up to 12 weeks of Job Protected Leave
- First 10 days of leave are unpaid but employee may qualify for 2-week childcare provision.
- Must have been employed for 30 Days

Expanded FMLA benefits for workers affected by COVID-19 – 2 weeks (up to 80 hours) at the regular rate of pay where the employee is unable to work because of 1, 2, 3 below.

Expanded pay for workers affected by COVID-19 – 2 weeks (up to 80 hours) of expanded family and medical leave at 2/3 of employee's regular rate of pay because of 4, 5, or 6 below.

Covered Employers must provide to employees that it has employed for at least 30 days up to an additional 10 weeks of expanded family and medical leave at 2/3 the employees regular rate of pay where an employee is unable to work due to 5 below.

**Qualifying Reasons for Leave:**

1. Is subject to Federal, State or local quarantine or isolation orders related to COVID-19
2. Has been advised by a health care provider to self-quarantine related to COVID-19
3. Is experiencing COVID-19 symptoms and is seeking a medical diagnosis:
4. Is caring for an individual subject to an order described in 1 or self-quarantine as described in 2
5. Is caring for a child whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19; or
6. Is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Under the FFCRA, an employee qualifies for expanded family and medical leave if the employee is caring for a child whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19.

**Calculation of Pay:** There are varying rules related to the calculation of pay for the various reasons too lengthy for this article. Please call our office or check DOL website [www.dol.gov/agencies/whd/pandemic/ffcra-questions](http://www.dol.gov/agencies/whd/pandemic/ffcra-questions) for additional information.

**Tax Credits:** Covered employers qualify for dollar-for-dollar reimbursement through tax credits for all qualifying wages paid under the FFCRA. Qualifying wages are those paid to an employee who takes leave under the Act for a qualifying reason, up to the appropriate per diem and aggregate payment caps. Applicable tax credits also extend to amounts paid or incurred to maintain health insurance coverage. The credit is for costs for qualified sick/ family leave wages paid and related health plan premiums related to qualified sick leave wages and any Medicare taxes paid on amounts and is a dollar for dollar reduction of future payroll taxes, including employer taxes and employee withholdings. There will be more to come about how this calculation is going to work.

**Employer Notice:** Each covered employer must post in a conspicuous place on its premises a notice of FFCRA requirements. Emailing document also counts as posting. The DOL has a great example of the notice. Click [here](#) for the example.

**Prohibitions:** Employers may not discharge, discipline, or otherwise discriminate against any employee who takes expanded family and medical leave under the FFCRA and files a complaint or institutes a proceeding under or related to FFCRA.