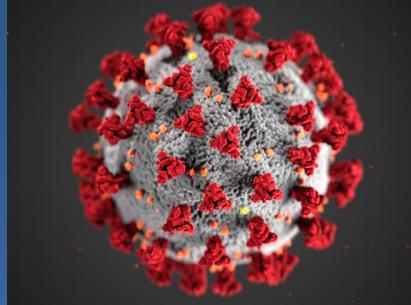


Families First Coronavirus Response Act For Employers



What We Will Cover

- Emergency Family and Medical Leave Expansion Act (EFMLA)
- Emergency Paid Sick Leave Act (EPSLA)
- Other Considerations for Employers

EFMLA Provisions

- Covers employers with less than 500 employees
- Waiver application for employers with less than 50 employees if requirements would jeopardize the viability of the business.
- Effective April 1, 2020, Ends December 31, 2020.
- Provides job and benefit protected leave for a “qualifying need related to a public health emergency”, in this case COVID-19.

EFMLA Provisions

- Up to 12 weeks of leave for a qualifying need. This is not in addition to any applicable FMLA.
- For employees who have been employed with their employers for 30 calendar days prior to requesting leave.
- Healthcare providers and emergency responders may be excluded from the provisions.
- To care for a child under the age of 18 as a result of school, place of care, or childcare closings in the wake of COVID-19 mitigation efforts and/or mandates.
- Employee must give employer as much notice as possible.

EFMLA Leave Use

- First 10 days of leave may be unpaid.
- The employee may elect to use accrued paid time (vacation, sick, PTO, personal days, etc.) to cover the leave.
- After the initial 10 days, the employer must pay at least 2/3 of the employee's regular rate of pay for the number of hours the employee would have expected to work.
- Maximum payments are \$200 per day, \$10,000 in aggregate.

EFMLA Return to Work

- Like FMLA – return to same position.
- Employers under 25 employees may not be required to return employee to the same position if the economic conditions or other changes as a result of COVID-19 make that position unavailable.

Other Considerations & Open Questions

- Benefits stay in place as they would under an FMLA leave.
- If employees are not actively at work due to business operations shut down, the EFMLA provisions won't apply.
- Tax credits are provided for 100% of the qualified family leave wages paid by the employer each calendar quarter.

EPSLA Provisions

- Covers employers with fewer than 500 employees
- Effective April 1, 2020, Ends December 31, 2020 (no carryover)
- Provides 80 hours (less for part-time) of paid leave for employees who cannot work or telework

EPSLA Need for Leave

1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;

EPSLA Need for Leave

4. The employee is caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
5. The employee is caring for his or her son or daughter because the school or place of care of the employee's son or daughter has been closed or is unavailable due to COVID-19 precaution; or
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

EPSLA - Hours

- Capped at 80 hours
- Part-time capped at two weeks (in order of preference):
 - Hours normally scheduled
 - 6-month average
 - Agreed upon hours at time of hiring
 - Average hours to date
- Number of hours of paid sick leave for each week based on 6-month lookback

EPSLA - Rate

- “Regular Rate” of pay over past 6 months
- For reasons 1, 2, or 3:
 - Full rate
 - Capped at \$511/day and \$5,110 aggregate
- For reasons 4, 5, or 6:
 - 2/3 rate
 - Capped at \$200/day and \$2,000 aggregate
 - Reason 5 – Can be used for first 10 days of EFMLA, cap is \$12,000 aggregate (including subsequent 10 weeks of EFMLA)

EPSLA - Notice

- “Where leave is foreseeable, an employee should provide notice of leave to the employer as is practicable. After the first workday of paid sick time, an employer may require employees to follow reasonable notice procedures in order to continue receiving paid sick time.”

EPSLA – Odds and Ends

- Employers cannot require use of other PTO first
- Emergency leave is in addition to pre-existing PTO
- Cannot require employees to find a replacement
- No retaliation
- Must post Notice from DOL
- Secretary of Labor may exclude or exempt small businesses (<50) if requirements threaten business viability, health care providers, or emergency responders

Communication to Employees

- Change management requires constant/frequent communication in several different methods.
- Explain details and impact to your business to your front-line supervisors and managers first. Make sure their message is clear.
- Explain details to your employees in plain language and in a way that it makes sense for their situation. Step in their shoes.
- DOL published a FFCRRA Notice to post <https://www.dol.gov/agencies/whd/pandemic/ffcra-poster-questions>

What's Next?

- Many resources through DOL and local resources, such as the CBICC.
- Consider contingency plans now for:
 - Continued closures
 - Additional restrictions
 - Relaxing of restrictions, reopening of businesses

Thank You

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