

04.17.20 Webinar Q&A Transcript

Does this 80 hours of sick leave need to be provided in addition to annual 80 hours of sick time already provided (+ personal time)? Do staff need to use all non-accrued PTO before being able to use additional 80 hours sick leave?

This 80 hours of Paid Sick leave (EPSLA) is specific to the COVID-19 reasons and is in addition to any regular sick time or PTO time that the employee has been granted as part of the company normal PTO policy. If the employee meets the specific reasons (1-6) then they are not required to use their normal sick/personal time to be paid. They receive the 80 hours under the FFCRA.

My employees were furloughed on 3/17. If we call people back on 5/4 and someone cannot return because they need to watch their children whose school is closed, do I need to pay them sick pay? We were closed prior to 4/1.

If an individual was furloughed prior to April 1st when the FFCRA became available, then they are not subject to the Emergency FMLA. They would continue to receive benefits through unemployment.

Do the 80 hours have to be worked in a row or can they be a supplement to an employee's regular work hours if they are not able to work full days due to a child home from school?

The 80 hours do not need to be paid all at once. It can be paid anytime between 4/1/2020 and 12/31/2020.

I'm a small business with less than 50 employees. I do have an employee that is sick due to COVID-19 and has to care for children due to school closure. Does this person qualify for both pays.

Under the FFCRA the employee would normally qualify for the sick and family leave. However, as you are a small business with less than 50 employees, it will depend on whether you claimed the exemption.

How would an employer get reimbursement under family medical leave? is it just through the tax credits?

The employer would be able to reduce their Federal 941 deposit by the amount of paid leave. Any overage amount where the federal liability was not enough to cover the paid leave would be refunded by the IRS once Form 7200 is submitted.

What happens if an employer is providing paid leave and claims the credit on their 941 and subsequently receives a PPP loan, what happens next?

The sick and family leave are part of the FFCRA Act and is separate from the PPP loan. The PPP loan is part of the CARES Act and does not change the ability to claim the tax credit for paid sick and family leave wages.

If I am a self-employed individual with no employees, can I apply for paid sick leave if I meet one of the reasons?

Yes, the FFCRA also provides comparable credits for self-employed individuals. There is more information on the IRS website.

How do employees apply for the additional \$600 per week for unemployment?

There is little information available on this specifically but from what we have seen, the state bureau will be providing the information to the federal agency and it will be issued to the employee.

With standard unemployment and the \$600/wk from the Feds, is it possible that employees can actually make MORE on unemployment than when working?

Yes, with the additional \$600 Federal amount added to the state unemployment benefit, there are many employees who will actually make more than what their normal pay would provide.

If employees are getting an additional \$600 aren't they making more than the people who were not furloughed?

Yes, it is possible that with the Federal benefit added to the state unemployment benefit, the employee will be making more than their normal pay.