

# Dominion Payroll Large Employer Update

March 25, 2020



Dominion Payroll™  
*Empowering Your Business*

# For companies with 500+ employees

## Reminder:

- The Families First Coronavirus Response Act (signed into law last week) does NOT apply to companies with more than 500 employees
- However, normal FMLA rules apply, which allows for up to 12 weeks of job-protected, unpaid leave for qualifying conditions



# “Classic” FMLA Primer

- Up to 12 weeks of *unpaid, job-protected* leave in 12-month period for specified family and medical reasons
- With continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.
- The FMLA applies to all:
  - public agencies, including local, State, and Federal employers, and local education agencies (schools); and
  - private sector employers who employ 50 or more employees for at least 20 workweeks in the current or preceding calendar year – including joint employers and successors of covered employers.



# “Classic” FMLA continued

## Reasons for leave

- for the birth of a son or daughter, and to bond with the newborn child;
- for the placement with the employee of a child for adoption or foster care, and to bond with that child;
- to care for an immediate family member (spouse, child, or parent – but not a parent “in-law”) with a serious health condition;
- to take medical leave when the employee is unable to work because of a serious health condition; or
- for qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on covered active duty or call to covered active duty status as a member of the National Guard, Reserves, or Regular Armed Forces.
- The FMLA also allows eligible employees to take up to 26 workweeks of unpaid, job-protected leave in a “single 12-month period” to care for a covered servicemember with a serious injury or illness.



# So, in the COVID era...

## **An employee might ask to take “classic” FMLA if:**

- They are sick
- They are caring for an immediate family member who is sick

## **We don’t know if an employee can use it:**

- to care for children who are home from school



# Update on CARES Act (S.3548)

## **Coronavirus Aid, Relief and Economic Security Act**

- Division A – Small Business Interruption Loans
- Division B – 401K loans without penalty
- Title II – Delay of employer taxes
- Title III – Labor provisions



# A note about layoffs

If you are planning to lay off a significant amount of people, please consult the Worker Adjustment and Retraining Notification (WARN) Act

- Requires employers to provide written notice at least 60 calendar days in advance of covered plant closings and mass layoffs.
- Covered plant closings
  - permanent or temporary closing of a single site of employment if results in loss of 50+ employees in one day during any 30-day period
- Mass layoff
  - not a plant closing, but results in a loss of employment at a single site of at least 50-499 employees if they represent at least 33% of the total active workforce
  - OR results in the loss of employment at a single site of 500 or more employees and the 33% rule does not apply

\*Excludes part-time employees



# Additional criteria

- A WARN notice is required for businesses who are planning to lay off at least 50 people at a single site of employment:
  - Qualifying employers are:
    - Those with 100+ full-time employees (excluding those hired within the last 6 months or those who work <20 hours per week)
    - Private for-profit
    - Private non-profit
    - Quasi-public entity separately organized from the regular government
  - Employees not protected by WARN
    - Strikers, or those in a labor dispute
    - Temporary projects
    - 1099 or other independent contractors
    - Regular federal, state and local government employees





# WARN Act Employer's Guide

- We will post the WARN Act Employer's Guide on our site for your reference.
- Or click [HERE](#) to access it.



# Questions?

