

Families First Coronavirus Response Act (FFCRA)

Date signed into Law	March 18, 2020
Employers Impacted:	All employers with fewer than 500 worksite employees working in the U.S. FMLA previously covered employers with 50 or more employees.
Employee Eligibility:	Employees who cannot work or telework (work remotely)
Effective Date:	April 2, 2020
Expiration Date:	December 31, 2020

This Act addresses paid sick leave for employees impacted by COVID-19 and expanded paid family and medical leave. The Act also addresses increased funding for benefit programs, like WIC and SNAP.

Key Provisions

Expanded Family and Medical Leave

The Act significantly amends and expands the federal Family and Medical Leave Act (FMLA) on a **temporary basis**.

1. Covers employers with fewer than 500 employees while the Family and Medical Leave Act previously covered employers with 50 or more employees
2. Lowers the eligibility requirement to an employee having to work for an employer for at least 30 days prior to the designated leave. Prior eligibility was 12 months of employment and 1250 hours of service within the previous twelve months.
3. Allows employees who are **unable to work or telework (work remotely)**, to take up to twelve weeks of job protected emergency leave to care for their child (under 18 years of age) if the child's school or place of care is closed or the childcare provider is unavailable due to a public health emergency.
4. Allows full time employees to take unpaid leave, 80 hours of paid sick leave (up to \$511 per day), or paid time off such as vacation and sick leave to cover the first two (10 days) of the twelve weeks of leave, if eligible.
5. Requires employers to pay full-time employees at two-thirds their pay up to \$200 per day for ten additional weeks, eligible.
6. Requires employers with employees who work a part-time or irregular schedule to be paid based the average number of hours the employee worked for the six months prior to taking Emergency FMLA. Employees who have worked for less than six months prior to leave are entitled to the employee's reasonable expectation at hiring of the average number of hours the employee would normally be scheduled to work.

New Requirements for Paid Sick Leave

The Act requires employers with fewer than 500 employees to provide full-time employees (regardless of the employee's duration of employment prior to leave) with 80 hours of paid sick leave at the employee's regular rate of pay up to \$511 per day (or two-thirds the employee's regular rate to care for qualifying reasons 4, 5, or 6 listed below, up to \$200 per day)

Employees are eligible for paid sick leave if:

1. subject to a federal, state or local quarantine or isolation order related to COVID-19.
2. advised by a health care provider to self-quarantine due to COVID-19 concerns.
3. experiencing COVID-19 symptoms and seeking medical diagnosis.

4. caring for an individual subject to a federal, state or local quarantine or isolation order or advised by a health care provider to self-quarantine due to COVID-19 concerns.
5. caring for the employee's child if the child's school or place of care is closed or the child's care provider is unavailable due to public health emergency.
6. 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.

Other Items of Note:

The Act requires employers with fewer than 500 employees to not only adhere to the above leave requirements within 15 days, but employers will be required to post a notice informing employees of their rights to leave.

Caring for another who is subject to an isolation order or advised to self-quarantine as described above is not limited to just family members.

Paid sick leave will not carry over to the following year and may be in addition to any paid sick leave currently provided by employers, including any paid sick leave mandated by state or local paid sick leave laws.

A business employing fewer than 500 employees is required, at the request of the employee, to pay a full-time employee for 80 hours of mandated emergency paid sick leave instead of the initial 10 days of unpaid leave permitted by the Emergency Family and Medical Leave Expansion Act.

Health Plans Required to Cover Testing For COVID-19

The Act requires private health plans (including insured, self-insured, and grandfathered) to provide coverage for COVID-19 diagnostic testing and related services to employees and their covered dependents, without cost sharing (like deductibles, copayments and coinsurance) from enactment of the Act through the end of the national emergency period.

Covered services apply to diagnostic testing, healthcare provider services (in-person and telehealth), and facility costs (physician office, urgent care center and emergency room) to the extent the costs are related to evaluating the need for, or furnishing, COVID-19 diagnosis and treatment. In addition to coverage and cost waiver provisions, plans shall not require prior authorization or similar medical management requirements as a precondition of COVID-19 testing or services.

Tax Credit Information

The Act provides a series of refundable tax credits for employers. These tax credits are allowed against the employer portion of Social Security taxes. While this limits application of the tax credit, employers will be reimbursed if their costs for qualified sick leave or qualified family leave wages exceed the taxes they would owe. Employer needing more immediate assistance will have paid leave expenses offset against payroll taxes.

The Internal Revenue Service (IRS) should and will likely provide additional instructions on how to process and claim the tax credits.

For additional information, please click on links below.

<https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>

<https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>

Attachments:

Telework Policy

Family First Coronavirus Response Act FAQs