

Coronavirus Updates

Families First Coronavirus Response Act Emergency Family Medical Leave Expansion Act

The Emergency Family Medical Leave Expansion Act (EFMLEA) is an expansion of the Family and Medical Leave Act of 1993 (FMLA). This provision expands qualifications for leave to apply to all businesses with less than 500 employees.

Qualifications

- An employee must have been on the payroll for 30 calendar days.
- The employee must have a "qualifying need related to a public health emergency (COVID19)".
- The employee must be unable to work (or work remotely) due to a need to care for a child under the age of 18.
- The school or place of childcare must be closed or unavailable due to a public health emergency (COVID19).

Payments

- The first 10 days will be unpaid. An employee may opt to apply vacation, personal, or sick leave, but the employer can not require it.
- The first 10 days can be paid via the Emergency Paid Sick Leave Act.
- The remainder of the leave is required to be paid at no less than 2/3 of the employee's regular rate (or average over the past 6-month period if the employee has a varying schedule) for the number of hours the employee would otherwise be scheduled to work.
- The employer will pay no more than \$200/day and \$10,000 total.

Exceptions

1. The Secretary of Labor may provide exemptions to employers with fewer than 50 employees if providing leave to employees would jeopardize the viability of the business.
2. Employers of healthcare workers or first responders may elect to exclude their employees from benefits under the Act.



Reimbursements

Families First Coronavirus Response Act

The Act provides tax credits for employers to offset the cost of wages that are paid to employees as part of the bill's family leave and sick leave provisions, through the end of 2020.

Emergency Paid Sick Leave Act

The credit for sick leave paid under the EPSLA is equal to the actual wages paid by the employer, subject to a limit of \$511 per day, per employee, if paid for personal sickness. The credit is limited to \$200 per day if the sick leave is used to care for another individual or child.

Emergency Family Medical Leave Expansion Act

The credit for leave paid under the EFMLEA is limited for each employee to \$200 per day, with a maximum of \$10,000 per employee.

Additional Credits

The Act allows an additional payroll tax credit for any group health plan expenses that are related to the sick leave or emergency family medical leave benefits paid.

HOW TO GET REIMBURSED

First and foremost, keep records and let Avizo know. The credits are reported each quarter on the employer's payroll tax return and are refundable to the extent that the credit exceeds the employer's payroll tax liability.

The Act also provides for similar benefits for self-employed individuals who would be eligible for EPSLA benefits had they been an employee of a business, via refundable payroll tax credits. Finally, the Act makes these same wages not subject to the employer's share of the Social Security portion of FICA tax (6.2% of wages).

