



Families First Coronavirus Response Act FAQ

1. When will the Families First Coronavirus Act be enacted? When are employers required to start implementing?
 - a. The Act will be effective 04/02/2020. There are still many unknowns about the act. Additional information from all involved parties will be released prior to 04/02/2020.
2. Are there restrictions on the size of employer?
 - a. Employers with 500 employees or less are required to offer the paid Sick and Family leave act. Employers with 50 employees or less may file for an exemption from having to offer the paid Sick and Family leave act.
3. Are there requirements that the employee must meet before being eligible for the paid Sick and Family leave?
 - a. Yes. Employees have to have been active on the last 30 days for the Family Leave under FMLA. The paid sick leave does not require any amount of service all part and full time employees are eligible.
4. Are we required to obtain any documentation from our employers/employees regarding the Family or Sick leaves?
 - a. At this time, the statute does not specifically state that paperwork needs to be obtained. We should have additional information by 04/02/20. Best practice would be to not have any standard FMLA paperwork until the Department of Labor specifically states whether paperwork is needed. Employers can request a doctor's note. At this time, medical professionals may not have the ability to complete paperwork.
5. Are there any suggestions on the best way to track the paid Family Leave or Sick time?
 - a. The coronavirus leave still counts as time used for FMLA. We should treat the tracking as we have always done for FMLA. The paid Family Leave and Sick time can run concurrently. If an employee exhausts the 12 weeks of FMLA available, employers need to engage in the interactive process under the ADA and determine if a reasonable accommodation can be made.
6. Can employees receive both Family leave and Sick leave up to the cap of \$10,000?
 - a. At this time, the statute is unclear. One could argue that the Family leave will cap at \$10,000 and the Sick leave will cap at \$4,000. We hope to have additional information on this before 04/02/20.
7. How do employers with 50 employees or less apply to be exempt from the Families First Coronavirus Act?
 - a. The exemption will be applied for through the Department of Labor. At this time, there is not guidance or information on how to file the exemption. We hope to have this before 04/02/20.
8. Should the Families First Coronavirus Act be implemented now? Or, should employers wait until 04/02/20?
 - a. Employers do not have to start implementing the Family and Sick leaves now. Best practice is to follow your current FMLA, ADA and time off policies. The way the statute reads today, paid Family and Sick leave may be retroactive to a specific date. The statute does not say that that paid Family and Sick leave must be implemented retroactively.
9. What if an employer of 50 employees or less plans on filing an exemption? Should they still implement the Family and Sick leave?
 - a. Yes. Best practice is to take proactive measures now to comply with the law and seek reimbursement later.
10. Are employers required to provide notice of the Families First Coronavirus Act to their employees?

- a. Yes. Employers are required to notify their employees of the act. Notices will be sent out and will need to be posted for employees by 04/02/2020.
11. Is the government paying for this leave time or is the employer?
- a. The employer will initially pay for the leave and then can claim 100% of what is paid out on a quarterly basis through their payroll taxes. If there is any excess this would be treated as an overpayment.
 - b. Further IRS guidance is coming regarding claiming the credits for the Sick and Family Leave.
12. As a PEO client is the employee count based on the PEO or individual employer?
- a. Per NAPEO guidance the employee count requirements is looked at on the worksite employer level not the entire PEO.
13. How many hours of paid sick leave are employers required to provide?
- a. Full-time employees must be given 80 hours of paid sick leave
 - b. Part-time employees must be given the equivalent of two weeks of work
 - i. Ex. You have a part-time employee that works 20 hours per week. This individual would be entitled to 40 hours of paid sick leave.

