

# Webinar FAQs

Webinar Question	Webinar Response
Does the distribution or loan need a backup like a medical bill or furlough letter?	At the time of distribution or loan, no. However, the IRS will most likely require documentation in the event that the individual is audited.
Have we heard if the sexual harassment mandatory training for all employees been extended again due to COVID-19?	No, I have not heard anything to this effect.
I have one employee who is requesting to take time off to care for his child because school is closed. I have sent him a request form and asked him to explain why this affects him working his normal hours of 3:30-12:00. He has not replied. How long do I have to wait for him to reply and what if he doesn't? Is this no call no show termination?	The employer does not have to grant an FFCRA leave without a proper statement from the employee. You are required to provide leave under this reason until December 31, 2020. It is unclear with regards to the timeframe for the documentation to be provided. Under classic FMLA, it's 15 days, but there's no stated rule for FFCRA leave. As such, we caution that you tread carefully. The DOL reminds employers that if an employee fails in some regard to provide supporting information or documentation, the employer should give notice of the failure and an opportunity to correct the deficiency prior to denying the leave ( <a href="http://www.fmlainsights.com">www.fmlainsights.com</a> ) Regarding termination, please direct this question to an employment attorney.
If a school has committed to paying it's employees through the end of the school year, how can EFMLA be enforced?	If there is no reduction in pay even if the employee goes on leave, this is technically more generous than EFMLA. Thus, a conversation with the employee could ensue explaining this. If you do grant the leave and your school is subject to FFCRA, you could claim tax credits up to the amount allowable in FFCRA.
Do the provisions for 401k also apply to SimpleIRA plans?	It applies to all qualified retirement plans which we understand includes the Simple IRA.
If my employee has not lost job, hours, ability to work, etc. but their SPOUSE has, can my employee qualify for the CRD?	This is still somewhat unclear, but some record keepers and advisors understand this answer to be "no".
For a change to DFSA, does it have to be that the daycare opens/closes or can it be that the employee does/does not NEED the child care?	It can probably be both. If the employee doesn't need childcare, this is probably due to an employment status change. Please check your FSA plan document to understand what the permitted changes are under your specific plan.
What do doctors do during this time if they become ill, aside from WC? Do they qualify for any of these paid benefits? We have lots losing pay right now	If your employer decides not to opt into FFCRA, they do not qualify for paid benefits under FFCRA. If they develop a serious health condition, normal options apply such as Paid Family Leave and CA SDI.
Can you address again if employees can reduce their Dependent Care?	Yes, regular IRS permitted changes apply here. If there is a change in cost (i.e. provider closes), this is a permitted election change.
What if you have four children and two are above 14 and two are below? Does having the two below the age 14 bracket still qualify you?	Yes
I want to go back to your statement that an employee does not need to provide a doctors note even though they may have some similar symptoms?	The employee doesn't have to provide a doctor's note, but they have to attest to the fact that they were advised by a doctor to not work due to COVID-19 reasons.
If we are calling essential employees back to work for essential services work and they don't want to work and it does not fall under the FFCRA qualifying reasons does this effect their ability to get unemployment benefits? Are they still eligible?	This is not a qualifying reason under FFCRA. They are most likely not eligible for unemployment benefits. Not wanting to work for fear of infection, is not in itself, a qualifying reason for unemployment.
When an employee is on FFCRA, do we still need to pay 2/3 of the holiday or just pay the 2/3 of the regular wages, thank you	The DOL FAQs state it is "regular rate of pay".