

Webinar FAQs

Webinar Question	Webinar Response
<p>We have an employee who's grandmother has been diagnosed with covid 19 and his wife went to visit here. Does this qualify him for this paid sick time?</p>	<p>Since it is not the employee, but the wife, that is caring for the grandmother, this is not a qualifying reason for FFCRA leave.</p>
<p>Can you restart the contribution to dependent care when you have the need again?</p>	<p>Yes. When the childcare provider reopens, this is a "change in cost" qualifying event.</p>
<p>Do I also need to check our plan document for eligibility qualifications if we have furloughed our employees? Thank you.</p>	<p>Yes. I can state that most carriers are relaxing the eligibility requirements found in the Plan Document. Please contact your broker for further information.</p>
<p>If the workplace (hotel) start taking in First Responders and those who are being placed in quarantine due to potential COVID-19 infection, can the employee refuse to work due to fear of getting infected? Thanks</p>	<p>It depends. Employees are only entitled to refuse to work if they believe they are in imminent danger. The threat must be immediate or imminent, which means that an employee must believe that death or serious physical harm could occur within a short time, for example, before OSHA could investigate the problem. Requiring travel to China or to work with patients in a medical setting without personal protective equipment at this time may rise to this threshold. Most work conditions in the United States, however, do not meet the elements required for an employee to refuse to work. Once again, this guidance is general, and employers must determine when this unusual state exists in your workplace before determining whether it is permissible for employees to refuse to work.</p>
<p>What about the employee not only say she was directed to stay home because medical risk and doctor note only says out of work from this date and return on this date but thats it..can we ask for more or will that be enough for eFMLA?</p>	<p>To determine what documentation you can ask for, please review Q#16 of the DOL FAQs found here: https://www.dol.gov/agencies/whd/pandemic/ffcra-questions.</p>
<p>I know we have to pay for the emergency paid sick leave - but I thought there was also a provision that we have to pay for the emergency FMLA leave</p>	<p>That is correct. Both FFCRA leaves include paid sick time.</p>
<p>What if we furlough employees due to operation closure. What if they have a child to care for would they file for unemployment or FFCRA for emergency paid leave.</p>	<p>Furloughed employees can file for unemployment. Operations closure is not a qualifying reason under FFCRA leaves.</p>
<p>If health care employers are exempt to paid sick leave are they also exempt from emergency FMLA?</p>	<p>That is correct.</p>
<p>My understanding with FMLA also includes that some employees who are able to telework, but are not able to work their full 8 hours due to child care responsibilities, then they would be eligible for some benefit from FMLA to make up the missed hours. Do I understand this correctly?</p>	<p>Yes, this is the correct understanding of the Emergency FMLA rules.</p>
<p>We have a few employees 65 and older who are not working due to the shelter in place. In order for them to get the 80 sick pay do they need to provide any documentation from their doctor??</p>	<p>No, a doctor's note is not required; however, they must have been advised to stay home by a healthcare provider. For proper documentation, please review Q#16 of the DOL FAQs found here: https://www.dol.gov/agencies/whd/pandemic/ffcra-questions.</p>
<p>State of California Unemployment for furloughed employees are still asked to provide work search information for each week. How should this be answered in order to keep benefits.</p>	<p>The site here states that workers who are unemployed due to COVID-19 and expected to return to work with their employer within a few weeks are not required to actively seek work each week. https://edd.ca.gov/about_edd/coronavirus-2019/faqs.htm</p>
<p>Sorry I've got a few questions 1)How many hours for the LA paid sick time ? 2) Is the paid sick leave signed by Mayor Garcetti is an addition to the existing emergency paid sick leave or does it run concurrent with the emergency paid sick leave ? 3) is the new LA sick time eligible for tax credit too?</p>	<p>Please review my blog posting at www.boltonco.com/blog.</p>
<p>Can Employers allow employees to lower/suspend their Dependent Care payroll deductions?</p>	<p>Yes, if there was a change in cost due to provider closures.</p>

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<p>What are the enhanced unemployment insurance benefits for employees who are furloughed or laid off in California?</p>	<p>The EDD will begin paying an additional \$600 on top of the current weekly benefit amount to claimants. You can read more here: https://www.edd.ca.gov/about_edd/coronavirus-2019/workers.htm.</p>
<p>We are reducing hours for both exempt and non-exempt employees in order to avoid layoff. Shifting to 4-day work-week (32 hours). They may take PTO for 8 hours to make themselves whole. Otherwise, 8 hours per week of time without pay or a 20% pay reduction corresponding with the reduced work schedule for exempt employees. Any particular documentation or notice period required? Looking to do this for 8 weeks.</p>	<p>I'm unsure of the question posed.</p>
<p>Our organization (Orange County, California) has fewer than 50 employees and we are health care providers; exempt from both provisions. I would like to know if there is any type of assistance for employees that need assistance with childcare?</p>	<p>There is no assistance I know of under federal or state law.</p>
<p>If the employee is not at higher risk himself, but he lives with someone who is, is he eligible for leave? Neither the employee nor the household member is symptomatic or seeking care/diagnosis. We are an essential operation.</p>	<p>Based on the information here, this is not a qualifying reason for either of the FFCRA leaves.</p>
<p>if our maintenance workers are not able to report to work due to a state mandated shelter in place and can not work remotely, can we use the FFCRA leave and claim a tax credit if we continue to pay them.</p>	<p>It sounds like the reason they cannot work is because the employer does not have work to offer. If that is the case, this is not a qualifying reason for the FFCRA leaves. However, unemployment would be a viable recourse for these employees.</p>
<p>Is it true employees can simply self certify they are main childcare provider and collect unemployment without having been terminated?</p>	<p>It's possible. Here is the statement from the CA EDD site: If your child's school is closed, and you have to miss work to be there for them, you may be eligible for Unemployment Insurance benefits. Eligibility considerations include if you have no other care options and if you are unable to continue working your normal hours remotely. File an Unemployment Insurance claim and our EDD representatives will decide if you are eligible.</p>
<p>Is there a specific form required for the situation of emergency FMLA for a child over 14? Or simply a letter of explanation?</p>	<p>There is not a specific form, just a statement from the employee.</p>
<p>Can we ask the Dr. note to provide its related to Covid 19</p>	<p>Normal FMLA certification requirements still apply for leave taken for an employee's own serious health condition related to COVID-19. Please reference Q#16 of the DOL FAQs found here: https://www.dol.gov/agencies/whd/pandemic/ffcra-questions</p>
<p>Does the DR order have to show its due to Covid 19 related symptoms ????????????</p>	<p>Normal FMLA certification requirements still apply for leave taken for an employee's own serious health condition related to COVID-19. Please reference Q#16 of the DOL FAQs found here: https://www.dol.gov/agencies/whd/pandemic/ffcra-questions</p>
<p>Is PSL and EFMLA a total of 12 weeks or 14 weeks?</p>	<p>FMLA is a total of 12 weeks. The amount taken for EFMLA is counted against the FMLA 12 week limit.</p>
<p>Is it possible to get guidance on school closures and EFMLA (Expanded FMLA) end date? Need to understand how summer break factors in to the end date for EFMLA for school closures. For example, an employee has grade school child whose school is currently closed and receives two weeks (10 days) Emergency Paid Sick Leave to care for child from 4/13-4/24. School continues to be closed so employee takes advantage of EFMLA effective 4/25 for 10 additional weeks. (Some discussion indicates it could be 12 weeks.) Child's school was scheduled for summer break to begin 6/5, so in theory only 6 weeks of leave is needed to cover 4/25-6-5 to accommodate a "school closure." Does the EFMLA entitlement extend beyond the date school was original set to be released for summer break?</p>	<p>The FFCRA paid leave provisions expire on December 31, 2020. Summer break is not addressed in the regulations. However, the reason for EFMLA is due for a school or childcare closure. If the employee qualifies for this reason, they are eligible for EFMLA. In your example, you only account for school closure. However, it may be likely that the childcare provider is closed as well.</p>

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Any understanding whether the federal unemployment changes would apply to churches that are exempt from unemployment. Thank you.	There is no discussion of churches in the CARES Act as it relates to the expanded dollars for unemployment.
How does the PSL first qualification actually work in practice... is it specific to that employee... or would it apply to what we are experiencing now by our state asking us to isolate? Thank you.	It may help to understand in these terms: if the employer does not have work to offer due to an order, this is NOT a qualifying reason to take leave. If the employer has work (or telework) to offer, and the employee cannot work due to an isolation order, this is a qualifying reason.
The Leave is only for child care?	Please review slides 5 and 6 of the presentation.
If we do pay more than the tax credit allows, can we still take the full advantage of the portion that is allowable as a tax credit?	Yes.
If an employee who was NOT eligible for traditional FMLA was already out on unpaid leave for a surgical procedure, and now says their doctor does not want them to "work", even though it is telework, are they entitled to the EPSL?	Probably not. The reason I say this is because the reason for leave (for this situation) would be that the doctor advised the employee to self-quarantine due to COVID-19 concerns. However, I don't see that a doctor would have COVID-19 concerns for teleworking. It just doesn't sound practical.
In terms of the EFMLA, the DOL website says children must be 18 years old or younger, however, I believe in last week's update there was something mentioned that the age bracket was changing. Can you please speak to that? Thank you.	The age brackets did not change. However, we received further guidance. Please review Q40 of the DOL FAQs.
Still not clear on the documentation needed. For an employee who has a Dr.'s note and it does not specifically say COVID-19 but says self quarantine due to an underlying health condition (diabetes) Would this note work for a credit or does it have to say COVID-19 on it?	The employee does not have to provide a doctor's note. The employee needs to provide the name of the health care provider who gave the advance to self-quarantine. There's no specific guidance stating the advice or statement from the employee must mention "COVID-19".
FSA for medical expenses. What if we are unable to make medical, dental, vision appointments before end of plan year? In our case, this is June 30th.	We do not yet have guidance for this particular situation.
What if they do not want to work out of fear? Can they take it	This is not a qualifying reason for FFCRA leaves.
Hi, is this OTC effective when? Can it be retroactive 01/01/2020?	It is effective back to 1/1/2020. Although, the individual must have the receipts in order to reimburse themselves for that time frame.
What is the link for DOL FAQ's	https://www.dol.gov/agencies/whd/pandemic/ffcra-questions
Community clinic so we are completely excluded?	That is correct.
Have you heard of many cases of doctors giving those notes to employees 65+ and/or with a preexisting health condition saying they should not be in workplace? We work at a homeless shelter and have multiple employees 65+ and with preexisting health conditions that have taken time off so I'm wondering how likely it is they will qualify under this	I've not heard of many cases; however, I could certainly see a doctor advising these employees to stay home.
Just wanted to clarify Michelle's comment because I slightly missed it-- she's saying the health note that qualifies someone for EPSL doesn't need to come from the doctor and can come from the employee?	Normal FMLA certification requirements still apply for leave taken for an employee's own serious health condition related to COVID-19. This also applies for leave taken to care for the employee's spouse, child or parent with a serious health condition related to COVID-19, under FMLA. Further documentation requirements are outlined in Q#16 of the DOL FAQs.