



March 18, 2020

Good Morning,

We would like to that this opportunity to clarify some of the lingering concerns that you may have in regards to your practices and the effects of the COVID-19 virus. As we are being presented with daily updates, we believe that it is ideal for us to focus on what we currently know. We understand that there is major area of concerns in regards to sick leave, tax credits for sick leave and other requirements presented. We are doing all that we can to provide as much information as quickly as we obtain it. Our office will continue to monitor and provide updates at they come and would like to express the value of your patience and thank you for your cooperation.

Currently the ADA has made the determination to only address emergencies, sharing a list of preventative measures to have in place to prevent the spread or transmission of the virus. We would like to share that doing more could potentially put you at risk to be sued, and would like to emphasize the consideration of your position carefully. The ADA president has shared that “The ADA recognizes the unprecedented and extraordinary circumstances dentists and all health care professionals face related to growing concern about COVID-19”. The safety and wellbeing of everyone is truly valued.

The following important information is believed to be the most resourceful at this current time. We would like to express that although the House of Representatives has passed the FFCRA; “Families First Coronavirus Response Act”, it has yet to be passed by the Senate. The information provided within the Act, answers most but not all concerning questions. Below are some additional details. ** Note: We also encourage you to reference your own individual states program for additional detailed benefit information, as we find that each state has specific parameters in place.*

Paid Sick Leave:

The FFCRA states that employers shall provide to each employee sick time for any of the following: self- isolate, obtain medical diagnoses, comply with recommendation or order by health care provider, to care/ assist family member, to care for child if school/ daycare has been closed.

- A full-time employee is entitled to 80 hours of paid sick time.
- A part-time employee is entitled to a number of hours equal to the number of hours that such employee works on average (over a two-week period).
- Employees are able to implement these hours immediately, regardless of how long the employee has been employed.

Tax Credits for Paid Sick Leave:

- A Refundable tax credit of 100% of qualified paid sick leave wages paid by an employer for each calendar quarter.
- Tax Credit is to be applied against the employer portion of Social Security taxes.
- Wages are required to be paid for the first 2 weeks (10 total calendar days) of paid leave.
- Amounts paid to an employee personally affected is capped at \$511 per day.
- Amounts paid to employees caring for family or child whose school/place of care has closed is capped at \$200 per day.



Paid Family Medical Leave:

As described in the FFCRA an eligible employee is defined as employees who have been employed for at least 30 calendar days by employer. This is applicable to employers with fewer than 500 employees, honoring the Family Medical Leave Act providing the right to take up to 12 weeks of job protected leave based on the following.

- Employees are able to apply for FMLA to maintain job security if they have exhausted their sick time/vacation time. They may only receive two-thirds of regular pay.

Tax Credit for Required Paid Family Leave:

- A refundable tax credit of 100% of qualified paid sick leave wages paid by an employer for each calendar quarter.
- Employees out of work for any reason relating to COVID-19 can obtain a credit for paid family leave capped at \$200 per day (not exceeding \$10,000 per quarter) to reduce quarterly employer payroll taxes.
- Eligibility for this benefit is per employee; must pay them no less than two-thirds of their usual pay.

Unemployment:

Each state differs in handling unemployment. We have found that some states take vacation/PTO/sick pay into consideration and could express a waiting period, while others may not. ****If you or your employees have specific questions about unemployment, please contact your department directly for the most accurate and up-to-date information.***

- Employees are able to file for unemployment during any business closure or time of reduced scheduling.
- You do not have to give the employees a termination letter or layoff letter, since they are not being terminated or laid off permanently.
- This is simply a period of time in which they will receive little to no hours. They will remain on payroll, and will be receiving 0 for worked hours.

Supportive links:

- <https://docs.house.gov/billsthisweek/20200309/BILLS-116hr6201-SUS.pdf>
- <https://www.ada.org/en/publications/ada-news/2020-archive/march/ada-recommending-dentists-postpone-elective-procedures>
- <http://www.dewittllp.com/news-education/posts/2020/03/15/the-families-first-coronavirus-response-act-what-are-the-new-time-off-obligations-that-covered-employers-must-address>
- <https://www.perio.org/members/COVID-19>

Sincerely,

Gray -Pilgrim & Associates