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Families First Coronavirus Response Act (FFCRA)

FFCRA helps the US to combat the workplace effects of CoVid-19 by reimbursing private employers having less than 500 employees with tax credits for the cost of providing employees with paid leave taken for specified reasons due to CoVid-19. This then enables employers to keep their workers on payrolls, while at the same time ensuring that workers are not forced to choose between their paychecks and the public health measures needed to combat the virus.

NOW, dental offices with less than 500 employees appear to be included in the definition of healthcare providers per the Department of Labor (DOL) descriptions which allows them to be exempt from having to comply with the FFCRA rules. While at first glance this may seem to be a great thing, it actually may not be a good choice for your business. You need to decide whether you want to be exempt or not.

The FFCRA is made up of two components one of which allows for up to 80 hours of Emergency Paid Sick Leave Act (EPSLA) and the other is Expanded Family and Medical Leave Act (EFMLA) for CoVid-19 related issues. The government covers this paid time although the employer had to initially fund it. The employer pays the employee initially and you receive credits through your payroll taxes.

If you want to claim an exemption, you can choose to be exempt **from BOTH EFMLA AND EPSLA OR just EFMLA only OR just EPSLA only**. For example, if you feel that you can handle covering the 80 hours of paid sick time of EPSL but you are not comfortable with up to twelve weeks of EFMLA then you could choose to be exempt from EFMLA but not be exempt from EPSL. Again, you could opt to be exempt from both, none or either one individually.

Claiming the exemption also does not mean that you can totally ignore anything related to CoVid-19, however. Employees could still have the need to take time off due sickness or childcare issues or quarantine issues. The exemption mentioned here does not negate these issues, so you still have to deal with them.

You must determine if your employees have to go without pay or use vacation/sick time or if you have to put them on unemployment if you file for the exemption. This could create some level of dissatisfaction or discontent from your staff and it may not be what you want as you are trying to keep your team intact or keep employees invested. It is a tough choice to make both economically and philosophically and we are trying to give you information so that you can make the right choice for you and your practice.

If you have policies in your HR manual about CoVid-19 and how you follow the federal or state rules, you need to update them initially to include these programs and adjust them if you choose to be exempt for both or either of these parts.

If you don't have an HR manual or firm that you work with, you may want to consider getting one because these are very different and unusual times.

Gray Pilgrim's recommendation would be to provide employees with 80 hours of paid time off. You would be exempt from the 12 weeks of FMLA, but this would help you maintain morale within your organization. You could have the employee utilize any available vacation and sick time on the books while off for CoVid-19, then supplement them with extra paid time off to get through the 2 weeks.

Should you have any further questions or concerns, or if you need further assistance, please do not hesitate to contact our office to speak with one of our Partners, or to schedule a call/meeting.