

## FAQ | Top 10 Questions from our 3/25/2020 COVID-19 Webinar:

### **1** Is the DOL Employee Rights notice available in other languages (Spanish)?

You are not required to post this notice in multiple languages, but the Department of Labor has now released versions in Spanish. We will add a Spanish version to our resources page <https://www.payrollnetwork.com/resources/covid19-updates/>.

### **2** If an employee has other available sick or PTO available, do we need to offer the Expanded FMLA and Emergency Paid Sick Leave plans?

Yes. Please know the new Expanded FMLA and Emergency Paid Sick leave for COVID-19 would be in addition to any existing available plans.

### **3** What exceptions exist for companies under 500 employees to not offer these new plans?

Certain healthcare providers and emergency responders may be exempt. Also- small businesses with fewer than 50 employees may also be exempt if offering these plans would jeopardize the viability of the business. However, we are waiting additional details on what that means.

### **4** Can my employer deny me paid sick leave if my employer gave me paid leave for a reason identified in the Emergency Paid Sick Leave Act prior to the Act going into effect?

No. The Emergency Paid Sick Leave Act imposes a new leave requirement on employers that is effective beginning on April 1, 2020.

### **5** Can we require employees to get medical notes for sick or medical leaves related to COVID-19?

You can, but the CDC asks that you not require them for an employee to return to work, as health care practitioners are already overwhelmed.

### **6** If I am or become unable to telework, am I entitled to paid sick leave or expanded family and medical leave?

If your employer permits teleworking- for example, allows you to perform certain tasks or work a certain number of hours from home or at a location other than your normal workplace- and you are unable to perform those tasks or work the required hours because of one of the qualifying reasons for paid sick leave, then you are entitled to take paid sick leave.

Similarly, if you are unable to perform those teleworking tasks or work the required teleworking hours because you need to care for your child whose school or place of care is closed, or child care provider is unavailable, because of COVID-19 related reasons, then you are entitled to take expanded family and medical leave. Of course, to the extent you can telework while caring for your child, paid sick leave and expanded family and medical leave is not available.

## **7** What is the effective period? When do these plans go into effect?

April 1st, 2020 is the new updated effective date and our understanding is no tax credits would be eligible/applied for anything that happens before 4/1.

## **8** If my employer closed my worksite before 4/1/2020, can I still get paid sick leave or expanded family and medical leave?

No. If prior to 4/1, your employer sent you home and stops paying you because it does not have work for you to do, you will not get paid sick leave or expanded family and medical leave but you may be eligible for unemployment insurance benefits. This is true whether your employer closes your worksite for lack of business or because it is required to close pursuant to a Federal, State or local directive. You should contact your State workforce agency or State unemployment insurance office for specific questions about your eligibility.

## **9** If I am a nonprofit or a public employer, do tax credits and reimbursements apply to me?

Most public employers (e.g., cities, municipalities, public school district) will not be eligible for the tax credits or reimbursements provided in the act. Private nonprofit entities, however, are eligible.

## **10** Where do I post the new DOL FFCRA notice?

Each covered employer must post a notice of the FFCRA requirements in a conspicuous place on its premises. An employer may satisfy this requirement by emailing or direct mailing this notice to employees or posting this notice on an employee information internal or external website. Please reach out to [support@payrollnetwork.com](mailto:support@payrollnetwork.com) if you need help posting this in iSolved.

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