



Covid-19 Resources

FAQs – November 18, 2020

Getting you the answers to the many questions related to Covid-19 and its impact to you is our first priority. Things continue to evolve and change very rapidly, but please know that our team is working as quickly as possible to understand all that is taking place and going to the source for the answers. Our goal is to get you answers and information that is in **your** best interest and not get waylaid with distractions. Below are the most recent questions we have been fielding.

Q1: Do I still need to worry about the FFCRA? Do I pay employees that don't come to work due to COVID issues (displaying symptoms, near someone testing positive, quarantined, etc.)?

With practices experiencing staff absences due to COVID-19, now is a good time to review the details of the Family First Coronavirus Relief Act (FFCRA).

Overview: This was one of Congress' first actions related to the pandemic. Up until now, it has mostly been inapplicable to Washington dentists, as your office was previously closed by a government order and employees were not eligible for FFCRA as a result of a government ordered closure. An employee is eligible for paid sick leave under the FFCRA if a health care provider directs or advises them to stay home or are otherwise quarantined because the health care provider believes that they may have COVID-19 or are particularly vulnerable to COVID-19. Only based upon such medical advice; preventing employees from working (or teleworking), would an employee be eligible for coverage under FFCRA.

Under the law, up to 80 hours of paid sick leave (based on the employee's regular pay rate) must be paid to eligible employees (those who have worked for your practice at least 30 calendar days), who meet any of the following tests:

Paid Sick Leave:

1. The employee is under a federal, state or local quarantine, or isolation order because of COVID-19.
2. The employee is advised by a healthcare provider to self-quarantine because of COVID-19.
3. The employee has symptoms of COVID-19 and is seeking a medical diagnosis.

Paid Family Leave:

4. The employee is caring for an individual who meets one of the first 2 conditions above.
5. Up to 12 weeks paid leave (expanded FMLA leave) is available if the employee is caring for a son or daughter whose school or daycare is closed due to COVID-19, or whose care provider is unavailable for the same reason.

The amount of paid sick leave is capped at \$511 a day, or \$5,110 total, if claimed due to reasons 1, 2, or 3 above, or \$200 a day, or \$2,000 in the aggregate, if claimed due to reasons 4 or 5 above. The full amount paid under FFCRA will be reimbursed to you as a credit against your payroll taxes on Form 941 (Employer's Quarterly Federal Tax Return). If you pay such wages, it is crucial to inform your payroll provider and to not use PPP funds for this purpose.

Exception to the Rules: There is an exception to FFCRA coverage for employers with fewer than 50 employees. However, it only applies to coverage under scenario 5 above (caring for children displaced by closed schools or daycare). To meet the exception, you must determine that offering coverage would put your business' continued existence in doubt, a seemingly difficult hurdle to pass.

There is also an exemption for health care providers, who can be excluded from the FFCRA requirements. The first group is anyone who is a licensed doctor or health care provider and the second group is any other person providing diagnostic, preventative, treatment, or other services necessary for patient care. A person is not a health care provider merely because his or her employer provides health care services or because he or she provides a service that affects the provision of health care services.

Despite the exemptions above, the Department of Labor (DOL) encourages employers to be judicious when using this definition to exempt healthcare providers from the provisions of the FFCRA to minimize the spread of the virus. For example, an employer may decide to exempt these employees from leave for caring for a family member, but choose to provide them paid sick leave in the case of their own COVID-19 illness.

Tax Credit: Employers can be reimbursed in the form of a payroll tax credit, claimed on the next quarterly payroll tax return. The amount of the credit is 100% of the paid leave under either the sick leave or family leave rules. Keep in mind that paid sick leave under the Emergency Paid Sick Leave Act is in addition to any form of paid or unpaid leave provided by an employer, law, or an applicable collective bargaining agreement. The credit is only available to those who pay under the new rules.

The FFCRA requirements are in addition to your existing policies. You may not require your employee to use provided or accrued PTO or concurrently with FFCRA. However, if you and your employee agree, your employee may use their existing PTO benefits to supplement the amount he or she receives from paid sick leave, up to the employee's normal earnings. **Note:** You are not entitled to a tax credit for any paid sick leave that is not required to be paid or exceeds the limits set forth under the EPSLA. You are free to amend your own policies to the extent consistent with applicable law.

What to Do? We suggest you to reach out to an HR specialist to help you determine if you, as a dental office, are exempt from having to comply with the Families First Coronavirus Response Act (FFCRA) and how this may relate to state and local laws related to Sick and Safe time off. Further, whether or not you are exempt, you should consider what you want your practice environment to be and what policies will best support your business. Following is a list of HR specialists that might be a good resource for you.

All Things HR - www.allthings-HR.com or 425.248.4978

Bent Ericksen - <http://www.bentericksen.com> or 800.679.2760

HR for Health – <https://www.hrforhealth.com/> or 877.779.4747 (option 1)

Or your HR attorney

Dental Group, LLC - We continue to work both in the office and remotely. Our meetings will be done via teleconference and or online collaboration. If you plan to drop off documents, please call ahead to coordinate a time when we will be in the office as there is no safe place to leave documents at the door.

If you have any questions, please do not hesitate to contact us directly at (425) 216-1612.