

COVID-19 HR Related Q&A from Harold Ford, Employer Solutions Consulting Manager

Over the past few weeks, we have received many questions regarding COVID-19 and its impact on the workforce. See below for answers to some of the commonly asked questions to our team:

Q: If an employee is eligible to telework, but refuses, is the employee eligible for paid sick leave or expanded family and medical leave provisions of Families First Coronavirus Response Act?

A: If an employee must be at home for one of the qualifying reasons then they are eligible for Sick Pay and/or EFMLA. Qualifying reasons include care for a child due to childcare provider or school closures.

Q: May an employee take intermittent leave under FFCRA?

A: If the employee and employer agree to it, an employee may take paid sick leave or expanded family and medical leave intermittently. For example, if an organization and employee agree to a 6 hour a day telework schedule with the employee taking 2 hours of sick pay or EFLMA per day.

Q: What is the Employee Retention Credit under the CARES Act?

A: The credit is designed to encourage employers to keep employees on their payroll. It is a refundable tax credit for employers equal to 50% of qualified wages that employers pay their employees between March 12, 2020 and January 1, 2021. The maximum credit per employee is \$5,000 (50% of \$10,000 of qualified wages).

Q: How can an employer claim the refundable tax credit under the CARES Act?

A: Eligible employers will report total qualified wages and credits for each quarter on their Form 941 (or normal quarterly tax return).

Q: May an employer receive both tax credits for qualified leave wages under FFCRA as well as the employee retention credit under CARES Act?

A: Yes, but not for the same wages. The retention credit does not include the amount of sick and family leave wages for which the employer can receive tax credit under FFCRA.