

**To: Congregational/UUA-Related Leaders**  
**Fr: Rev. Richard Nugent, Director, UUA Church Staff Finances**  
**Jan Gartner, UUA Compensation and Staffing Practices Manager**  
**Re: Initial Analysis of the FAMILIES FIRST CORONAVIRUS RESPONSE ACT**  
**Date: March 28, 2020**



## **Overview**

This is an initial summary of the pertinent provisions of the Families First Coronavirus Response Act for UUA congregations and other UUA-related organizations. This legislation was signed into law (Public Law 116-127) on March 18.

## **Emergency Paid Sick Leave Act** (effective April 1, 2020)

- Employers are required to provide 80 hours of fully paid sick leave to full-time employees (pro-rata rules would apply to part-time employees) in addition to any other existing paid leave including sick leave.
- Covered employees eligible for paid sick leave include:
  - 1) Employee subject to a federal, state, or local quarantine or isolation order related to coronavirus;
  - 2) Employee has been advised by health care provider to self-quarantine due to coronavirus;
  - 3) Employee is experiencing symptoms of coronavirus;
  - 4) Employee is caring for an individual who is subject to an order described in (1) or has been advised as described in (2);
  - 5) Employee is caring for their child because the school is closed or childcare provider is unavailable due to coronavirus; or
  - 6) Employee is experiencing a similar condition specified by Secretary of HHS.
- Employers are required to pay employees their full wages, not to exceed \$511 per day and \$5,110 in the aggregate, for a use described in (1), (2), or (3) above.
- Employers are required to pay employees two-thirds of their wages, not to exceed \$200 per day and \$2,000 in the aggregate, for a use described in (4), (5), or (6) above.
- Employers are prohibited from retaliating against any employee who takes leave in accordance with the Act. Employers that fail to pay required sick leave will be treated as a failure to pay minimum wages in violation of the Fair Labor Standards Act.
- In the case of an employee whose schedule varies from week to week, the employer shall base paid sick leave on the following: 1) The average number of hours that the employee was scheduled per day over the six-month period ending on the date which the employee takes the leave, including hours for which the employee took leave of any type. 2) If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.

## **Emergency Family and Medical Leave Expansion Act** (effective April 1, 2020)

- Paid Leave covers employees who are unable to work (or telework) due to the closure of a child's school or childcare provider because of the COVID-19 public health emergency.
- Eligible employee is defined as an employee who has been employed for at least 30 calendar days by the employer.
- Employers with 500 or fewer employees are required to provide the paid leave.
- Employers are not required to pay initial ten days of leave; however, employees may substitute accrued vacation, personal, or sick leave to cover unpaid leave portion. (Note: See the new PAID SICK LEAVE provision).
- Employers must pay ten remaining weeks of leave at a rate not less than two-thirds of employee's regular rate, not to exceed \$200 per day and \$10,000 in the aggregate.
- In the case of an employee whose schedule varies from week to week, the employer shall base their paid leave on the following: 1) The average number of hours that the employee was scheduled per day over the six-month period ending on the date which the employee takes the leave, including hours for which the employee took leave of any type; 2) If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.
- Employers with 25 or fewer employees are not required to restore an employee once leave has been exhausted if the position held by the employee when the leave commenced does not exist due to economic conditions or other changes in operating conditions of the employer caused by a public health emergency.

## **Tax Credits for Paid Sick and Paid Family and Medical Leave**

- Private employers with 500 or fewer employees required to provide COVID--19-related paid leave are eligible for a **100 percent refundable payroll tax credit** on the wages paid for both the paid sick leave and paid family medical leave as provided under Families First.
- The tax credits would be administered by the IRS and be creditable against employer-side payroll tax liability, with any excess refunded to the employer.
- Tax credits for COVID-19 related pay sunset on December 31, 2020.

## **Families First Resources from the U.S. Department of Labor**

- Q&A on Workplace Provisions: <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>
- Employer Paid Leave Requirements: <https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>
- Employee Paid Leave Rights <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>

## **For More Information**

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