

Reforms to Employee Benefits

Paid Sick Leave Program Reforms

If an employee's ability to work has been impacted by COVID-19, the employer may be required to temporarily provide for fully paid sick leave. Public and Private employers with less than 500 employees will now be required to provide full-time employees with two weeks (80 hours) paid sick leave as well as part-time employees on a pro-rated basis.

This leave would apply to full-time employees who are home sick from coronavirus, complying with a quarantine, or taking care of an individual who has been infected. This leave also applies to working families who may be forced home due to school closures.

However, as a result of Congressional action, the federal government will provide employers with a refundable payroll tax credit of 100% of the required wages. More details can be found [here](#).

Employers are required to cover employees not working for the following reasons:

1. the employee is subject to a Federal, State, or local quarantine or isolation order related to coronavirus;
2. the employee has been advised by health care provider to self-quarantine due to coronavirus;
3. the employee is experiencing symptoms of coronavirus;
4. the employee is caring for an individual who is subject to an order described in (1) or has been advised as described in (2);
5. the employee is caring for their child because the school is closed or childcare provider is unavailable due to coronavirus; or
6. the employee is experiencing a similar condition specified by the Secretary of Health and Human Services

- Employers would be 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 would be 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 would receive a 100% refundable payroll tax credit on the wages required to be paid
- The requirement to provide the paid leave would apply to all public sector employers and those private sector employers with less than 500 employees
- Tax credit eligibility only applies to those private sector employers with less than 500 employees

It's important to note, the Secretary of Labor has authority to issue regulations to exempt small businesses with fewer than 50 employees if the above requirements would jeopardize the going concern of the business.

Furthermore, the United States Department of Treasury will provide advance funds to businesses so they can meet paid sick-leave requirements. Learn more [here](#).

Paid Family Medical and Leave Program Changes

Due to COVID-19, some employers may be required to temporarily extend *Family and Medical Leave Act* (FMLA) benefits to employees who must stay home to care for a minor child whose school or care provider is unavailable due to COVID-19. If this situation applies to an employee, employers are required to provide said employee with ten weeks paid leave at two-thirds of their wages. However, payments are not to exceed \$200 per day and \$10,000 total for the 10 weeks.

- This leave would cover employees who are not working because the employee is caring for their child because the school is closed or childcare provider is unavailable due to a public health emergency
- The requirement to provide the paid leave applies to all employers with less than 500 employees
- Federal, state, and local governments are not eligible for the Credit

Again, the federal government will provide employers with a refundable payroll tax credit of 100% of the required wages. More details can be found [here](#).

As with Paid Sick Leave mandates, the Secretary of Labor has authority to issue regulations to: (1) exclude certain health care providers and emergency responders from the definition of eligible employee; and (2) exempt small businesses with fewer than 50 employees if the above requirements would jeopardize the going concern of the business.

Complying with Federal Regulations

The Occupational Safety and Health Administration (OSHA) recently launched a [General COVID-19 Information webpage](#) that provides infection prevention information specifically for workers and employers, and is actively reviewing and responding to any complaints regarding workplace protection from novel coronavirus, as well as conducting outreach activities.

Keeping Your Workplace and Employees Healthy

Below are helpful documents from the Centers for Disease Control and Prevention (CDC) you can distribute to your employees to help provide them accurate information. I have included links to these resources below:

- What You Need to Know Document [\[DOWNLOAD\]](#)
- What To Do If You Are Sick Document [\[DOWNLOAD\]](#)
- Stop the Spread of Germs Poster [\[DOWNLOAD\]](#)

Additionally, recommended strategies for employers from the CDC can found at this [link](#).

Resources for your Employees

Unemployment Compensation

All unemployment benefits are state administered. Unemployment benefit eligibility, duration, and amount are all determined under each state's laws. Individuals who are laid off for COVID-19-related reasons would be subject to unemployment compensation laws regarding benefit eligibility in the state where the previous work was performed. The Employment and Training Administration [announced](#) guidance on flexibility provided under federal law for states to amend their laws to provide unemployment insurance benefits in multiple scenarios related to COVID-19.

The Texas Workforce Commission (TWC) is continuing to work on adapting unemployment benefits to meet the needs of those laid off or furloughed due to COVID-19. At the [request of Governor Abbott](#), TWC has waived the Work Search Requirement and eliminated the waiting week for Unemployment Benefits.

Employees can also go through the Department of Labor's [website](#) to apply for unemployment compensation. Additionally, you can find Texas Employer Benefits Services [here](#).

If you have any questions about coronavirus relief efforts, please know I am here to help. As this situation develops, I will continue to provide up-to-date information on my [website](#) and via email. Sign up now to continue receiving business-related alerts.