About the BSA

The Boston Society for Architecture is a community committed to improving the quality of life for everyone through architecture and design.

We are a chapter of the American Institute of Architects (AIA) and a community nonprofit.

Architecture is for everyone.
BSA Virtual Program
HR and the Families First Coronavirus Response Act: What employers and employees need to know

Friday, April 3, 2020
Sponsor BSA virtual programming

The BSA is committed to providing resources that are valuable and useful for our members as they work through rapidly changing local and global circumstances.

To discuss sponsorship and collaboration opportunities, please reach out to:

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Now more than ever, the BSA is committed to keeping our community engaged and connected.
Webinar Guidelines and Etiquette

SOUND
• All participants will be on mute.

Q&A
• Q&A: Thank you for all your questions during registration! Feel free to use the chat and Q&A functions to pose new questions. The panelists will respond if they are able to.
• However, due to the overwhelming response and questions, we have selected a few key questions at this time. We will use your questions for more sessions.

RECORDING
BSA will be recording this webinar and will post it to our Resources page on architects.org.

BSA’s NEXT SEMINAR
• A Practical Guide to the CARES Act for Architectural Firms
  Monday, April 6 | 1:00 pm – 2:00 pm
  • Stephen E. Minson, CPA, MST | partner, DGC
  • Rick Strout, CPA | principal, DGC
Presenters

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Agenda

• Overview of the FFCRA Components
• Summary of the FFCRA
• Eleven Things *Employers* Should Know
• Eleven Things *Employees* Should Know
• Unemployment Benefits – in a nutshell
• Curated Q&A
• Take-aways
FFCRA: General Overview

_In a nutshell:_

- 10 weeks of paid leave to care for a child whose school or daycare is closed
- 80 hours of paid leave for a COVID-19 quarantine, illness or symptoms.
<table>
<thead>
<tr>
<th>Division C</th>
<th>Extreme Family and Medical Leave Expansion Act</th>
<th>Division E</th>
<th>Emergency Paid Leave Act</th>
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| **Covered Employee** | • Employees working for businesses with fewer than 500 employees  
  • Must have been employed for at least 30 days prior to taking of leave | | All employees, regardless of how long employed |
| **Eligibility** | “Qualifying need related to a public health emergency”  
  • employee is unable to work or telework due to a need for leave to care for the son or daughter under 18 of the employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable due to a public health emergency | 1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;  
  2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;  
  3. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;  
  4. The employee is caring for an individual who is subject to a quarantine or isolation order or advised to self-quarantine by a health care provider;  
  5. The employee is caring for a son or daughter whose school or care provider is closed or unavailable due to COVID-19 precautions; and  
  6. The employee is experiencing any other condition substantially similar to COVID-19, as specified by the U.S. Department of Health and Human Services (HHS). | |
| **Leave** | • first 10 days are unpaid (use of PTO, sick leave, vacation optional)  
  • 10 weeks of leave thereafter is paid | • Full-time employees: 80 hours of paid leave  
  • Part-time employees: average hours employee works over 2-week period | |
| **Pay Rate** | • 2/3 of the employee's regular rate of pay  
  • Calculated based on the number of hours the employee would otherwise be scheduled to work | • regular rate or at the federal, state or local minimum wage, whichever is greater | • 2/3 of the employee’s regular rate of pay |
| **Pay Maximum** | $200 per day, $10,000 in the aggregate | $511 per day, $5,110 in the aggregate | $200 per day, $2,000 in the aggregate |
| **Duration of Leave** | 12 weeks (April 1 – Dec. 31, 2020) |
Eleven Things *Employers* Should Know

1. Prospective

2. FMLA & FFCRA
   - Total of 12 weeks, combined

3. Who counts toward 500-employee threshold?

4. FFCRA run concurrently with other forms of leave?

5. Supplementing employee’s pay while on FFCRA
Eleven Things *Employers* Should Know

6. Counting the hours part-time employees worked (Emergency Paid Leave Act)

- Fixed schedule?
- Varying schedule?
- Hours unknown?
Eleven Things Employers Should Know

7. Overtime
   - **Emergency Paid Leave Act:** up to 80 hours of paid leave in two-week period
   - **Emergency Family & Medical Leave Act:** employer must include overtime when calculating pay if employee was normally scheduled to work more than 40 hours in a week

   \[\ldots \textit{BUT} \text{ pay doesn’t have to include premium pay for overtime}\]

8. Regular Rate of Pay
Eleven Things **Employers** Should Know

9. Intermittent Leave
   - Teleworking?
   - Not teleworking?
   - Sometimes, intermittent leave is just not allowed . . .

10. Tax Credits
    - refundable tax credit worth 100% of qualified wages paid by an employer for each calendar quarter through the end of 2020
    - credits will be increased to include amounts paid for employee’s health plan coverage while on leave
    - employers who are more generous than what FFCRA requires do not get additional tax credit
Eleven Things *Employers* Should Know

11. Small Business Exemption

- limited

- employer needs to show that providing leave would jeopardize viability of the business
Eleven Things *Employers* Should Know

- Employer needs to determine that:
  - expenses & financial obligations *exceed* available business revenue → impact business operations
  - employee absence because of leave = substantial risk to financial health / operational capabilities of business because of employee’s specialized skills, knowledge of the business, or responsibilities; **or**
  - there aren’t sufficient workers who are able, willing and qualified AND who will be available at the time and place needed to perform the job that the employee requesting the leave provides, and the performance of the job is needed for business to operate at a minimal capacity

- Regulations forthcoming
Eleven Things Employees Should Know

1. Employer Cannot Force Use of Other Leaves, PTO and/or Vacation
2. Job Restoration
3. Health Insurance
4. Business Shut Down
5. What if I need leave for multiple purposes?
Eleven Things *Employees* Should Know

6. What if my employer doesn’t allow me to go out on FFCRA leave?

7. What documents do I need to give my employer if I need FFCRA leave?

8. What if the company I work for shuts down?

9. What if my hours are reduced?

10. The company I work for has fewer than 500 employees. Am I entitled to FFCRA leave?

11. What if I need more than 12 weeks of leave?
Unemployment Benefits

Emergency regulations
430 CMR 22:00

• **Effective period:** 3.1.2020 – 6.1.2020

• **“Standby status”** - employee temporarily unemployed with expected return to work date; lack of work because of COVID-19; eligible for benefits

• **Waives:** (a) 1-week waiting period; and (b) requirement individual actively search for work
Unemployment Benefits

• **Employee must:**
  1. take reasonable measures to maintain contact with the employer; and
  2. be available for all hours of suitable work offered by the employer.

• **Employer must:** verify standby status + return to work date

• **Default:** 4 weeks of benefits; 8 weeks max. *unless* DUA uses discretion to extend

• **Extensions:** Employers may requesting a 60-day extension filing reports, paying contributions or making payments in lieu of contributions without penalty or interest
Q+A

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Q+A

The Act

What does “experiencing any other substantially similar condition specified by the Secretary of Health and Human Services” mean?
Q+A

Small businesses

What are the exceptions for firms with fewer than 50 employees?
Reduced hours

How does this work for architecture firms who may still be operating, but at a reduced rate?
Taxes

Will the FFCRA benefits be taxed at the employees’ regular tax rate?
Q+A

Caring for others

Does the FFCRA cover time off if an employee’s parent (in another state) is hospitalized and they request time off?

What is available to an employee at a small firm (15 people) if they have a child home now due to daycare closures?
This presentation is for informational purposes only and may be considered advertising. It does not constitute the rendering of legal, tax or professional advice or services. You should seek specific detailed legal advice prior to taking any definitive actions.
Thank you!

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