

# COVID-19: Relief Options and Your Business

Melissa A. Schilling

[mschilling@dickinsonlaw.com](mailto:mschilling@dickinsonlaw.com)

Jeffrey G. Baxter

[jbaxter@dickinsonlaw.com](mailto:jbaxter@dickinsonlaw.com)

Dickinson Mackaman Tyler & Hagen, P.C.

Des Moines, Iowa

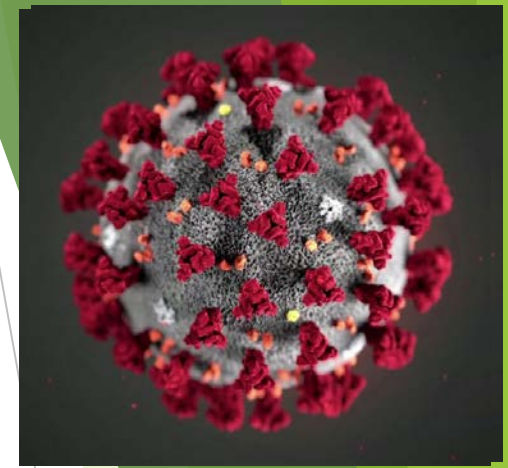
515.244.2600

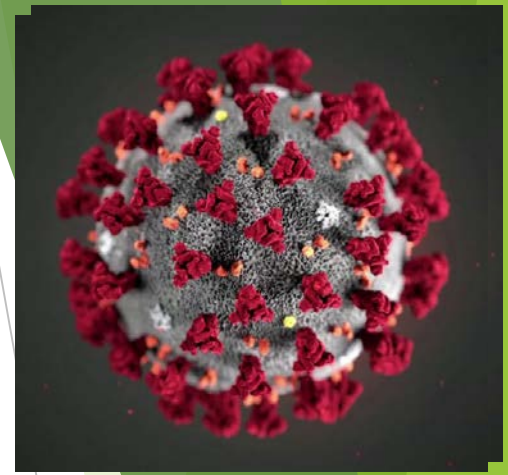


DICKINSONLAW

# Disclaimer

- ▶ The material presented is designed and intended for general informational purposes only.
- ▶ It is not intended and it should not be construed or relied upon as legal advice.
- ▶ For specific information on recent developments, particular factual situations or the effect of a particular law, the opinion of qualified legal counsel should be sought.
- ▶ Consult with your own legal counsel before taking action or making changes.





# Coronavirus Aid, Relief, and Economic Security Act



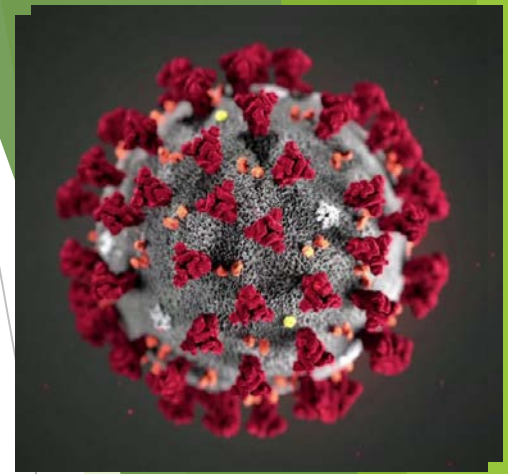
DICKINSONLAW

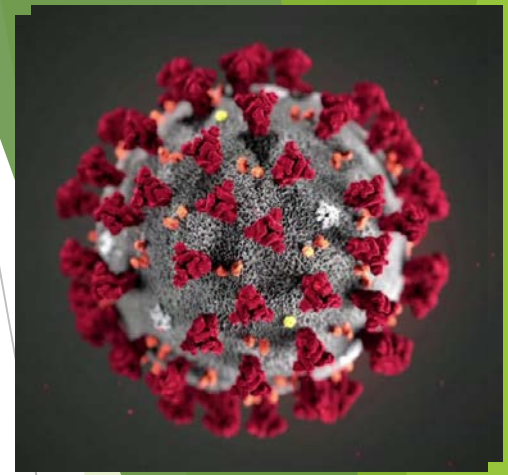
# 2 Trillion in Relief Programs

▶ Adopted on March 27, 2020 by House, and signed by President.

▶ Major Programs

- Payroll Protection Program (\$349 Billion)
- Treasury's Exchange Stabilization Fund to provide loans, loan guarantees and other investments. (\$500 Billion)
  - Direct lending is allocated as follows:
    - \$25 billion for passenger air carriers and related businesses,
    - \$4 billion for cargo air carriers, and
    - \$17 billion for businesses important to maintaining national security.
- Reserve loans, loan guarantees, and investments to eligible businesses, states, and municipalities (\$454 Billion)
- Payroll Tax Credit - refundable payroll tax credit for 50% of wages paid
- Direct Payments - \$1,200 per worker / \$500 per child. (\$250 Billion)
- Business Tax Relief
  - Net Operating Losses, interest expense deductions, alternative minimum tax credits and trade or business losses of non-corporate taxpayers





# Payroll Protection Program Forgivable Loans

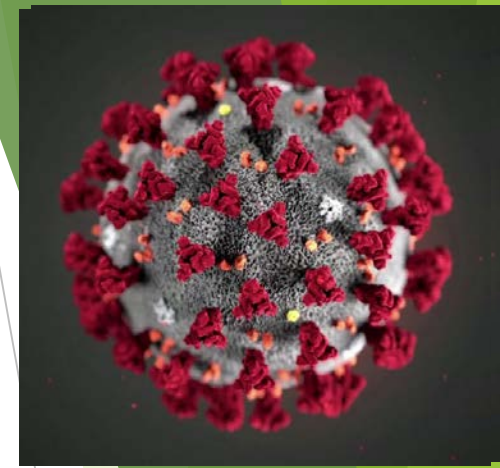


DICKINSONLAW

©2020 Dickinson Mackaman Tyler & Hagen, P.C.

# New SBA Program as part of CARES Act

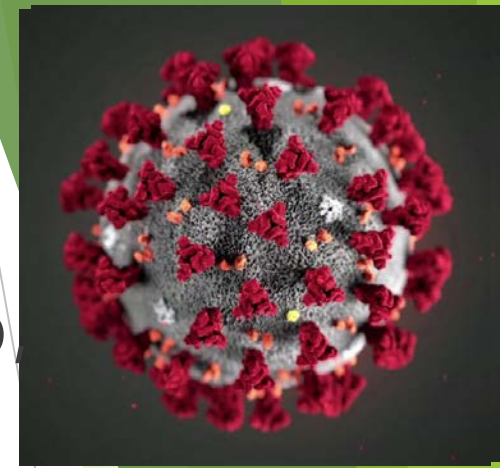
- ▶ \$349\* Billion Allocation to Small Businesses
  - Administered through approved SBA 7(a) Lenders - Talk to your lenders to see if they qualify.
- ▶ Eligibility
  - Small Businesses - 500 or less employees (Includes entities, sole proprietors, self-employed individuals, independent contractors, and charities). Must have been in business on February 15, 2020 and had employees or IC.
    - Exceptions for Restaurants, Hotels, Caterers [NAICS code starting in 72] (500 in any one location, - multiple locations combined in single loan).



# New SBA Program as part of CARES Act

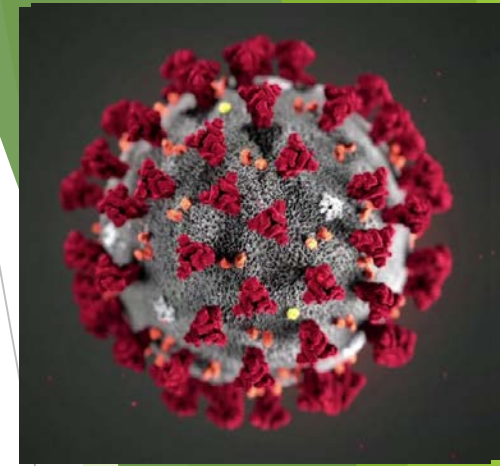
## ► Eligibility - ctd.

- Individuals who operated under sole proprietorship or independent contractor.
  - IC's to make their own application - not included in company PPP application.
- Must submit documentation necessary to establish eligibility: payroll processor records, payroll tax filings, or Form 1099-MISC, or income and expenses from a sole proprietorship.
- Other evidence: Bank records.



# Relaxation of Restrictions and Rules

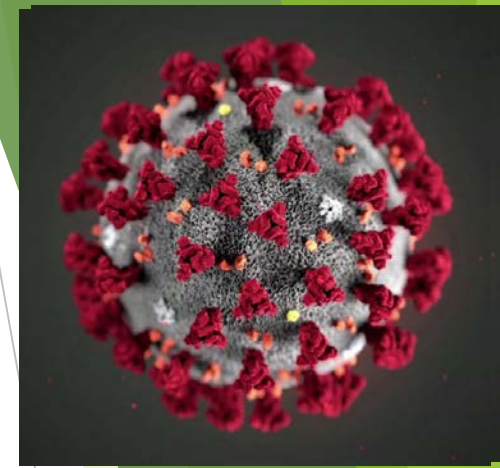
- No “credit elsewhere” test
  - Credit elsewhere - This analysis determines whether the borrower has the ability to obtain some or all of the requested loan funds from alternative sources without causing undue hardship. (Personal assets of owners over 20%)
- No collateral or guaranty
- No fees to Borrower - SBA to pay lender fees directly





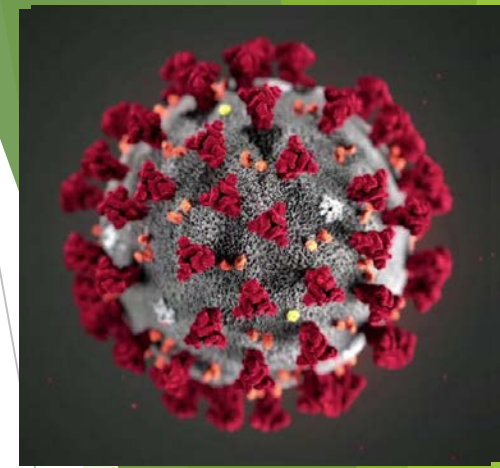
# Payroll Protection Program - Ineligible

- ▶ You are ineligible for a PPP loan if
  - ▶ i. You are engaged in any activity that is illegal under federal, state, or local law;
  - ▶ ii. You are a household employer (individuals who employ household employees such as nannies or housekeepers);
  - ▶ iii. An owner of 20 percent or more of the equity of the applicant is incarcerated, on probation, on parole; presently subject to an indictment, criminal information, arraignment, or other means by which formal criminal charges are brought in any jurisdiction; or has been convicted of a felony within the last five years; or
  - ▶ iv. You, or any business owned or controlled by you or any of your owners, has ever obtained a direct or guaranteed loan from SBA or any other Federal agency that is currently delinquent or has defaulted within the last seven years and caused a loss to the government



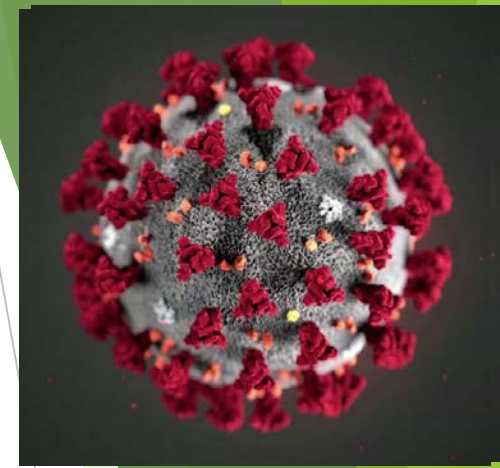
# Payroll Protection Program

- ▶ Amount of Loan. Maximum loan amount to be the *lesser* of:
  - 2.5x average monthly payroll expense.
    - Over 12 months prior to applying for loan, or calendar year 2019. Or special rule if a seasonal employer.
  - \$10,000,000.00



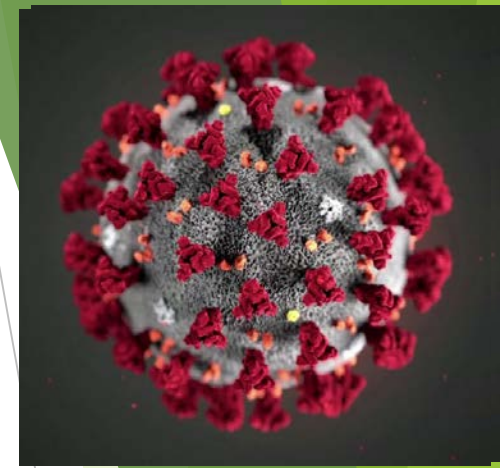
# Seasonal Employers

- An Applicant (at its option) may use:
  - Average monthly payroll for the period between February 15, 2019 and June 30, 2019;
  - Average monthly payroll for the period between March 1, 2019 and June 30, 2019.
- An applicant that was not in business from February 15, 2019 to June 30, 2019 may use the average monthly payroll costs for the period January 1, 2020 through February 29, 2020.



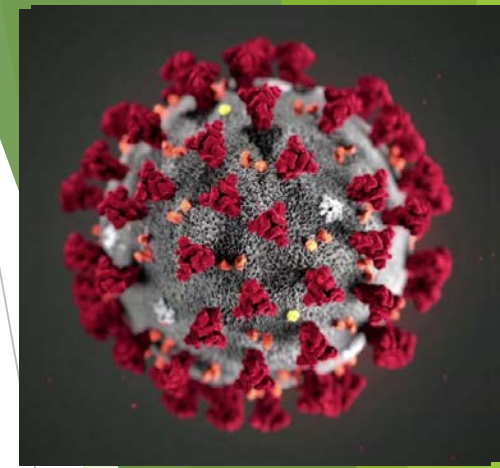
# Payroll Protection Program

- ▶ What expenses can be included in “Payroll”?
  - The sum of payments of any compensation with respect to employees that is a salary or wage;
  - Payment of cash tip or equivalent;
  - Payment for vacation, parental, family, medical, or sick leave;
  - Allowance for dismissal or separation;
  - Payment required for the provisions of group health care benefits, including insurance premiums;
  - Payment of any retirement benefit; or
  - Payment of State or local tax assessed on the compensation of employees.



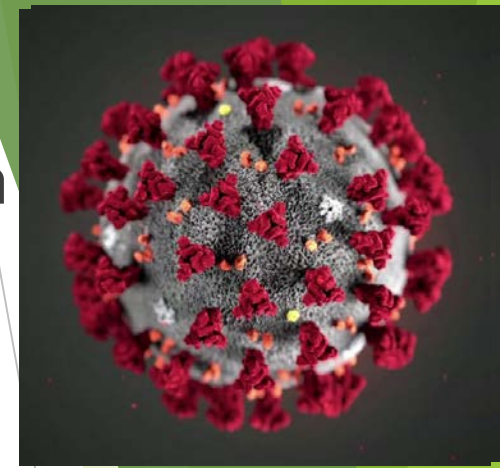
# Payroll Protection Program

- ▶ Restricted from being included in the payroll calculation are:
  - ▶ Any salaries above \$100,000 per year;
  - ▶ Any compensation of an employee whose principal place of residence is outside of the United States; and:
  - ▶ Any qualified sick leave wages for which a tax credit is allowed under section 7001 or 7003 of the Families First Coronavirus Response Act Integrated Employer Factors (EFMLA)
- ▶ Covered Period: February 15, 2020 through June 30, 2020.



# Calculating Maximum Amount of Loan

- ▶ Step 1: Aggregate payroll costs (defined in detail below) from the last twelve months for employees whose principal place of residence is the United States.
- ▶ Step 2: Subtract any salary paid to an employee in excess of an annual salary of \$100,000 and/or any amounts paid to an independent contractor or sole proprietor.
- ▶ Step 3: Calculate average monthly payroll costs (divide the amount from Step 2 by 12).
- ▶ Step 4: Multiply the average monthly payroll costs from Step 3 by 2.5.
- ▶ Step 5: Add the outstanding amount of an Economic Injury Disaster Loan (EIDL) made between January 31, 2020 and April 3, 2020, less the amount of any "advance" under an EIDL COVID-19 loan (because it does not have to be repaid).



## Example:

Some employees make more than \$100,000 (\$300,000 total salary above \$100,000), outstanding EIDL loan of \$50,000, received \$10,000 Advance under EIDL loan

Step 1: Annual payroll: \$1,500,000 (includes excess payroll amounts);

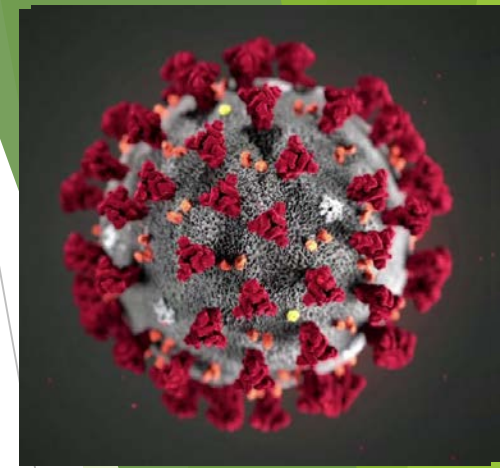
Step 2: Subtract compensation amounts in excess of an annual salary of \$100,000:  $[\$1,500,000 - \$300,000] = \$1,200,000$ ;

Step 3: Average monthly qualifying payroll:  $[\$1,200,000 / 12] = \$100,000$

Step 4: Multiply by 2.5 = \$250,000

Step 5: Add EIDL loan of \$50,000 less \$10,000 EIDL grant - \$40,000 total = \$290,000

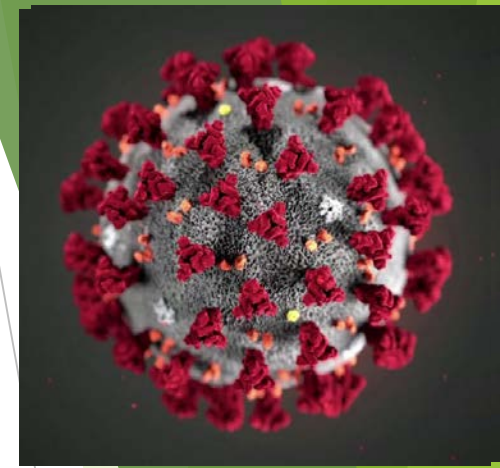
**Maximum loan amount in this example is \$290,000**



# Certifications:

As part of the application, the applicant must certify in good faith to all of the below:

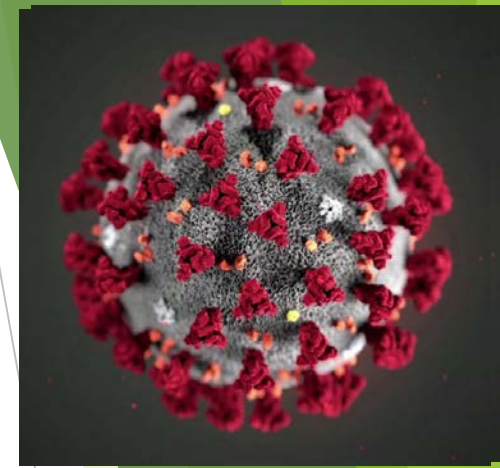
- i. The applicant was in operation on February 15, 2020 and had employees for whom it paid salaries and payroll taxes or paid independent contractors, as reported on a Form 1099-MISC.
- ii. Current economic uncertainty makes this loan request necessary to support the ongoing operations of the applicant.
- iii. The funds will be used to retain workers and maintain payroll or make mortgage interest payments, lease payments, and utility payments; I understand that if the funds are knowingly used for unauthorized purposes, the federal government may hold me legally liable such as for charges of fraud. As explained above, not more than 25 percent of loan proceeds may be used for non-payroll costs.
- iv. Documentation verifying the number of full-time equivalent employees on payroll as well as the dollar amounts of payroll costs, covered mortgage interest payments, covered rent payments, and covered utilities for the eight week period following this loan will be provided to the lender.





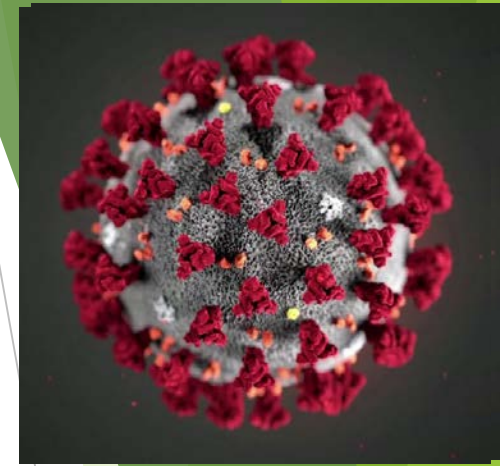
## Certifications:

- v. Loan forgiveness will be provided for the sum of documented payroll costs, covered mortgage interest payments, covered rent payments, and covered utilities. As explained above, not more than 25 percent of the forgiven amount may be for non-payroll costs.
- vi. During the period beginning on February 15, 2020 and ending on December 31, 2020, the applicant has not and will not receive another loan under this program.
- vii. I further certify that the information provided in this application and the information provided in all supporting documents and forms is true and accurate in all material respects. I understand that knowingly making a false statement to obtain a guaranteed loan from SBA is punishable under the law, including under 18 USC 1001 and 3571 by imprisonment of not more than five years and/or a fine of up to \$250,000; under 15 USC 645 by imprisonment of not more than two years and/or a fine of not more than \$5,000; and, if submitted to a federally insured institution, under 18 USC 1014 by imprisonment of not more than thirty years and/or a fine of not more than \$1,000,000.



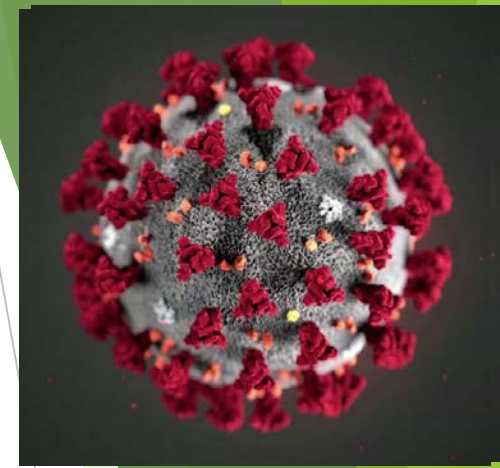
## Certifications:

viii. I acknowledge that the lender will confirm the eligible loan amount using tax documents I have submitted. I affirm that these tax documents are identical to those submitted to the Internal Revenue Service. I also understand, acknowledge, and agree that the Lender can share the tax information with SBA's authorized representatives, including authorized representatives of the SBA Office of Inspector General, for the purpose of compliance with SBA Loan Program Requirements and all SBA reviews.

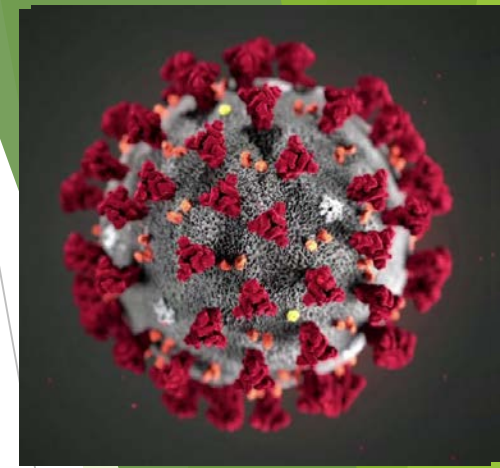


# What happens if PPP loan funds are misused?

- If PPP funds are used for unauthorized purposes, SBA will direct you to repay those amounts on the applicable loan terms - Two (2) year maturity, one (1%) percent interest.
- If a borrower knowingly uses the funds for unauthorized purposes, it will be subject to additional liability such as charges for fraud.
- If one of the borrower's shareholders, members, or partners uses PPP funds for unauthorized purposes, SBA will have recourse against the shareholder, member, or partner for the unauthorized use.



# Payroll Protection Program - Forgiveness

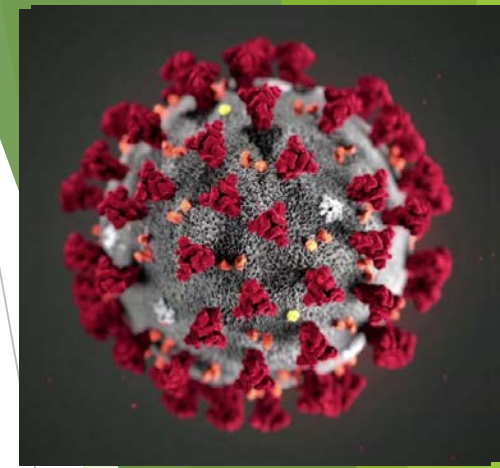


- ▶ Forgiveness - Borrower eligible for maximum forgiveness of eight (8) weeks of (up to full amount of the loan):
  - ▶ i. payroll costs (as defined above);
  - ▶ ii. costs related to the continuation of group health care benefits during periods of paid sick, medical, or family leave, and insurance premiums;
  - ▶ iii. mortgage interest payments (but not mortgage prepayments or principal payments);
  - ▶ iv. rent payments;
  - ▶ v. utility payments;
  - ▶ vi. interest payments on any other debt obligations that were incurred before February 15, 2020; and/or



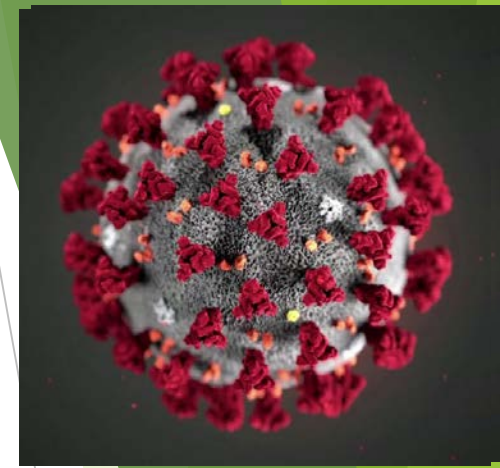
# Payroll Protection Program - Forgiveness

- ▶ vii. refinancing an SBA EIDL loan made between January 31, 2020 and April 3, 2020.
- ▶ Additional Requirement:
  - ▶ Minimum seventy-five percent (75%) of PPP loan funds must be used on payroll costs. Any amounts in excess of 25% spent on non-payroll expenses will not be forgiven.
  - ▶ Proceeds from any advance up to \$10,000 on the EIDL loan will be deducted from the loan forgiveness amount on the PPP loan.



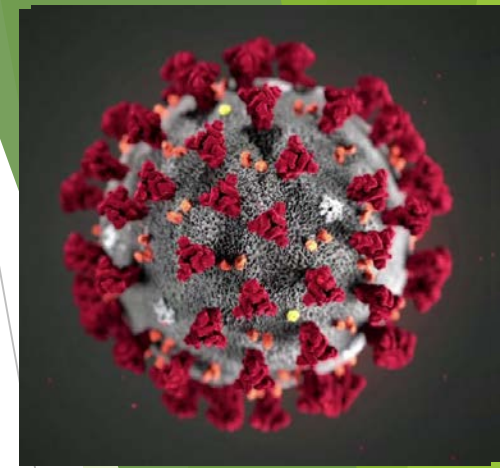
# Payroll Protection Program - Reduction in Forgiven Amount

- ▶ Based on Number of FTE's. The amount of loan forgiveness will be reduced by the proration:
  - ▶ The average number of FTE's employed by the Borrower per month during the covered period,
  - ▶ Divided by (at Borrower's option):
    - ▶ (i) The average number of full-time equivalent employees per month employed by the eligible recipient during the period beginning on February 15, 2019 and ending on June 30, 2019; or
    - ▶ (ii) the average number of full-time equivalent employees per month employed by the eligible recipient during the period beginning on January 1, 2020 and ending on February 29, 2020; or
    - ▶ (iii) in the case of an eligible recipient that is seasonal employer, as determined by the Administrator, the average number of full-time equivalent employees per month employed by the eligible recipient during the period beginning on February 15, 2019 and ending on June 30, 2019.

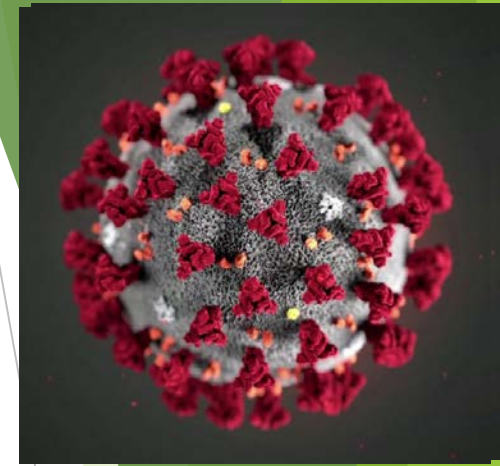


# Payroll Protection Program - Reduction in Forgiven Amount

- ▶ Based on Salary Reduction:
  - ▶ The amount of loan forgiveness will be reduced by the amount of any reduction in total salary or wages of any employee during the covered period that is in excess of 25 percent of the total salary or wages of the employee during the most recent full quarter during which the employee was employed before the covered period.
    - ▶ Excludes Employees making over \$100,000 in salary.



# Payroll Protection Program - Reduction in Forgiven Amount

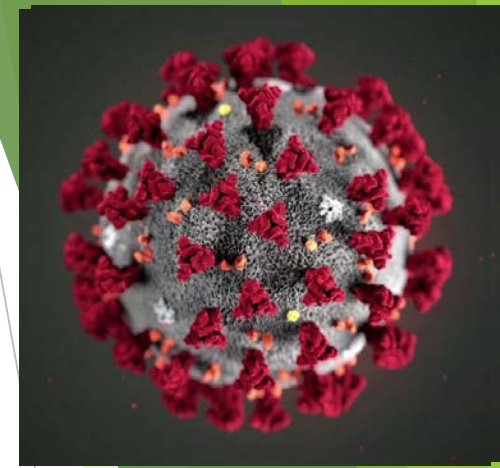


- ▶ Exemption for Rehires/Return to Normal Pay:
  - ▶ The reduction in the forgivable amount based on the number of FTE's or the salary of an eligible employee will be ignored, for any employees let go, or had their pay reduced, between February 15, 2020 and April 27, 2020, if the borrower rehires sufficient number of FTE's, or eliminates the reduction in salary, as applicable, by June 30, 2020.





# Payroll Protection Program - Forgiveness



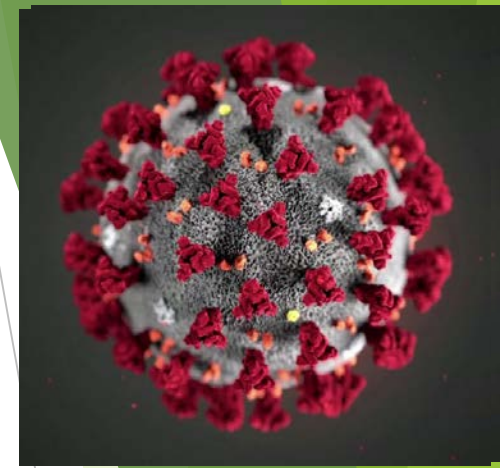
- ▶ In order to obtain forgiveness, a borrower shall apply to the lender and document the proceeds used for payroll (and other allowable expenses).
- ▶ Tip: Open a separate account at the PPP loan Lender that holds the PPP loan proceeds, and adjust payroll, rent, utility, etc. payments to come from this account. This will make the application to the lender to prove where the funds were spent easier, and expedite the approval process.
- ▶ Lenders have 60 days from application for forgiveness to approve or deny application.



# Payroll Protection Program

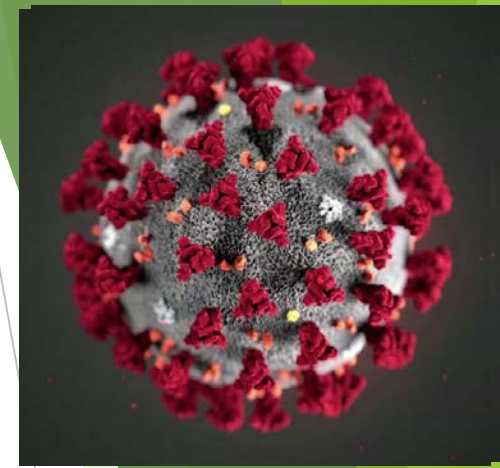
## ▶ Loan Terms

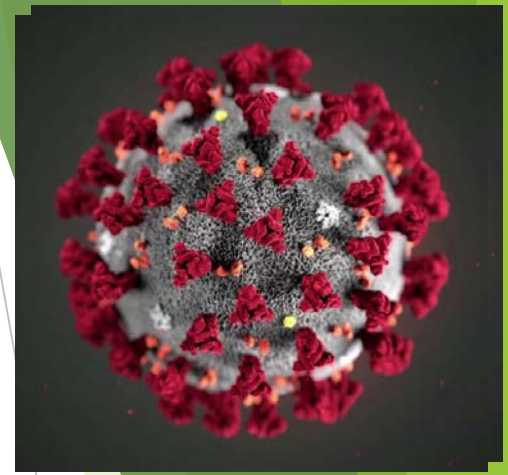
- ▶ The PPP Loan will have a maturity date that is two (2) years after the funds have been disbursed.
- ▶ The Loan will accrue interest at one (1) percent per annum.
- ▶ There is a six (6) month deferral of payments from the date of disbursement. Interest will accrue during the six month period. Portions that are forgiven will see a corresponding forgiveness of the interest on that portion. Interest will continue to accrue on the unforgiven portions of the Loan until paid.
- ▶ No prepayment penalties.



# Payroll Protection Program

- ▶ No “Double Dipping”
  - ▶ Borrower can’t receive this assistance and an Economic Injury Disaster Loan (EIDL) through SBA for the same purpose. However, it allows a borrower who has an EIDL to apply for a PPP loan, with an option to refinance that loan into the PPP loan.
  - ▶ The emergency EIDL grant award of up to \$10,000 would be subtracted from the amount forgiven under the Paycheck Protection Program.





# Employment Issues within the CARES Act

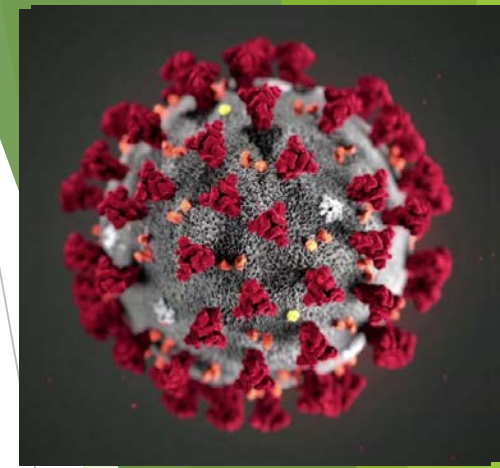


DICKINSONLAW

©2020 Dickinson Mackaman Tyler & Hagen, P.C.

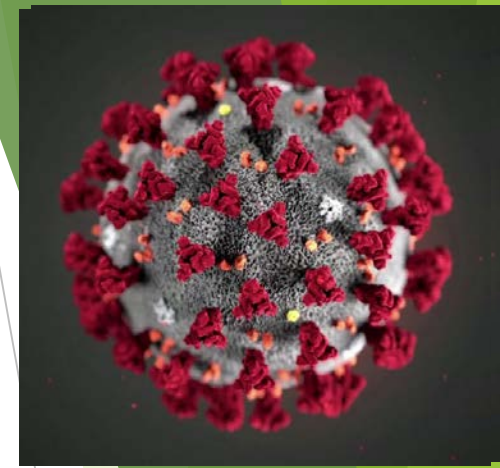
# Economic Stimulus for Unions?

- ▶ Under the CARES Act, mid-size businesses (500 - 10,000 employees) are eligible for low interest loans (no greater than 2% interest) to keep their operations running.
  - ▶ For the first 6 months after a direct loan payment is made, no principal or interest is due.
- ▶ When applying for a loan, the business must make a number of promises, including but not limited to the following:
  - ▶ the uncertainty of economic conditions as of the date of the application makes necessary the loan request to support the ongoing operations of the recipient;
  - ▶ the funds it receives will be used to retain at least 90 percent of the recipient's workforce, at full compensation and benefits, until September 30, 2020;
  - ▶ the recipient will ***not abrogate*** existing collective bargaining agreements for the term of the loan and 2 years after completing repayment
  - ▶ the recipient will ***remain neutral in any union organizing effort*** for the term of the loan.

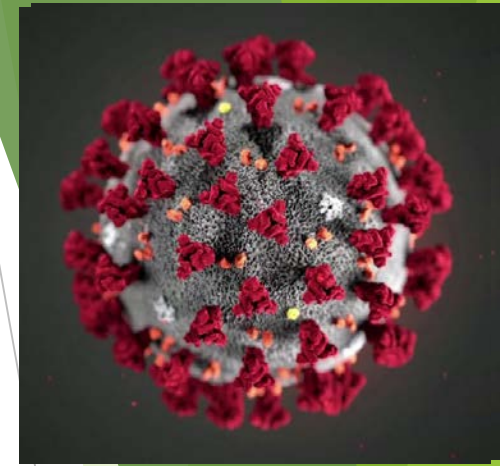


# CARES Act and FFCRA

- “Payroll costs” for purposes of PPP loans do NOT include sick leave or emergency FMLA paid under the FFCRA.
- Clarifies that employers may pay employees more than the statutory caps, but are not required to do so. Employers would not be entitled to tax credits if they decide to be more generous than required.
- Employees who were laid off on March 1, 2020 or later, worked at least 30 of the 60 days prior to layoff, and are rehired by the same employer prior to December 31, 2020, are eligible for emergency FMLA.



# CARES Act and FFCRA

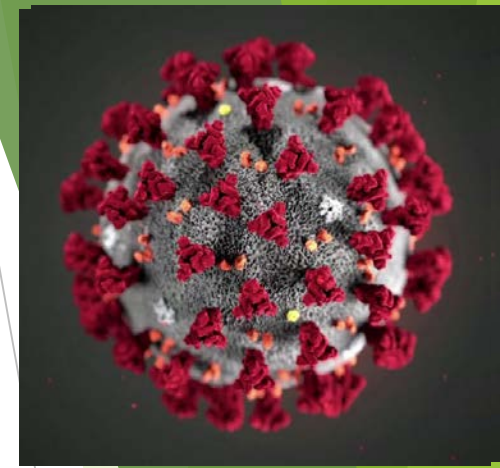


- Employers can request an advance of anticipated tax-credits and refunds by completing IRS form 7200 (Advance Payment of Employer Credits due to COVID-19). The Eligible Employer will account for the amounts received as an advance when it files its Form 941, Employer's Quarterly Federal Tax Return, for the relevant quarter.
- Employers will not be penalized if they do not deposit employer-side medicare taxes in anticipation of receiving a tax credit for emergency paid leave if the following are met:
  - The ER paid the required leave under FFCRA in the calendar quarter before the required deposit;
  - The amount of federal employment taxes that the Employer does not timely deposit is less than or equal to the amount of the Employer's anticipated tax credits for these qualified leave wages (and allocable qualified health plan expenses and the Employer's share of Medicare tax on the qualified leave wages) for the calendar quarter as of the time of the required deposit, and
  - The Employer did not seek payment of an advance credit



# Stimulus Payments for Individuals & Families

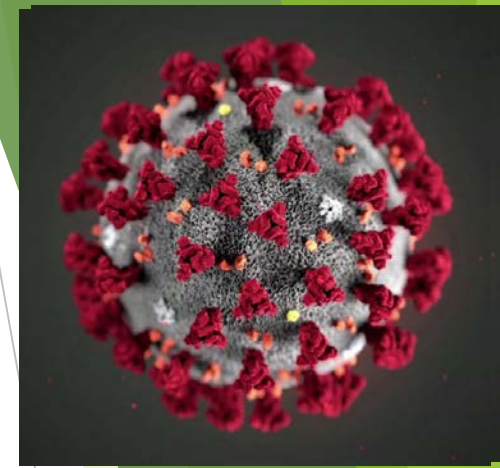
- ▶ All U.S. residents with adjusted gross incomes of up to \$75,000 (\$150,000 for married couples), who are not a dependent of another taxpayer are eligible for the full \$1,200 (\$2,400 for married couples) stimulus payment. In addition, they are eligible for an additional \$500 per child. A typical family of four is eligible for a stimulus payment in the amount of \$3,400.
- ▶ The payments are reduced by \$5 for each \$100 that a tax-payer's income exceeds the phase-out threshold. These benefits are phased out completely for individuals with an adjusted gross income over \$99,000 (\$198,000 for married couples with no children). For a typical family of four, the amount is completely phased out for those with adjusted gross incomes exceeding \$218,000.
- ▶ These payments are to be paid "as rapidly as possible" and Congress has predicted Americans will begin to receive the payments in as little as 3 weeks.





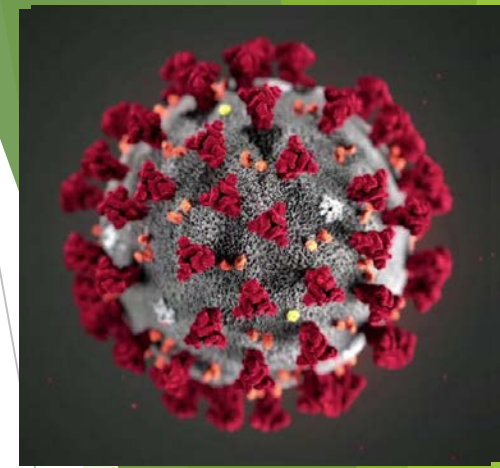
# Unemployment Stimulus

- ▶ Unemployed workers will receive an additional \$600 per week in the amounts customarily available for unemployment under state law. This increase applies for unemployment payments made now through July 31, 2020.
  - ▶ Available for any employee receiving UI benefits through regular UI program or VSW program
- ▶ Individuals will also be entitled to an additional 13 weeks of unemployment (39 weeks instead of 26 weeks).
- ▶ Self-employed individuals (freelancers, independent contractors, gig workers) are now be eligible for 39 weeks of unemployment benefits.
- ▶ Part-time workers are now eligible for unemployment benefits.



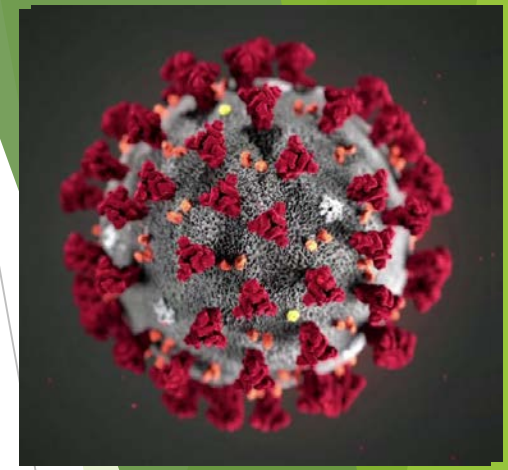
# Unemployment Stimulus: FAQ

- ▶ My employee knows s/he will make more money by being unemployed than being employed...can the employee choose to go on unemployment?
- ▶ My employee would rather be on unemployment than take paid leave under the FFCRA. Can the employee choose to go on unemployment?



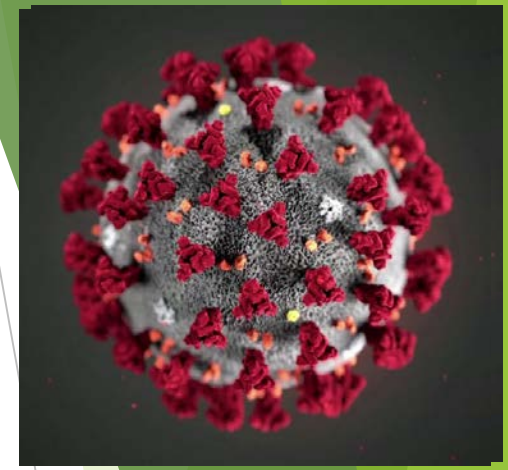
# Unemployment Stimulus: FAQ

- ▶ We have placed all of our employees back on payroll as a result of receiving a loan under the Payroll Protection Program. My employee refuses to return to work and wants to continue with unemployment. Is the employee entitled to UI?



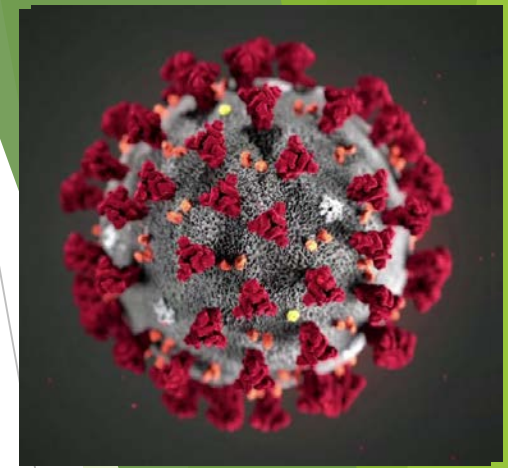
# Unemployment Stimulus: FAQ

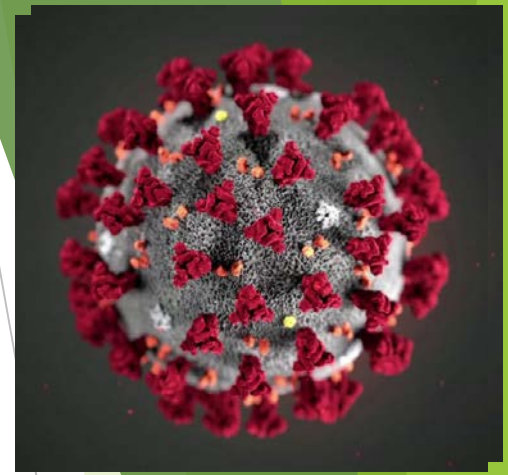
- ▶ My employee is scared to come to work because of being exposed to COVID-19. The employee does not have an underlying medical condition. Can the employee choose to go on unemployment?



# Unemployment Stimulus: FAQ

- ▶ Our Company made offers of employment to several individuals, but we have delayed their start date. Are these individuals eligible for UI benefits?
  - ▶ Any other state or federal monies?





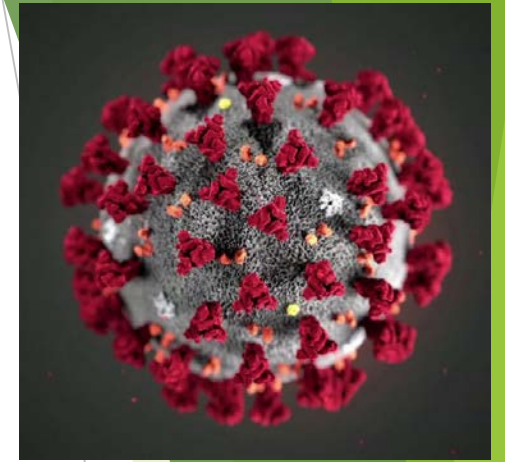
# Families First Coronavirus Response Act



DICKINSONLAW

©2020 Dickinson Mackaman Tyler & Hagen, P.C.

# FFCRA



## Emergency Paid Sick Leave

- Up to 80 hours
- 6 different reasons
- 100% of regular rate or 2/3rds rate of pay

## Emergency Paid FMLA

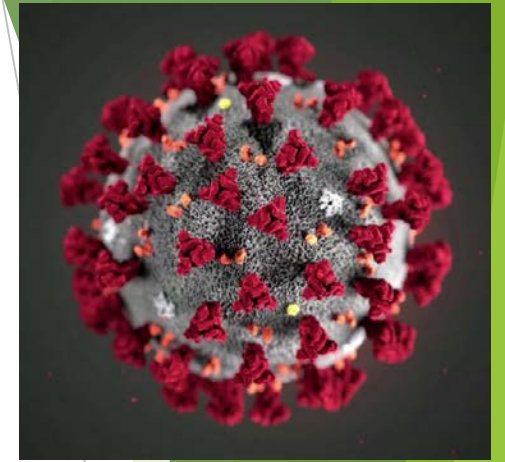
- Up to 12 wks (11-60 days)
- 1 reason only
- 2/3rds rate of pay



# Paid Sick Leave

*6 types of COVID-19 related absences:*  
Employee is unable to work or telework because:

- (1) Employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;**
- (2) Employee has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19;**
- (3) Employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis from a health care provider.**



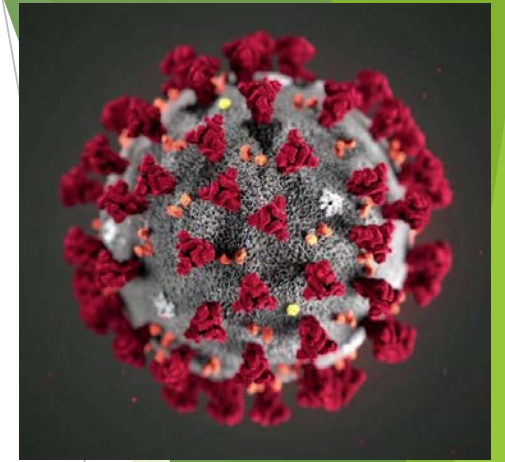


# Paid Sick Leave

**(4) Employee is caring for an individual who is subject to #1 or #2;**

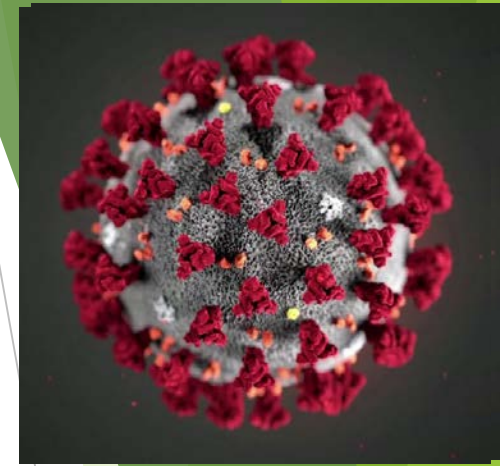
**(5) Employee is caring for child whose School or Place of Care has been closed for a period of time, whether by order of a State or local official or authority or at the decision of the individual School or Place of Care, or the Child Care Provider of such Son or Daughter is unavailable, for reasons related to cOVID-19.**

**(6) Employee is experiencing “any other substantially similar conditions” as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.**



# EPSL: Qualifying Reason #1

Employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;

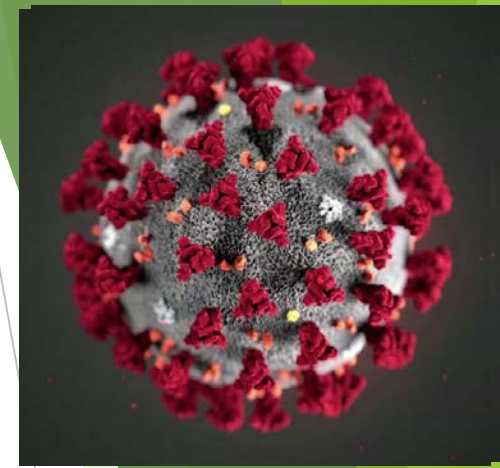


- Includes Shelter-in-Place Orders;
- Includes Advisories for certain categories of citizens to shelter-in-place, stay-at-home, isolate, or quarantine (e.g., certain age ranges or of certain medical conditions).
- Does NOT apply if employee is still able to work or telework
- Does NOT apply if employer does not have work for the Employee to do
  - Does NOT apply during time employer's worksite is closed
  - Does NOT apply during time employee is furloughed
  - Does Not apply during time employee has been laid off



# EPSL: Qualifying Reason #1

**Employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;**



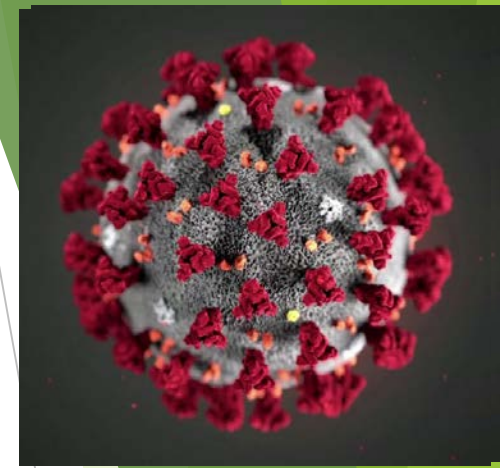
Hypothetical #1: Governor Reynolds imposes a shelter-place-order on all non-essential businesses and ordered my business to close. I am unable to operate the business, and I have no work for my employees. Are my employees entitled to sick leave under the FFCRA?

Hypothetical #2: Governor Reynolds and the CDC advise that all individuals with asthma to stay at home. My business remains open and I have work for all of my employees to perform on-site. One of my employees has asthma and is unable to come into work because of the government has advised her to stay at home. Is she entitled to sick leave under the FFCRA?



# EPSL: Qualifying Reason #2

Employee has been **advised by a healthcare provider** to self-quarantine due to concerns related to **COVID-19**



(1) A health care provider advises the Employee to self-quarantine based on a belief that:

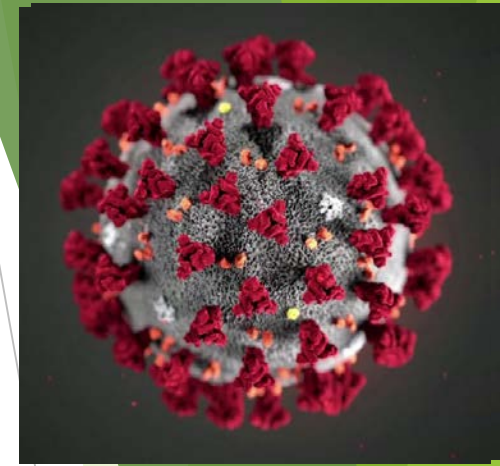
- The Employee has COVID-19
- The Employee may have COVID-19; or
- The Employee is particularly vulnerable to COVID-19; and

(2) The Employee is following the advice of a health care provider to self-quarantine prevents the Employee from being able to work, either at the Employee's normal work place or by Telework



# EPSL: Qualifying Reason #2

Employee has been **advised by a healthcare provider** to self-quarantine due to concerns related to COVID-19



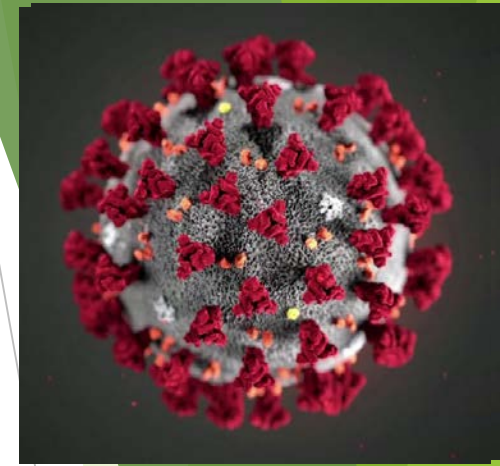
Hypothetical #1: The healthcare provider of one of my employees advises him to stay at home because the employee is particularly vulnerable to COVID-19. Is the employee entitled to paid sick leave?

Hypothetical #2: One of my employees believes he has COVID-19, and has decided to quarantine himself for 2 weeks. He has not sought a medical diagnosis or advice from a health care provider and does not intend to do so. Is the employee entitled to paid sick leave?



# EPSL: Qualifying Reason #4

Employee is **caring for an individual** who is subject to #1 or #2

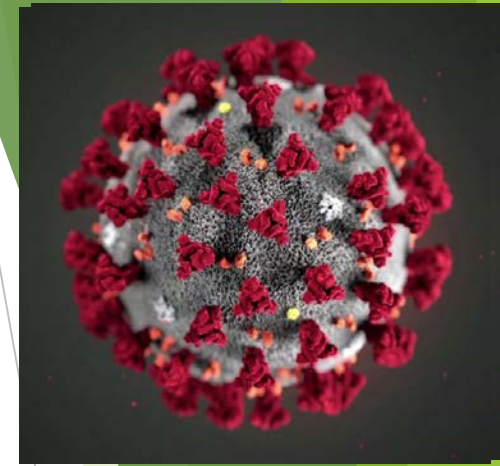


- “Individual” means an Employee’s immediate family member, a person who regularly resides in the Employee’s home, or a similar person with whom the Employee has a relationship that creates an expectation that the Employee would care for the person if s/he were quarantined.
  - Does not include persons with whom the Employee has no personal relationship
  - Does not include persons who do not expect or depend on care during the quarantine
- “Caring For...” means the individual is unable to care for him or herself and depends on the employee for care and if providing care prevents the employee from working and from teleworking.



# EPSL: Qualifying Reason #4

Employee is **caring for an individual** who is subject to #1 or #2



**Hypothetical #1:** Employee's live-in girlfriend is advised to self-quarantine due to an underlying medical condition (e.g., diabetes). Employee does not want to come into work out of fear of exposing his girlfriend. Is employee entitled to paid sick leave?

**Analysis:**

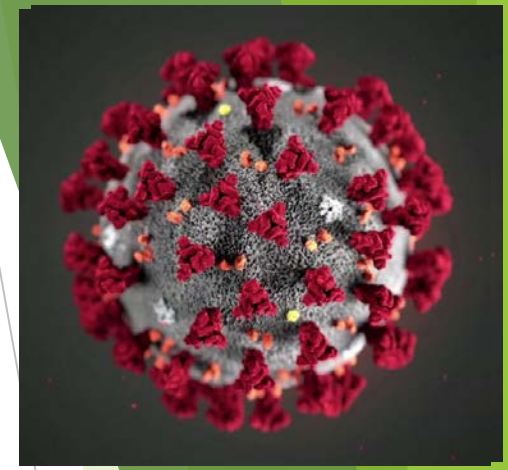
- (1) Can employee still work or telework?
- (2) Is Girlfriend an Individual as defined by the law?
- (3) Is Employee actually caring for the Girlfriend?



# Qualifying Reason for Using EFMLA

Employee is unable to work or telework due to a need for leave to **care** for **son** or **daughter**...

- ▶ School or place of care has been closed due to a public health emergency
- ▶ Child care provider is unavailable due to a public health emergency





# EFMLA Pay

First 2 weeks: Unpaid, or EPSL, or *employee can elect* to use other paid leaves if EPSL is used

Weeks 1-2

Weeks 3-12

EFMLA: Unpaid 2 wks

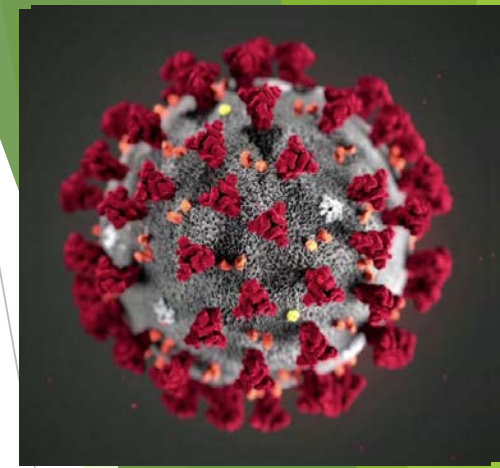
EFMLA: Paid at 67% for up to 10 weeks

EPSL: 67% for 80 hrs

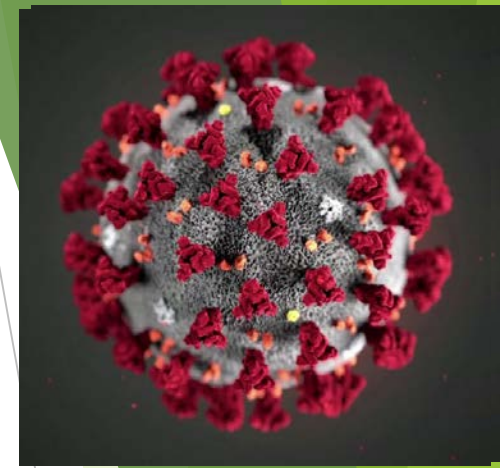
Other Pd Leaves

Other Pd Leaves to Top-Off for the remaining 33% of Pay

Last 10 weeks: 67% of Pay



# Documentation Supporting Leave Request



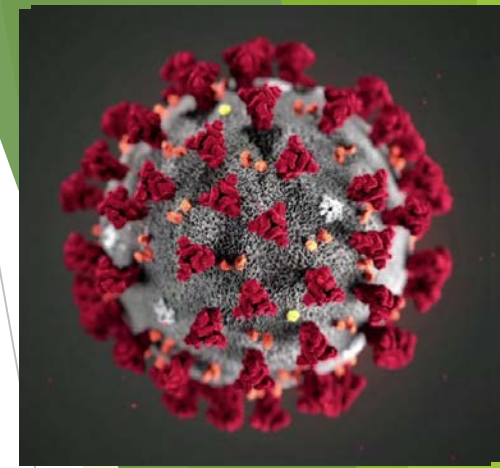
1. The employee's name;
2. The date or dates for which leave is requested;
3. A statement of the COVID-19 related reason the employee is requesting leave and written support for such reason; and
4. A statement that the employee is unable to work, including by means of telework, for such reason.

Quarantine order or self-quarantine advice requests:

the statement from the employee should include the name of the governmental entity ordering quarantine or the name of the health care professional advising self-quarantine, and, if the person subject to quarantine or advised to self-quarantine is not the employee, that person's name and relation to the employee.



# Documentation Supporting Leave Request



School or Childcare Provider:

The statement from the employee should include:

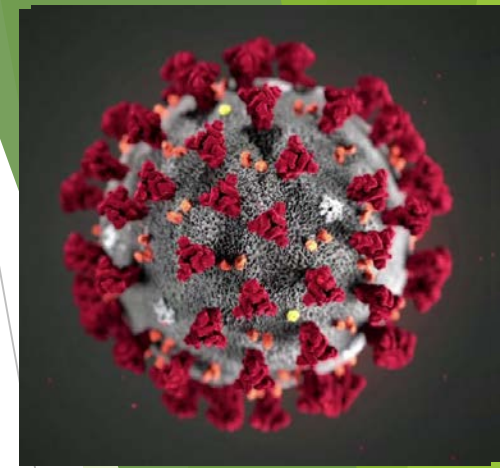
1. the name and age of the child (or children) to be cared for,
2. the name of the school that has closed or place of care that is unavailable, and
3. a representation that no other person will be providing care for the child during the period for which the employee is receiving family medical leave and, with respect to the employee's inability to work or telework because of a need to provide care for a child older than fourteen during daylight hours, a statement that special circumstances exist requiring the employee to provide care.



# Exemption for Business under 50 employees

A small employer is exempt from the requirement to provide paid leave for school or daycare closures when:

- (1) such leave would cause the small employer's expenses and financial obligations to exceed available business revenue and cause the small employer to cease operating at a minimal capacity;
- (2) the absence of the employee or employees requesting such leave would pose a substantial risk to the financial health or operational capacity of the small employer because of their specialized skills, knowledge of the business, or responsibilities; or
- (3) the small employer cannot find enough other workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services the employee or employees requesting leave provide, and these labor or services are needed for the small employer to operate at a minimal capacity.



# Thank You!



Jeffrey G. Baxter



Six Feet of  
Separation



Melissa A. Schilling

