

Tineke Hall

From: Erie County Medical Society <admin@wnydocs.org>
Sent: Tuesday, April 7, 2020 11:39 AM
To: Tineke Hall
Subject: The Medical Society in conjunction with The Coppola Firm: Need COVID-19 Federal Leave Resources?



Better Health Through Advocacy
If Not You...Who? TM

Physician Alert

A publication to keep our Member Physicians, their Practice Manager and office staff abreast of relevant information.

March 30, 2020

The Medical Society in conjunction with The Coppola Firm is providing information on the COVID-19 Federal Leave legislation which goes into effect on April 1, 2020.



THE COPPOLA FIRM
Attorneys & Counselors At Law

The federal government's new Families First Coronavirus Response Act becomes effective Wednesday April 1, 2020. That's 2 days from now!

Employers with fewer than 500 employees must be prepared. [As we've written](#), the FFCRA requires you to provide paid sick leave (80 hours) under certain COVID-19 related circumstances. It also requires you to provide 12 weeks of emergency COVID-related FMLA (10 weeks of which must be paid).

Here are the top 10 steps to ensure you're prepared:

1. Download the [required poster](#) and hang it at your workplace if you're going in [and if not, calendar to hang it up on your first day back].
2. Email the required poster as a PDF to your remote employees. Send it "return receipt requested" for some evidence that you provided it as required by law.
3. Publish your workplace FFCRA policy to all employees, whether remote or not. You need this policy pronto!
4. Prepare COVID Sick Leave & COVID Emergency FMLA leave forms and have them on hand for when COVID-related sick or FMLA leave requests begin to come in. Your HR Department or benefits coordinator needs to have them.
5. If you have ***fewer than 50 employees***, review and consider applying for the relevant exception. To do so, you must prove that providing paid leave "threatens the viability of your business as a going concern." This is for the COVID-related FMLA portion of the law, only. This exception is ***not available*** for FFCRA's COVID Sick Leave!
6. Ensure your payroll provider has implemented a process to recover 100% of the dollars paid (including health insurance) for employees using the FFCRA paid leaves. This is done through payroll withholding tax offsets and is a payroll or accounting function.
7. Analyze and apply for available federal programs to offset workforce expenses caused by the COVID pandemic (Paycheck Protection Plan, etc.).

More on these federal grant and loan opportunities in the coming days/weeks. We're waiting for the feds to provide more guidance.

8. Breathe a sigh of relief that the feds have taken a ***non-enforcement position*** on FFCRA leave violations - but only through April 17, 2020! - if you acted “reasonably” and “in good faith.” What does this mean? It means that if you're trying to do the right thing but fail to do so, you'll get a pass for these next few weeks so long as you make it right and promise to never mess up again.

9. Reach out to The Coppola Firm for preparing your policies, analyzing your entitlement to an exemption, and if you want to understand how the changing laws and rules apply to your company specifically. We can be reached at info@coppola-firm.com and 716.839.9700.

10. Take a deep breath and remember we're all in this together. You have trusted partners who are on your side and will be there when you need us.

The Coppola Firm is here for you. We're honored to be a trusted partner to our clients.

And we're delighted that our experience and insights are being shared with others through our webinars, service to the Bar Association of Erie County, and news releases intended to keep our community up to date on the fast-moving conditions around COVID-19 and workplace responsibilities across New York State.

Be sure to visit our website and Facebook page for up-to-the-minute developments!

[FFCRA forms and policies available now](#)

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