

## FFCRA FAQ

1. *Q. When will I get the FFCRA applicable payroll tax credits for the Emergency Paid Sick wages?*
  - A. *The credits will be calculated with each payroll and a separate line item on the invoice will reflect the taxes available to offset the wages paid utilizing Emergency Paid Sick Leave or Paid Emergency Family Leave under FFCRA.*
2. *Q. How will I get the credit for the Emergency Paid Sick wages?*
  - A. *The FFCRA Emergency Paid Sick Leave or Paid Emergency Family Leave credits will be reflected on your invoice, as a separate line item: COVID.*
3. *Q. How long will it take to get the applicable FFCRA credit if my Emergency Paid Sick wages exceed the taxes?*
  - A. *Your FFCRA credit is capped and cannot exceed your regular payroll tax liability. The FFCRA Emergency Paid Sick wages accumulated over your liability will refund as the amounts become available.*
4. *Q. What if I want to pay someone their regular salary not just the 2/3's of their regular pay?*
  - A. *Federal guidelines and our software logic will cap Emergency Paid Sick wages at 2/3 pay for applicable leaves. Additional pay will need to be entered as Regular Hours (REG) or Other Hours (OTHERHR).*
5. *Q. Am I able to use these hours even though my employee worked a short week?*
  - A. *Yes, Federal guidelines allow you to supplement a short week with leave hours. Potentially, under the Emergency Paid Family and Medical leave you can use intermittent leave while teleworking (i.e., you work Monday, Wednesday, Friday but need to use leave Tuesday and Thursday). Under the Emergency Paid Sick Leave if you as the employer agree you can allow an employee to use intermittent sick leave if they are under quarantine and cannot work full weeks. Employees are highly encouraged to use this leave time in Full-day increments, but the Department of Labor encourages employer to collaborate and accommodate to achieve maximum flexibility for your employees.*
6. *Q. Am I able to use the FFCRA payroll tax credits even if I obtained a PPP loan?*
  - A. *If you utilize the FFCRA Tax credits prior to your PPP Loan being in place you would need to reconcile your payroll and any wages that you received tax credits for would need to be accounted for and you would not be able to use those wages for your PPP Loan forgiveness request.*

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This document is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice.

7. Q. What documentation do I need to maintain, if any?
- A. Employees should complete leave request for [Paid Sick Leave](#) or [FMLA](#) and provide documentation to support their leave. As the employer you will determine their ability to use this leave if they meet the qualifying reasons. At that time, you should complete the Employer portion of the application and maintain those records. This provide you the proper documentation to support the payroll tax credits used.
8. Q. What reporting will be available to use to complete reconciliations and provide supporting documentation for my loan or tax credits?
- A. We are currently working on a report for the Emergency Paid Sick wages paid under FFCRA and wages needed for the PPP loan forgiveness. The report, Payroll Allocation, that was used when originally applied for the loan is still available and the wages would just need to be reduced by the FFCRA pay.
9. Q. How do I count hours worked by a part-time employee for purposes of Emergency Paid Sick leave or Emergency expanded family and medical leave?
- A. Tilson is in the process of providing you a report that can be found on your employer portal that shows the hours we have calculated for any employee that has standard hours less than 40 a week. Per the DOL guidance, this calculation is based on a six-month period and the actual hours worked.

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