PAID LEAVE VIRTUAL TOWN HALL

Please stand by for realtime captions.

Thank you for your patience. We will begin a few moments after the top of the hour. Thank you.

Welcome and thank you for standing by for the duration of today's conference, all participants are in a listen only mode until the question and answer session of today's conference. At that time you may press star one to ask a question. I would now like to turn the conference over to Cheryl Stanton. You may begin.

Thank you. As an initial matter I'm going to turn to Michael Kravitz, our associate administrator for planning a performance for some logistics and housekeeping.

Good morning everyone and welcome and thank you for joining us. We have had quite a turnout. It shows the interest all of you have to this very important legislation. Just some logistics to talk about up front. We only have a 1500 person capacity on the Adobe connect so some of you may only be able to listen to audio at this moment. You will be able to hear everything and still be able to participate and provide any comments you may have throughout the proceedings. I also want to let you know for folks that are Department of Labor or members of the media, we really want to hear from as many stakeholders as possible, so please log off the Adobe connect so as many people can see the presentation as well. With that I will turn it back to Cheryl.

Thank you for participating.

Thank you Michael and thank you for joining us this morning to discuss the family's first coronavirus response act signed into law by the president Wednesday night in efforts to combat the unprecedented situation in which we find ourselves. I'm Cheryl Stanton, administration of the wage and hour division and we are grateful you have joined our town hall to discuss these critical protections we are putting into place as we face one of the most serious challenges to the American workplace in recent history. As well try to find our best path forward during this time of great unprecedented uncertainty, we all share similar challenges.

Workers face missing or reduced paychecks, employers grapple with serious disruptions to the businesses, daycare concerns affect thousands of workers and business owners and we all share a great concern for the health and well-being of our loved ones. COVID-19 has sent a shockwave through the lives of everyone in this nation and around the world and the FFCRA provides relief to those hurting and provides answers where there were number four. As you know the administration and enforcement of this new law rests with the wage and hour division. We are charged with drafting and publishing regulations and guidance to explain the requirements and benefits of this law very quickly, perhaps more quickly than we have done with any law before. So that employees understand what they are promised under the legislation and employers understand the rules and requirements. We need your help. We need your help tremendously. We want to hear from you, we want to hear from employees, employers, stakeholders of all impacted by this situation. We are going to give a brief overview of the basic requirements and then quickly open it to you because we want your input as we prepare the regulations and guidance as well as the compliance assistance explaining these new protections.

To the workers and worker groups, please share your ideas about how you can understand your eligibility and entitlement to paid family leave or paid sick leave under the FFCRA. What do you want to see in the regulations and a guidance? The best thing to tell us is what questions you need answered. Assistance, guidance or resources and tools that would help you and how we can reach as many workers as possible. For the employers, please let us know how the wage and hour division can help you understand a meet your responsibilities under this law. What do you need answered in the regulations? What compliance, assistance, guidance, resources or tools would be most helpful and how we can reach as many employers as possible as quickly as possible. We are particularly interested in hearing about some of your guidance and ideas for the exemptions under the emergency responder or healthcare provider. We are interested in hearing about what exemptions we should to provide to businesses when an employee wants to take leave to care for a child whose school is closed or child care provider is unavailable. Please understand we know you will not get all of your questions answered today. We simply can't do that yet. This is the time to hear from you, what your questions are to make sure we give you the best guidance on this questions as possible. There will be many future compliance and outreach. We will have future webinars and other compliance assistance for all of you with the answers after we get your questions today.

I'm going to turn the conversation over to my policy team and I will tell you, this team has been working night and day for the better part of the week, some of them are almost no sleep to get this law digested and put together answers for you were preliminary guidance so we can get you in compliance and the help you need as soon as possible. I do say a special thanks to everyone on this call working so hard and those who are not. I also want to thank you for joining us and for you input. With that I would turn it over to Helen, our associate administrator for policy and end by saying got bless and be safe.

Thank you, Cheryl. I first going to do a brief overview of the basic requirements of the law. The intent of this presentation is to provide the basic requirements and open the floor to provide your comments and questions and things that will help you provide us with input as we develop those guidance materials.

The family's first coronavirus response act was signed into law March 18th, 2020 and it has two divisions we will be talking about today. The emergency family and medical leave expansion act is a division C in the emergency paid sick leave act is in division E. The law is effective no later than 15 days after enactment and sunsets December 31st, 2020.

The emergency family medical leave act expansion act is the family medical leave act and provides leave for qualifying public health emergencies. Provides a new FMLA leave entitlement to include 10 days of unpaid leave and subsequent days of paid leave. Eligibility requirements are for employees who have been employed for at least 30 calendar days. It applies to employers who have fewer than 500 employees. The Secretary is authorized to issue regulations to exclude certain healthcare providers and emergency responders and can also issue regulations exempting small businesses with fewer than the employees and the imposition of the climates would jeopardize the viability of the business is a growing concern. The job restoration requirement may be limited in the case of employers with fewer than 25 employees if certain conditions are met. The act amended FMLA to add entitlement to the FMLA 12 week entitlement. For the first 10 days for which an employee takes leave would be unpaid and the employee may elect to substitute any accrued paid vacation, personal leave, medical or sick leave. After those 10 days the employer provides paid leave for each day of not less than two thirds the employers regular rate of pay is determined under section 8 of the family standards act. Hours are based on the number of hours the employee would be scheduled to work. A varying schedule of hours calculation would apply in some cases averaging over a six-month period preceding the leave or if the employee did not work for that length of time, the expected schedule the employee was expected to work. The provisions include an employer consistent with bargaining obligations fulfill its obligations by making contributions to Morty employee funds program based on the paid leave of each of its employees and provided employees are able to secure pay from the program based on the hours they worked under the multiemployer collective bargaining agreement for pay be taken under the act.

The term qualifying related to a public health emergency means the employee is unable to work or including telework due to a need to leave the care for a son or daughter under the age of 18 if the school the place of care for that son or daughter has been closed or if the child care provider is unavailable. In each case if those are due to a public health emergency, which means with respect to COVID-19 to clarify a federal state or local authority. The term child care provider is defined as a provider who receives compensation for providing childcare services on a regular basis including an eligible healthcare provider defined under the childcare development grant act. In elementary or secondary school is defined in the elementary and secondary education act.

The law requires where there is necessity come at the employer should provide the employer with notice as soon as that is practical. The family and medical leave expansion act provides the FMLA regular job restoration requirement does not apply to an employer who employs fewer than 25 employees if the position held by the employee does not exist due to economic conditions or other changes in operating conditions of the employer that may affect employment. It also requires the employer make reasonable efforts to restore the employee to a position equivalent to the position the employee held when the leave commenced including equivalent employment benefits pay and other terms and conditions of employment. If there's -- the employer must make reasonable efforts to contact the employee if an equivalent position becomes available. For the one year period beginning the earlier date of which the qualifying needs includes or the dates of the 12 weeks after the date when the leave commenced.

Under the family medical leave expansion act, the FMLA section 107 A does not apply to employers who do not meet the FMLA definition of employer. This includes any person engaged in commerce or industry affecting commerce with employees of 50 or more for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year. An employer who is the healthcare provider or an emergency responder may elect to exclude such employee from the application of the provision in the amendments to the FMLA through this act. Next I will talk about the emergency paid sick leave act.

These provisions apply to full and part-time employees regardless of the tenure of employment. The act provides six qualifying reasons for leave related to COVID-19 circumstances and requires paid leave for up to 80 hours over a two-week period. The employer is prohibited from requiring the employees to find replacement and must post and keep posted notices to employees about the requirements of the act. The act makes it unlawful to discharge discipline or in any other manner discriminate against an employee. A violation under the act would be considered a failure to pay the minimum wage under the fair labor standards act. It applies to private sector employers with you are than 500 employees and any public agency. The secretary can issue regulations to exclude certain healthcare providers and emergency responders from the definition of employed including by allowing the employer [ Indiscernible ] to opt out. The secretary can issue regulations to exempt small businesses with fewer than 50 employees from certain requirements with the imposition would jeopardize the viability of the business. Reasons for leave under the paid sick leave act provisions include the employee is subject to a federal, state or local quarantine or isolation order related to COVID-19 or has been advised by healthcare providers to self quarantine do concerns related to COVID-19. Or if the employee is experiencing COVID-19 symptoms and seeking a medical diagnosis. Of the qualifying reasons for leave include the employer is caring for an individual subject to federal, state or local quarantine or isolation order related to COVID-19 who has been advised by healthcare providers to self quarantine or who has been advised to self quarantine do can concerns related to COVID-19 or if the employee is caring for child who's school or place of care is closed or if the childcare provider is unavailable due to COVID-19 precautions. Finally it provides a reason for leave if the employee is experiencing in the other substantially similar conditions specified by the HHS Secretary in consultation with the secretaries of labor and treasury.

For full-time employees paid sick time is available for up to 80 hours. For part-time employees a number of hours equal to the number of hours the employee work on average over a two week period would be used. Paid sick time does not carry over from one year to the next and it ceases beginning with the employee's next scheduled work shift immediately following the termination of the need for paid sick time under the act. An employer may not require as a condition of providing the paid sick time and be involved in the search to find replacement to cover the hours during which he or she would be using the paid sick time.

Paid sick time under this act is available for immediate use by the employee regardless of how long the employee has been employed by the employer and an employer to use the paid sick time provided by the act first. The employer cannot require the employee to use other paid leave provided by the employer before they use the paid sick time available under the act. The act requires employers will post and keep posted in conspicuous places on the premise of the employer or where they are normally posted a notice prepared and approved by the secretary of labor. We are required no later than seven days after the date of enactment to publicly make available a model notice that will meet those requirements and you will be able to use.

It unlawful for any employer to discharge discipline in any other manner discriminate against employees to take the under the paid sick leave act or if they have filed a complaint or instituted any action or proceeding related to the act. Or have testified or about to testify the use of using the act.

An employer consistent with this bargaining obligation ended the collective bargaining agreement may fulfill this obligation by making contributions to multiemployer plans, pencil program based on the paid leave each of the employees is entitled to. Employees are able to secure pay based on the hours they work under the multiemployer collective bargaining agreement for paid leave taken under this act. Employees work under a multiemployer collective bargaining agreement in which employers make contributions can secure pay from the fund, Penner program based on those hours.

Nothing in the act shall be construed to diminish the rights and benefits and employee is entitled to under any law, collective bargaining agreement or existing employer policy. Nothing in the act is construed to require financial or other reimbursement from an employer upon the employee termination, resignation, retirement or separation for paid sick time under this act.

A few definitions are provided as well. [ Indiscernible ] person engaged in commerce or industry or activity affecting commerce and in the case of a private entity or individual when the employees fewer than 500 employees. In the case of a public agency or any other entity that is not a private entity or individual, employees of one or more and includes any person acting directly or indirectly in the interest of an employer within the meaning given under section 3-D of the fair labor standards act. The term employee has the same meeting given in section three E and the terms employee and state has a meeting given in section 3. The paid sick leave act referenced specific FMLA terms, healthcare provider and son or daughter are given the same meaning as they have in section 101 of the FMLA.

Paid leave is calculated for the reasons, and employees subject to federal, state or local quarantine or isolation order or an employee is provided [ Indiscernible ] an employee is experiencing COVID-19 symptoms and seeking a diagnosis. At the regular rate of pay under section 70 or the minimum wage rate in effect under section 6 A 1 of the FLSA or the state or local minimum wage. Not to exceed $511 per day and $5110 in total. For reasons of qualifying reasons in the paid sick time, that is the employee is caring for an individual subject to federal, state or local quarantine or isolation order or advised by healthcare provider to self quarantine due to concerns related to COVID-19 or caring for a child where the school or place of care is closed where the childcare provider is unavailable or experiencing any other substantially similar conditions as specified by the Health and Human Services Secretary. In these instances the calculation of paid sick time is made at the higher of two thirds of the employees regular rate of pay under the FLSA or two thirds of the minimum wage rate under section six A. In this case, the amount shall not exceed $200 per day and $2000 total. In the case of a part-time employee whose schedule varies from week to week to such an extent the employer is unable to determine the number of hours the employee would've worked the average number of hours the employee was scheduled per day over the six month period ending on the date the employee takes paid sick time including hours for which the employee took leave, if the employer did not work over that length of time the reasonable expectation at the time of hiring would be used.

The secretary of labor is to issue guidelines to assist in making these calculations terminations no later than 15 days after the date of the enactment of the act.

After the first work day and employee receives the paid sick time, an employer can require the employee to follow reasonable notice procedures to continue receiving the paid sick time. The secretary has authority to issue regulations to exclude certain healthcare providers and emergency responders from the definition of employee including allowing the employer of that type of healthcare provider and emergency responders to opt out. The secretary has authority to issue regulations exempting small businesses with fewer than 50 employees from the requirements when the employee is caring for a child, school or place of care is close or if the childcare providers unavailable. Or where the imposition of the requirements [ Indiscernible ] and necessary to carry out the purposes of the act.

Client says: Are the sick days paid count against the 12 weeks fmla?

Were going to turn it to the operator to open for comments and your input but as we do that we will leave on the screen this information and about where you can find additional information. We will be hosting public webinars and providing guidance materials as expeditiously as possible. Turning it to the operator to open for comments.

If you have a question or a comment press star one, unmute your line, record your name clearly. Her name is required to introduce your comment or question. If you need to withdraw please press star to go. To ask a question or provide a comment press star one, unmute your line and record your name clearly. We have several questions or comments in the queue.

Dean Trask, your line is open.

I run the ortho Florida group in the state of Florida for 115 providers. My question is on the reimbursement or the paid leave. Right now we are looking at lines of credit for centers to pay these salaries and FMLA if necessary. I understand the proposal is to be a reduction of our tax liabilities going forward. Will that include the interest to pay on the line of credit?

Thank you. We will share that with treasury. The next question is from Mark Freeman with the U.S. Chamber of Commerce.

Thank you Cheryl and the team, this is obviously a helpful opportunity. The questions I am getting from my members relate to how should they count employees with regard to the 500 employee threshold. For instance involving subsidiaries or business relationships in two, with respect to the small business exemptions, how will a small business have to demonstrate comply with these requirements was jeopardize the viability of the business. I appreciate any clarity. Thank you.

Thank you, that was very helpful.

The next question in the queue is Emily Travis.

I have a few questions from clients we have been getting, we would like to confirm there is no retroactive objective for those currently out or will be out, I guess that 13 days for the 15 day effective period. We also wanted to confirm whether job connection may cover those out during this interim period before the laws become effective. If they are still employed when it becomes effective, related to the previous question by the previous gentleman to confirm whether or not the integrated employer definition under the FMLA applies to the fewer than 500 employees. As to the extended FMLA act. Also whether the 15 day effective date is applicable to the amended FMLA and emergency sick leave law.

Could you please repeat your last comment? It was a little static on the line.

Yes, whether the 15 day effective date is employee applicable to the amended FMLA act as well as to the emergency sick leave law.

The next question is from Sandra Wagner, nonprofit.

This is a reminder for all these are comments that we are looking to help inform our compliance assistance materials and rulemaking process, etc.. We do appreciate your comments.

This is Andrea Wagner, in the state of Oregon we have a law requiring employers to paid sick leave. Employers in compliance with paid sick leave and perhaps offer more PTO than the law requires, would this be the question additional sick leave required in addition to those already existing paid sick leave laws and existing paid sick leave employers are providing?

Thank you. Operator we are ready for the next comment.

The next question or comment is from Charles. Your line is open.

A couple questions I had, the first one when does the law become effective? The question is it attractive from the date or how does that work? The next one which I think someone else asked, the next one is 12 weeks and the default paid time as far as FMLA is concerned. And employee can fall sick and quarantine themselves for 14 days and return to work, but is 12 weeks the default that they would get paid? In which case they would for good reason just stay safe at home so we need some guidelines around that. How does a small business demonstrate to the secretary of labor and qualified to be exempt?

Thank you.

The next question is from the national grocers Association, your line is open.

My name is Chris Jones, the SVP of government relations and counsel at NGA. We represent about 8500 independently privately owned and wholesalers across the country and employed about 1 million workers. About half of our members have less than 500 employees and we are experiencing unprecedented demand. Grocers are struggling to stay adequately staffed and we are worried if the paid leave mandate requires workers in food supply, the broadly justification to the new law believe grocers sort handed. I think was mentioned sections 3105 and 5111 of the families first coronavirus response act would allow DOL to exclude certain healthcare providers and emergency responders for both the two weeks and FMLA sickly provisions. Our request is DOL use this discretion during this public health crisis and exclude food supply workers from this mandate. Yesterday the Department of Homeland Security issued new guidance on industries that are classified as essential, critical infrastructure and DHS identified essential critical infrastructure workers under its food and agriculture sector is workers supporting groceries, pharmacies and other retail that sells food and beverage products. We ask the wage and hour division take the DHS guidance into consideration and exclude food supply workers from the paid leave mandate so our grocers can manage the workforce effectively and feed the American public at this critical time. Thank you for your consideration.

We appreciate your comments.

The next comment is from Todd.

My question and request is just for clarity and definition on the role of healthcare provider. Are there specific sub- roles that would that that definition? The other request is the definition of the term next of kin which is used in the FMLA extension.

Where we can go to get clarity would be appreciated. Thank you.

Thank you.

The next question or comment is from Jim from [ Indiscernible ]. Your line is open.

We have 85 employees and we are wanting to know the timing of the reimbursement from the government. Would this be done on a weekly basis when we process our payroll or would we have to wait to the end of the quarter to receive the credit on our taxes? We would need to know for cash flow purposes.

Thank you, we will share your comment with treasury.

Next comment?

The next comment is from Cody, your line is open.

My name is Cody from Tulsa. We have a staffing company in several states and we tend to fall in the gray area. I didn't know how this affects our internal employees as well as our staff employees and if there is a different way to mandate the two and all of our staff employees working for different companies fall under the same umbrella?

Thank you, Cody. Next comment?

The next comment or question is from Stacy, your line is open.

Thank you. A lot of my questions have been asked but I do have one. I understand we are not allowed to discharge or discipline employees under this emergency sick paid leave act or the FMLA extension. I guess surrounding that, but what if our business has experienced significant downturn in we do need to let employees go? Is this not allowed? Are there rules or restrictions surrounding that if we have to downsize?

Thank you for your comment. I appreciate the comments everyone is providing.

The next comment is from John. Your line is open.

Thank you. A few questions or comments. First is intermittently permitted under the emergency family medical leave act, two is whether the emergency family medical leave act provisions would apply to a public agency like a public hospital? Third, does the emergency family medical leave act permit the use of paid sick leave as a substitute, can the employer require the employee to use paid accrued leave like PTO time? Thank you.

Thank you. Next comment.

The next comment is from Shay Lynn.

This is [ Indiscernible ] in Lexington, Kentucky. My question is regarding employees recently furloughed. We are a small business and only about 12 employees. How does the new act apply to them? Also for employers who have less then 50, is a correct I am hearing they are exempt from these acts if it causes undue hardship? How is undue hardship defined? Thank you.

Thank you. And again to reiterate, we are not able to answer questions as they come in today. We do appreciate there are lots of questions. We are working to get guidance out there that will address the issues you raised. We appreciate the information you are providing and the comments you have concerning these new provisions, and we will take those into consideration as we develop guidance materials. The next comment.

Melissa Laster, your line is open.

I'm with the superior group in Columbus, Ohio. My question has basically been answered because I was wondering if you were going to provide any answers to any of these questions being asked, especially if there was going to be any kind of change or exemption for employers over 500.

Thank you Melissa. We would encourage you and everyone on the line to stay tuned to our websites and we will be posting updates and notices as quickly as we are able to do so when we are able to provide guidance materials.

I have one other question, is there any way we can be sent the presentation you were showing as my computer, I couldn't see the screen due to a computer glitch.

Thank you, we will check into that.

Marcy, your line is open.

The question I have, a lot have been answered, the question I have is will the FMLA expansion follow current FMLA law where businesses that have 50 employees would be covered if they have 50 employees within a 75 mile radius?

Thank you. Next comment?

Miller, your line is open.

The next is Lawrence Tobin. Your line is open.

We run a small carryout restaurant with under 20 employees. As I am understanding state requirements, if we have an employee that demonstrates those symptoms then we would have to close the restaurant down form 14 days. We are already about 60% below where we were before this event started. If we have to cover any sick leave on top of that, it would be very difficult to reopen.

Thank you. We appreciate your comments.

Thank you.

The next in queue is chief thorn.

I'm with technical services [ Indiscernible ] a small engineering and consulting firm. A lot of questions I had were also previously asked. Looking for places to get additional information because again we could not log into see the presentation and we are hoping you will make that available at some point for us to be able to see. It is hard to take notes fast enough to capture everything you are saying. Anywhere we can get the clearly presented information would be of great and if it.

Thank you, Keith.

Crystal, your line is open.

We just wanted to clarify as part of our current leave policy are already providing two weeks of paid sick leave for employees and we just want to make sure this emergency leave is in addition to what leave policies we arty have in place.

Thank you. Next comment?

Debbie, your line is open.

This is Debbie from operations [ Indiscernible ] a consulting firm with employees on HR and payroll issues so we are being asked a lot about this past exemption and the task refund and how that is going to be communicated. Two I am echoing the last caller in terms of difficult to take notes and not be able to get into the presentation so it is very important a follow-up goes out with that documentation or a link to that documentation so we can help interpret it for our clients.

I appreciate the comments and we want to reiterate we will have additional opportunities for guidance and to engage with you to hear your comments and your feedback as well. As we get more information about that, we will post information on our website and to the degree we are able to do so we can update you as quickly as we possibly can.

Roxanne, your line is open.

Thank you. I am from the [ Indiscernible ] and dental offices which are very small businesses and we are very concerned about this bill and how it would affect their businesses. If there is any way dental offices can be exempt, that would be great. Also we are left out and want to make sure we are included this time especially so the dental offices are continuing to provide care are not forced to shut down or declare bankruptcy. Any regulations you can issue as soon as possible would be beneficial to members. They are really looking for information clarity. Thank you.

Thank you Roxanne. Next comment?

Darling, your line is open.

I work for [ Indiscernible ] health system which is well over the 500 employee limit. I know this probably still does apply to us, I wanted to see if there is more information available about the healthcare providers. Obviously it is a large issue for staffing as nurses have to be included and we are unable to staff the hospitals.

Thank you.

Wendy Butler, your line is open.

This is Wendy Butler, a partner at [ Indiscernible ]. My understanding is the expansion act adds to the FMLA which provides 12 weeks of leave for a variety of purposes. Many of which do not relate to the Kopec 19 public health emergency. My question is if an employee takes FMLA for a covered purpose not related to COVID-19, will that reduce the amount of leave available for COVID-19 related purposes?

> David Woodard says: Employers who are covered under a collective bargining agreement, hours paid under FMLA to employees must include contributions to multiempoyer plans. Correct?

David Woodard says: When determining average normal pay, must overtime hours be added to the average calculations?

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Thank you, next comment?

Teresa Mallory, your line is open.

Again, a comment that is probably already been made but I went to make sure companies that have over 500 employees are going to get clarification they are still following the normal FMLA procedures and can require employees to take vacation to care for children without daycare that are out of school. I just want to make sure we get clarification on those since we are over 500 employees.

> Synergy says: While we want to support our employees, cash flow is an concern as business has been disrupted. Is the DOL expecting unprecended the DOL expecting unprecended lines of credit and loans to pay for emergency leave since the Government is proposing to pau for this leave with tax credits against CY2020?

Synergy says: If a company has contracts with the Federal Government, how will time and material and firm fixed price contracts be handled under this emergency situation? Especially if federal work places have been closed and employees are required to telework but do not havve the ability or equipment to do this?

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Kimberly Fletcher, your line is open.

I'm the president of the malls for America and all of our members are malls. We have a national network outreach of like -- a quarter million moms. Their big question is focusing specifically and how do they know if they qualify as families? What is the best way to approach the employer to find out if there employer is participating. On the freedom side were getting a lot of moms asking the question because husbands and families owned businesses. Is this an optional thing or is it a requirement for the physicist?

> David Woodard says: What is the webiste we should stay tuned too?

Linda been are your line is open.

This is Linda. I just wanted to get more clarification between FMLA, I have several employees that are already going to ask for FMLA off in future months of head because of surgical or childbirth. Is this FMLA going to be a separate 12 weeks? Thank you.

> Client says: FYI--To answer 3 callers concerns: I noticed that live captions and transcripts are currently available via link. Thank currently available via link. Thank you.

Diana, your line is open.

My question is with regard to an employee out of work under the act, what are the requirements for the employer to maintain the company paid insurance for that employee?

Elaine, your line is open.

I think some people have touched on one of the questions we have which is when there are multiple leaves that overlap. Somebody mentioned childbirth and what if the person takes the first two weeks because they are sick but they continue to be sick when they get to the third week. If we could get further clarification on how multiple leaves overlap, if you have sick leave for family leave and emergency family leave, all of that overlapping at the same time. If we could get examples or a chart or something that shows how employers should allow or implement those types of leaves. By the same token I think this question might go to the treasury but were looking for breakdown of examples and work verification on how the different tax credits are going to work. There is the Social Security employer tax bright, there is the Medicare tax credit and if we could get further clarification on how that's going to work and reporting requirements, that is going to be absolutely critical. The other thing, I know you are saying you are working on getting the websites updated with the questions and answers, do you know when we are going to get the formal regulations and the true effective date for this? That would be our third question.

> Synergy says: How should employers handle cases where employees are required to telework but also need to care for children who are home from school due to closure or remote learning or childcare is not available? where employees are required to telework but also need to care for children who are home from school due to closure or remote learning or childcare is not available?

Judy, your line is open.

All the questions I had have been asked. Thank you.

Brooke, your line is open.

I just wanted to thank everyone for the comments you are providing in the questions you are answering, these will be helpful for us. Also as a reminder those issues you are raising that deal with items for treasury, we will convey that information to treasury to the best of our ability. Thank you.

Can you reiterate the need for guidance on retroactivity and how these will imply to employees only on leave? Any guidance about how this interacts with employer paid leave, whether that leave needs to be used first or the FMLA needs to be used first would be great. In addition, guidance on what type of certification employers can require when an employee uses FMLA or emergency sickly would be greatly appreciated. Thank you.

Miriam, your line is open.

Thank you. I had two questions. Both I think were noted earlier but just to reiterate, on the emergency paid sick leave, clarification on whether it is available on an intermittent basis and if so, the increments that will be permitted. Secondly with both acts it was stated the secretary of labor had the ability [ Indiscernible ] my question is how broadly or narrowly is that definition of healthcare provider and specifically doesn't extend to those not providing patient care but necessary for operations?

Jamie, your line is open.

We have over 1000 employees in North America, but only 250 in the U.S. I'm wondering if the 500 employee rule is applicable to our company? Thank you.

Karen, your line is open.

This is Karen Harnett. I run a small business legal Center and has 300,000 small business owners around the country. Over 60 or 70% of members have less than 10 employees and as you can imagine we are getting a lot of calls since all of these closures because of the virus. First of all we are asking the department seriously consider all it can do to make the exemption for those employers with fewer than 50 employees as broad as possible and also realize paperwork is a tremendous burden for small business owners so anything they can do, anything you all can do to make the exemption process as streamlined and easy to understand and simple as possible would be greatly appreciated. On the retroactive question as you can imagine, we have a lot of members that have already determined their business is no longer viable and they are already having to close. What does that mean for them and any employees that have been laid off since this month. There may also be business owners that choose not to go back into business because of this because they are older. Are they going to have any obligations as a result of this new law?

> Synergy says: How are employers supposed to handle pay to employees if their FLMA or emergency sick leave pay is greater than the cap for tax credit reimbursement? Do employers have to account for different leaves?

Do employers have to account for different leaves?

Anna, your line is open.

My name is Anna Peare and I work in Alabama. My question is about the daycare. We started giving our employees childcare benefit payments to help with their struggle to find daycare because our business is breaking up because we make air filters. Is there an exemption for the childcare provision on the paid leave if the employer is giving the employee additional funds to cover childcare expenses.

Kathleen, your line is open.

A lot of our questions have been answered but I work for Anna [ Indiscernible ] already scheduling to start paying both of these out. Our question is on the taxability of these when they get paid out. It is my understanding they are exempt from federal taxes from some of the things I read. I just want confirmation that is true and how we find out on each state and the local level if it exempt from those taxes. Would also like more information on how employers get the approved tax credit. I'm sure that would be a credit applied to the 941 but we need more information on how this is going to be handled so we can pass this information off to employers. And the same with what everyone else is asking. If they are under 50 and exempt, how do you define the hardship with that information?

Our only question is if we were able [ Indiscernible ]. Your line is open.

Benjamin, your line is open.

My name is Benjamin and I work at a small nonprofit employees under 50 people. We would like clarity if the provisions were equally apply to nonprofit as well as for-profit corporations. William, your line is open.

When his you mentioned is small business under 50 maybe an exemption or may be exempt for them, how do you define 50? A full-time or part-time employee? If it is full-time, how many hours to find full-time?

Secondly, what happens to the sick pay most of your employees have filed for unemployment. We are receiving lots of employment [ Indiscernible ]. Will the warrant act be waived because obviously we didn't have an option whether to close or not close. So will [ Indiscernible ] be waived for small businesses? Thank you.

Ryan, your line is open. Deborah, your line is open.

While I appreciate the intent of the act as far as protecting employees, I as a CEO of critical access hospital I am concerned about the financial impact on all the rule hospitals across America. I have a couple questions. What is the total number of weeks of payment required for each act? Then it would be very beneficial if the healthcare personnel providers were excluded from both acts otherwise we do not have a workforce to take care of patients. For example, schools and daycare is are closed already in our communities and we will not have employees to work in our hospitals if they take advantage of this act. Thank you.

> Client says: Does the "under 50" include both full-time and part-time employees or is the count only for full-time employees?

count only for full-time employees?

Charles, your line is open.

My name is Charles from the [ Indiscernible ] of advocacy. Just a couple of additional points to consider with questions that have arty been asked, one is although the tax credit for the payroll of employment taxes are refundable, it is just the question of how is that going to help the additional cost of offering paid leave? What are businesses supposed to do halfway if they are in this and they started and halfway through they can't afford to keep employees anymore? The second set of questions about approving the hardship which has been discussed but specifically to whom does that have to be sent and how long will that take to get a decision on that or determination? Because again will businesses be expected to start offering this leave before they are granted a hardship? How are those pieces going to work together? Thank you.

Catherine, your line is open.

I just wondered if businesses that may start making these kinds of payments to employees if they can still get a credit since an official enactment date isn't until April 2nd if they start making these payments now and/or if they choose to make payments to employees, with a then required to make an additional 10 days worth of payments because they perhaps made some of those payments before the effective date?

Jessica Summers, your line is open.

Thank you. Most of our questions have arty been answered. I'm with the small business [ Indiscernible ] and and employment law attorney. I would urge you to give consideration and guidance to confirm furloughed employees are employees whose work schedules have been reduced and are not permitted to take the paid leave for time when they would not otherwise have work available to do. I would also second the request to provide guidance on the interplay between both the two new mandate leave as well as state and local mandated sick leaves and how that order of stacking or running contingent with one another would work. Thank you.

> Client says: What exactly is meant by "each working day during each of 20 or more calendar workweeks in the current or preceding year?" Assume this means the most recent 20 calendar workweeks.

"each working day during each of 20 or more calendar workweeks in the current or preceding year?" Assume this means the most recent 20 calendar workweeks.

Patty, your line is open.

I was just wondering if you will have another site where we could ask for submit questions online if we don't get them submitted today on this call? Also you mentioned the ability to communicate with small businesses. I think one way small businesses communicate is on social media like Facebook or something like that. If you were to provide links to this information, that might be a good way to get in touch with them.

Could you repeat the last part of your comment?

My comment was you mentioned earlier about how do we get this information out to small businesses, I'm a member of NFIB and I know a lot of our members use social media as a way to communicate about their business and market their business. I think utilizing that same medium to communicate back to them would be a good way to get the information out.

Thank you.

The next question comes from Shelly Chandler.

I'm with the Iowa Association [ Background Noise ] funded by Medicaid providing mental health and disability services. We are specifically requesting an exclusion or consideration rather that are members and others that did the same criteria all across the country be considered healthcare providers including community mental health centers and other ancillary mental health care professionals as well as providers of Medicaid home and community-based waiver service and intermediate care facilities for individuals with intellectual and developmental instabilities. Our cash flow is very tight. They are largely nonprofits however there are some for-profit organizations. Many of these members have employees over 500. We are asking as the category these providers considered excluded as healthcare providers. Thank you very much. Operator, do we have additional comments in the queue?

The next question comes from Nick, your line is open.

Thank you. I just wanted to ask in the final rule you specify how if in any way the Department of Homeland Security is designation of critical industries impacts the legislation?

Thank you. Next comment.

The next come in a question comes from Randy Johnson.

I think it has been touched on but it is the general question since the family provisions are in fact an amendment to title I of the FMLA, how did the other provisions of the FMLA interrelate with these new provisions. Is the FMLA and umbrella under which these are put, for example the rules on intermittent leave, and also the interplay of the 12 weeks of unpaid under the FMLA with the 10 weeks? For example could an employee theoretically have already taken 10 weeks of unpaid FMLA under existing law and then they get an additional 10 weeks of paid leave under this law? That would not seem to be logical. Other people at touched on it but it is the interplay between the unpaid leave requirements and the paid leave requirements and do they stack, which I wouldn't think so since this is under the umbrella of the 12 weeks of unpaid leave under the act as a whole. And the other enterprising theory that would make sense the law as applied under the FMLA to carry over here rather than creating some new body of law which doesn't exist.

The next question or comment comes from Susan.

I work for public entity in California and I know and I understand the laws can provide a reimbursement for entities that excludes public entities. Will there be a carve out for public entities on reimbursement? Thank you.

In the next question or comment comes from Gina.

My questions are related to the emergency leave. Can this two weeks be used toward the unpaid emergency FMLA? We would like to reiterate the request to define what the exempt healthcare providers includes? Does that include dietary and maintenance support staff? Also does the emergency FMLA fill out, 10 days of calendar or 10 business days? Thank you.

The next question comes from Dawn.

The next question comes from Brian.

Thank you. I'm interested in knowing the burden of proof for employers regarding the qualified request for emergency sit the for emergency family leave especially in regard to how the Department of treasury is going to determine as qualified sick leave for reimbursement as some of the local authorities have direct employers to provide leave without a doctors note. Thank you.

Our next question comes from Stephanie.

One of our questions is whether the exclusion for employers with fewer than 500 employees language in the employer threshold for the FMLA provisions applies to public agencies? It has been asked in similar ways but we want clarity about that. My other question has been answered. Thank you.

Our next question comes from Dena.

We have got a couple questions, how does the paid leave provision apply or how is it effective if an employer is reserving -- and also I think we've had a lot of people ask about whether it is stackable. We want to know if an employee has already exhausted there FMLA leave, would they still be required to be given leave under the expansion? The other question we have is what of both parents work for the same employer? Are they both eligible for the childcare leave at the same time and whether the active -- or continue paid leave if they shut down?

The next question comes from [ Indiscernible ]. Your line is open

I'm with the national Association of women business owners. The majority of my questions have been asked however I will don't believe what I've heard is the condition for employers with their 25 employees appears to require that you make reasonable efforts to reinstate the employee to a similar position. What is the definition of reasonable effort? And of all the similar positions have eliminated other than that position and that position has been filled, is that condition or must an employer keep position available? I believe my other questions have been asked.

The next question comes from Rhonda, your line is open.

The next question comes from Emily Waters.

We would like to get some clarification on employees who are going to be using the act under like the caring for children provisions. Would that still be an allowable use of it the on the date with which school would normally be out. We know what days the schools what I've enclosed anyway for our community so we are just wondering if they can still use the act under that provision be on the day the schools would've closed?

Our next question comes from Josh. Your line is open.

I have three questions very quickly. First is more just urging the department on the exemptions they can provide for employers with 50 or fewer employees that the department used some sort of mechanism where there can be professional approvals or automatic approvals for certain industries or folks that have layoffs and as SBA indicated having an approval process that delays employers finding out could be very problematic. The second question was the application of the leave provisions to student workers, colleges and universities shut down [ Indiscernible ] it doesn't make a lot of sense to put the financial burden on these institutions to provide student workers leave under these provisions. Lastly, a lot of people talked about the interaction with employer-provided leave, one category I wanted to make sure the department expressed specifically was leave employers have granted since the crisis broke out to help their employees, if they have indicated they are providing additional leave in addition to what the employees might have accrued under policies and how that will interact with the mandates that of been put in place. Thank you.

The next question comes from Louis. Your line is open.

Thank you. My name is Luis and I'm a partner with [ Indiscernible ] in New Jersey. A law firm that represents public and private employers. Just a couple of things that were not originally asked. In terms of the exemptions, at the state level, the New Jersey civil service guidelines have allowed for an exemption for essential employees however the FF CRA states we are supposed to provide every employee paid sick leave, the question becomes whether or not there is going to be in the exemption for essential employees particularly within the public sector because it will create a challenge if there is a distinction between federal law and the state mandates as well. I would also reiterate the notion that a definition in the viability of a business is pretty important. The other question that came up most recently was related to [ Indiscernible ] employees and whether they can use emergency sick time as well. Hopefully I just wanted to reiterate the notion whatever we can do for this application process to make life as streamlined as possible as we are currently doing with clients in looking at it day by day basis whether they can remain as viable entities. Thank you very much.

Our next question comes from Andrea, your line is open.

Good morning, thank you for having the call. I would like further clarification as to the paid leave if it is considered wages and subject to state and federal taxes such as Social Security and Medicare and if additional benefits would need to be paid on those wages as well. My second question is regarding the leave to care for a child. Does that apply to both parents or only one parent to stay home with the child. Any documentation required to prove there is no care for the child, and expounding on a previously asked question about school being out for this summer, will there be any documentation required for lack of childcare if daycare services are close in the area as well.

The next question comes from Mark Stanley.

Thanks for having this webinar. I'm on the Colorado restaurant Association Board of Directors. Here in Colorado, we have been mandated, all of our restaurants, I don't know what is going on in the rest of the country but all of our restaurants are closed except for those to provide drive-through which I fortunately have to have drive-through. I have a couple, I guess three, I have got four businesses all with less than 50 employees. I am assuming I have to aggregate those employees that would then put me over 50. I guess that is a question. Is there a minimum age requirement? I heard somebody talk about school-aged workers in the fast food business. We always they have a lot of 16-18-year-olds. I am wondering if a 16 or 17-year-old or an 18-year-old living at home, do they qualify for this FFCRA ? Then finally, there are lots of illnesses besides COVID-19. I guess what is the requirement? Does any illness qualify for the benefits that are discussed? And if not, what kind of documentation is required of the employee so we are just not paying somebody for a common cold or the flu or frankly any other issue they may have? Thank you.

The next question is from Michael.

Thanks very much for seeking this input. I believe you said that you would continue to seek input. I would like to know how you want that input communicated? What is the timeline for input since we are all under enormous pressure to get this done within the next couple of weeks? With respect to treasury, is you can tell from some of the others, the cash flow issue [ Indiscernible ] if you could let treasury know we really need their regulations as soon as possible. I heard some substantial rumors yesterday [ Indiscernible ] obviously they are not but this is absolutely critical for clients. Thanks very much.

The next question comes from Betsy.

Good morning. I have two issues, one that was touched on a little bit earlier. I'm curious about what documentation is going to be quite required of my employees seeking protection under the extended FMLA? What checks and balances will be in place to prevent abuse of these provisions? Also I have a comment about the undue hardship and request for exemption. It is not just businesses that are 50 employees and under that could experience an undue hardship and I would request that number be to perhaps hundred, I don't know why the even needs to be a limit. If a company can demonstrate having to pay employees 12 weeks would present an undue hardship that there shouldn't be any avenue for them to appeal whether or not the law is applicable to them. I would just request there would be some way of companies being able to petition the Department of Labor to receive an exemption. Thank you.

The next question comes from Crystal.

I work with the number of union employees, we have got over 400 unit employees. Do they count toward the employee count of 500 if they are covered under the collective bargaining agreement? It was also mentioned they should be funded if there is a fund so if there is not a fund already in place with the collective bargaining agreement, are we required to pay them in some other way? If the union's create a fund are required to reflect that retroactively. We have a small subsidiaries -- do those count for the individual subsidiaries count as their own? They have their own E I, those are the questions I had. Thank you.

The next question comes from Marcia.

Thank you very much. I work for [ Indiscernible ] nonprofit [ Indiscernible ] I do have one to direct to treasury. Our members are confused about how as nonprofits they would be able to be reimbursed and reimbursed quickly. If you could encourage treasury to address nonprofits specifically, we would appreciate it. Thank you very much.

The next question comes from Mandy.

Thank you. I had two questions, we would like some clarification on swing shift and graveyard employees who do not work doing normally scheduled school hours would that qualify for this leave entitlement, specifically if these employees are not adversely impacted by school closures as they are regularly scheduled work hours outside of those hours when kids aren't normally in school anyway. Just wondering if they would qualify. The second question is related to certification for leave entitlements related to childcare. Or employers entitled to ask for certification to prove there is a need? For example if the family is multiple adult at home, are those adults eligible to stay home under this paid leave entitlement or is a one adult per household? Thank you.

The next question comes from Emily Travis. Your line is open.

I have gotten a couple of additional questions, one regarding how the number of employees will be measured for the 500 employee threshold? Is there look back period? Is that the number of employees at the time leave is requested or something else? Just some sort of guidance on how that will be measured. I know there have been a lot of questions regarding potential layoffs and reductions in force, whether we can anticipate any exceptions to action notice requirements coming down the pipeline.

Our next question comes from Nathan.

Thank you to the administrator and the staff and the operator. Three quick questions. The first is I would like some clarification and confirmation from the department as to how the regular rate will be counted, whether it will be calculated based on the assumption the hours

In which the leave was taken or some other requirement. Also confirmation as to how the regular rate will be calculated for exempt employees who may take leave. The second question is with respect to grants of leave within the period between now and when the effective date is determined for the act? There was some confusion or lack of clarity as to when the act would take effect. And if employers have made a good faith grant of this leave after the date of enactment or the effective date, will the department and the Treasury Department record dies and allow the employer employee to allow that leave and be categorized under the act? Finally just some confirmation and clarity that employers that have granted covert related leave in the period leading up to this passage of the act, if they have existing leaves planned out there it may be modified and they may modify those plans to account for the act [ Indiscernible ] under the act. There were two provisions in the earlier version that passed that prohibited employers from making any changes to their relief plans and the result and those provisions were removed and the current bill that was passed, we want to confirmation

In the interim period and there is still some of that remaining they may modify their plans to reduce that leave and currently with the granting under the act. Thank you.

Our next question comes from Mark.

Thank you. I work with the nonprofit faith based full continuum of care with recognizing the at-risk population we serve and the need for staff at all levels and departments to provide for the health and safety of those residents and patients served across multiple levels of care. We would ask the secretary of labor

Healthcare providers to include all personnel that worked throughout long-term care, life plan and full continuum of care retirement communities as well as individual skilled nursing, assisted-living and senior facilities along with Kennedy-based program such as home health, personal assistant services and hospice. Thank you very much.

Our next question comes from Jackie.

Thank you. I had a similar question two it was just asked, but we work for a nonprofit in Pennsylvania that has just over 100 employees and we serve adults with intellectual disabilities in a residential setting. Our staff has to come in. We are deemed essential. They have to come in to support the men and women. If we have staff stay out on sick leave or family medical leave due to this for childcare, we are going to have to be paying staff to be home for childcare and pain to try to get somebody else into replace them which could be overtime or agency rates which are much higher in a situation where funding is not at the best and we tend to run a deficit. What relief will there be for nonprofits providing this essential care and can direct staff providers be considered healthcare workers? Thank you.

Our next question comes from Jonathan.

My comment concerns the authority given to the secretary to issue to exempt small businesses. I would ask the department adopt a simple streamlined test for a small business to qualify for this exemption, not a complex multifactor test. Thank you.

Our next question comes from Patricia Miller.

Thank you. I have several questions. The first question, will the government announce a moratorium on business mortgages and working lines of capital for 60 days post crisis? Adding two months on the back end of a long period in zero payments for 60 days in the crisis. The second question with regards to unemployment, in the small businesses will need to play some or all team members on unemployment. Will the government maintain small businesses will not be further burdened by the hiking up of unemployment premiums after crises or for using unemployment funds to get to the crises. With regard to commercial credit cards, will the government be requesting credit card companies to suspend [ Indiscernible ] or at best a dramatic reduction for the 60 days post crisis with 60 days to paid minimum owed without penalties. Will the government me meditating no penalty on that payment for health idioms allowing companies a full 60 days post crisis to cover from impact of this crisis or legitimate business tax credit. With the government provided tax credit for businesses that work to comply with the work from home mandate? And emergency purposes of hardware and software for employees not built into their operating budget which will create a burden. Will the government afforded childcare supplement or year end tax credit for parents deemed working for essential businesses, and the employees working in a category that is considered essential business who are impacted by increased childcare expenses due to government mandated school and daycare closings. We are a technology company, a category considered essential business during the quarantine. We are to have a third of our staff not showing up for work stating the don't feel well or need to take care of a sick extended family member. They are sitting the doctors want to provide paperwork and are recommending they self quarantine. If they think they are sick or family member is sick just stay home and quarantine yourself. How does the government address nonconfirmation cases? Will the technology sector be named in the exempt exclusion. This would be important to know because we would basically be laying everybody off now if we are not.

The next question comes from Jose.

Did you have a comment?

I own three restaurants in three states and we have 25 employees but most are part-time. Will we be exempt from this for the sickly thing, and how are we getting refunded for the sick leave? That is my question. Thank you.

The next question comes from Margaret.

Currently the act directs us to the FMLA definition of healthcare provider and FMLA regulations cannot include positions like registered nurses, x-ray technicians, and other roles crucial to running healthcare facilities. We request the secretary of labor expanded edition of healthcare provider to include these in several roles or provide further clarity on the definition of healthcare provider under the new law. We would like to see some key employee exemption for key employees apply to all businesses similar to one that can be found in the FMLA as well as regulations that give us a clear test on how to determine the 500 employee threshold as it pertains to parents, subsidiaries, number of employees, guidance on the impact of how the new law will affect employers and employees who have had to layoff or furlough employees or will be forced to do so in the days and weeks ahead. Thank you for hosting this and all of your hard work in getting out these regulations.

The next question comes from Teresa.

Yes, thank you for hosting this. My question has to do with the FMLA expansion. Will healthcare workers also be exempt from this if there can be more clarification? Also with the FMLA expansion, will that apply to those folks who contract COVID-19 or they have been exposed to it and they have been with the company for less than 30 days, will those new expansion requirements also apply to those employees?

The next question comes from Terry.

I work for a nonprofit tax-exempt hospital with 200 employees. How well a tax-exempt company be reimbursed for covert related paid sick time and could this covert payment somehow be paid upfront to alleviate cash flow issues this will cause small businesses?

The next question comes from Mina.

I have got a couple of questions on division E section 5102 part two. I would like further clarification on the definition when it says the healthcare provider to self quarantine due to concerns related, I'm hoping fear isn't one of those concerns and that is what we are seeing in our organization. People are saying their roommate may have had an exposure so they are staying home. I would like that clarified. Where it says employees experiencing any other substantially similar conditions, and that is specified by the Secretary of Health and Human Services. We would like more clarification on that reiterating one more thing people have been saying, I would like to see inpatient development, delayed in behavioral health organizations be considered as part of the medical infrastructure industry. Thank you.

The next question comes from Suzette.

Thank you for doing this. I have three questions but I would like to ask a follow-up on some of the other questions that were asked about the summertime. Many parents use camps as a means of daycare with cancer closed, with the FMLA coverage cover that? My second question, we have employees that would like to use their current paid leave to cover the additional one third of their salary so they have a whole paycheck, is that permissible? My third question is what about HIPAA? Any concerns about HIPAA violations when we are discussing COVID-19 with our employees? Thank you.

The next question comes from Mark Davis. Your line is open.

The next question comes from Catherine.

My question relates to incremental leave. For parents both staying at home, can they take intermittent leave? I know the original version of the bill prohibited intermittent leave but that doesn't appear to be in the final version. The second is can employees take PTO to top off to hundred percent pay? For example of someone has a 200 daily salary, can they take half of the PTO day to get to 100% pay if they take the morning and the paid leave? Another one [ Indiscernible ] unable to work or telework due to coronavirus related illness, quarantine or need to care for a child, [ Indiscernible ] if an employer won't allow a parent to telework because of taking care of their children or are they allowed to telework to take care of their kids, does that make it so they are unable to work? How do nonprofits claim the tax credit.

The next question comes from Tim.

Thank you very much for having this call. I am Tim [ Indiscernible ] a nonprofit in Ohio. Other similar organizations in Ohio and nationally provide critical home and community-based services and services in intermediate care facilities for individuals with an intellectual and/or developmental disability. Our concern is with the schools closed and the COVID-19 crisis at hand, over 50% of our workforce would qualify for this leave thus putting the lives of individuals with disabilities in jeopardy by causing an even greater workforce shortage. Our request is do you exclude direct support professionals and staff of provider organizations as support individuals with disabilities and defined them as a healthcare worker in section 3105, the family coronavirus response act. Thank you.

The next question comes from Mary. Your line is open.

Thank you. We are also in the restaurant industry. For the posters that we will have to have available for employees, can they and will they state fines for fraud. As others have spoken we don't necessarily have a way to prove or not childcare is available. It is easier for an illness however, I'm hearing that is not required, but on the posterior will there be a remedy for fraud? Will there be fines stated? Thank you.

The next question comes from Steve.

Thank you. I would like to reiterate what others have said with regard to the definition of healthcare provider and first responder. We work with a number of healthcare providers in different types and sizes both public and private. It would seem having a narrow definition of healthcare provider as part of the exemption would go against the entire goal and purpose of trying to provide help and support and provide the critical infrastructure we need to provide these services so when we are looking at things like nursing homes and in-home support services for persons with developmental disabilities, when we're looking at various therapy providers, whether that is physical or operational or speech therapy and all forms of emergency responders that we ensure there is as broad a definition as possible so we can provide those necessary services to individuals who are at need. Thank you.

The next question comes from Patricia.

I have a couple questions. The first question is what happens if it becomes known that employee is using [ Indiscernible ] fraudulently. Can employees be fired for good cause not related to COVID-19 or the appropriate use of the new leave? What about employers who have been order to shut down by government? In order to help with social distancing, and what about businesses [ Indiscernible ] are the independent contractors considered employees under the new law or are they still going to be separate and distinct? Thank you.

The next question comes from Sean.

Since so many of these leaves and ears are predicated upon the lack of childcare availability, but childcare businesses don't seem to have any exemptions from these provisions, I would just request the Department of Labor allow exemptions to at least some childcare businesses so we can also remain in business and available to provide childcare in the first place or after any mandated closers that presumably will not extend to 12/31 like these provisions do.

The last question comes from George.

Thank you. I'm just wanting to ask for consideration of unique needs of nonpublic schools up to and including exemptions or allow voluntary compliance since faith-based schools may want to provide leave if they are able to do so. Nonpublic schools are overwhelmingly nonprofits. I just want to point out nonpublic schools contribute to the vital common good by educating roughly 10% of all school-aged children and like many other nonprofit schools are facing unprecedented circumstances to provide online services. In the case of early education and childcare online services are not practical so tuition payments for those services have ceased with the closure. I just wanted to ask for consideration for exemptions or voluntary compliance. I'm not sure if this question had been asked employees do need to post and keep posted a notice which would be available within seven days and I went to point out most employees of nonpublic schools are working remotely and I assume that would be true for many other employers so they are not like to see a physical poster in the usual way so my question is how would that be handled? Thank you.

The next question comes from Candy.

Sorry for sneaking in at the end. Thank you for having this town hall. It has been helpful getting clarity. I heard the Townhall would be recorded so if you could somehow make the recording available along with the traditional online information, that would be helpful guidance for everyone moving forward. In regards to how people can apply for this process, we've had some experiences with the ploys applying for state benefits and they have complained that the application process was really hard to get through and very difficult or they couldn't access it it all online so if it is possible to make the application process as streamlined as possible, that would be great and if there are any online capabilities to apply for the process to maybe consider a filing system so the servers are bogged down with everyone trying to apply at one time. As far as clarifications and questions, we've had some employees and employers asking how these benefits interplay with employer agreements to match retirement contributions and how this affects employers who have not been able to match contributions as an effort to say solvent. Are there any special conditions or exemptions that apply specific for employees that are pre-existing conditions because all the information out there seems to indicate they are especially vulnerable. If you could provide additional guidance on employees that have been furloughed and independent contractors that would also be appreciated. Thank you again for doing this.

The next question comes from Brian.

One question, one comment. Is an employer prohibited after initial 10 days period from requiring an employee [ Indiscernible ] the expanded FMLA any other available paid leave to supplement the two thirds required pay which would bring the compensation for that period up to 100%? The request would be local governments be eligible for reimbursement. Thank you.

I'm showing a further questions.

Thank you. I want to thank everyone who jumped on this call today and participated to provide you important comments and feedback and areas of concern and questions you have you would like for us to address as we develop guidelines and rulemaking process. We do encourage you to continue to stay tuned to our website. We will post updates and guidelines and information as quickly as we are able to get those through the process is here and available to you. We would also mention we will have other opportunities for this type of public engagement including webinars and training type questions and we will see in the coming days and online dialogue you will be able to participate in to help us focus on the types of compliance assistance materials that would best benefit you and how we can get the information out to the most people to most effectively. Again we appreciate all you have provided us today and the time is spent in doing that. Thank you.

That concludes today's conference. Thank you for participating. You may disconnect at this time.