

# Frequently Asked Questions – Families First Coronavirus Response Act (FFCRA) Extended Leaves

Our goal is to provide extra support for you and your employees during this difficult time. Here are answers to some questions you may have around the FFCRA and administration of extended leaves under the Guardian AbsenceWorks® program.

Question	Response
<b>What are valid leave reasons under FFCRA Expanded Paid Family Leave?</b>	<p>Under the Families First Coronavirus Response Act (FFCRA), a new leave is available to employees of certain public sector employers or private sector employers with fewer than 500 employees who are unable to work or telework due to a school or childcare closure for a minor child as a result of COVID-19.</p> <p>Employees may also be eligible for leave under the Family Medical Leave Act (FMLA), which entitles the employee to unpaid leave when individuals or family members are ill as a result of COVID-19.</p>
<b>Are there any changes to employee eligibility for the benefit?</b>	<p>Employees who have been employed for at least 30 days prior to their leave request may be eligible for this new leave reason. This is different than the standard requirement for 12 months of service.</p>
<b>Is Guardian administering this new leave for my employees in support of the FFCRA?</b>	<p>Guardian can administer the new, expanded leave reason available under the FFCRA for our current Guardian AbsenceEssentials® and Guardian AbsenceAdvantage® customers.</p> <p>We will review eligibility and proof provided to make the leave decision and will track the leave through both the unpaid and paid periods for the full 12-week timeframe. The specific leave reason being used in our LeavePro® system is "Medical personal leave of absence – family." Guardian has proactively updated the administration for all customers with fewer than 500 employees to include the new leave reason under the FFCRA. If you're a public agency with more than 500 employees and have determined that the FFCRA should also apply to you, please contact your Guardian Account Manager for assistance in getting the leave added.</p>
<b>I'm currently sending an eligibility file for our FML administration. Do I need to make changes to my eligibility file?</b>	<p>No changes are needed to the eligibility file in order to support the FFCRA.</p>

**Guardian receives eligibility information from me on the claim form for our FML administration. Does this process change?**

No changes are needed to the eligibility information on the claim form. Please keep in mind that eligibility rules have changed for this new leave reason.

**For Guardian AbsenceEssentials customers, are there new claim forms that need to be used for the new leave reason?**

The standard Guardian AbsenceEssentials form should continue to be used to file new leaves under the FFCRA. We ask that you use the "Other" leave reason and include information about the leave in the free-form text box (e.g., "school closure"). In addition, the family member section should be completed as needed.

**Can employees file a claim online?**

Yes, online filing through your group's LeavePro self-service portal is available. However, the Guardian Leave Manager will need to reach out to the employee to confirm the leave reason and capture additional information before the claim can be processed.

We would recommend that groups in our Guardian AbsenceAdvantage program use our telephonic intake option for reporting new leaves under the FFCRA. Our call center representatives should be able to capture all data required for this leave during the initial call.

Groups in our Guardian AbsenceEssentials program should continue using the standard intake claim form.

**Can I obtain reports to help me submit claims for reimbursement from the government?**

The FFCRA provides a refundable tax credit against the employer's payroll tax deposit. The tax credits are equal to 100% of the amount an employer pays under the Emergency Family and Medical Leave Expansion Act (EFMLEA) or the Emergency Paid Sick Leave Act (EPSLA), up to a per employee cap. All tax credits under FFCRA are refundable. That means if an employer's payroll tax deposit is less than the total FFCRA tax credits, the employer would be eligible to file a request for an accelerated credit for the amount above the employer's payroll tax deposit. The credit can be used to offset all federal income tax withholding from all employees (including those still working) and both the employer and employee portions of Social Security and Medicare taxes for all employees.

The LeavePro self-service portal includes a set of standard reports that can be used to identify leaves and the details of those leaves (i.e., leave reason, start date, end date, status, etc.). Standard reports include, but are not limited to:

- New Leave Report
- Closed Leave Report
- Leave Status and Time Used Report

**Does the time used under FFCRA also count under FMLA?**

Yes, time used under FFCRA counts under FMLA. An employee is entitled to a total of 12 weeks of leave during a 12-month period for any leave reason under the FFCRA and/or FMLA.

**What if I have an employee who has exhausted FMLA?**

An employee who has exhausted FMLA would not be eligible for additional time under the FFCRA.

**Can I allow / require employees to use paid time off (PTO) or other leaves during this time?**

An employee may elect to substitute any accrued vacation leave, personal leave, or medical or sick leave for the first weeks of partial paid leave. Additionally, you may require the employee use PTO or other paid leave concurrently during the remainder of the leave. For additional information, please refer to question number 33 in the Department of Labor FAQ at <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>.

**What if an employee does not qualify for the leave under FFCRA?**

If an employee is ineligible for leave under FFCRA, you should continue to review other options for leave or benefits, such as PTO, other paid leave, or unemployment insurance benefits, that may be available for the employee.

**How are you confirming employee counts for Guardian AbsenceEssentials billing?**

Guardian will continue to reach out to verify your active employee count, and we ask that you provide the information where possible. If you're unable to provide the information, Guardian will leave your employee count as is for the quarter, without the normal 5% increase.

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