



Webinar Open Q&A

What does the acronym FFCRA mean?

FFCRA stands for Families First Coronavirus Response Act. Here is the link to the DOL's resources on this new act: <https://www.dol.gov/agencies/whd/pandemic>.

Have the participant/employer mailings been approved by the state regulators?

We are working with our state regulator partners in many states to have them approved. While not all states have approved, some have. We are working quickly to make sure we get them reviewed. This is a tricky place because this is a federal law and timing is of the essence. We are working as quickly as we can to get feedback and approval where it is needed.

When will the Florida MCO's receive the mailing going to the participant that needs to be approved by the State (AHCA)?

That information is included in the link of the most recent bulletin, but we will also be emailing a word version to our MCO partners so they can review it and have the State of Florida review it for the participants.

Who is informing families and employees of this information?

As the FEA, we are preparing information to send to the participants. In that mailing is the DOL poster to share with their caregivers and employees. We will also be sending this information to employees via email.

I would recommend that you send mailings to employees describing this if you don't have their email address. Employers (individuals or guardians) typically aren't the greatest about passing information on to the employees.

Great suggestion! Currently, we have over 85% of emails on file for employees. We will look at the remaining 15% gap to make sure they receive the content that's needed.

Are you sending the claim form with the information when you do the mailing?

No, we are not sending the claim form. We are trying to make it as easy to complete as possible. Using an electronic form allows us to ensure the form is filled out completely and no boxes are missed. Because such a large number have access to email, we plan to include a link to the form so they can access the form and complete it electronically. The form can be requested through Customer Service, a copy can be mailed for those that cannot complete it electronically.

How does the employer understand and know of this benefit?

Our plan is to inform them of this benefit through the participant education document via mail. This document was included in our last service bulletin. That document gives a basic overview written at a 5th grade reading level.



Will this information be on the portal for employees?

Great suggestion! We will certainly make this information available on both the employee and employer side of the portal. Both forms are also available on the agency side of the portal.

Will the case managers receive the information packet that will be sent to the participants?

If you have received our service bulletin, this is the venue we will send it through. If you did receive the most recent bulletin, you should have a link to see the latest draft of the information. It will also be available in the portal so Case Managers can access it there.

Are FFCRA funds taken from an employee's income taxes?

Yes, federal income tax that an employer would withhold from an employee's paycheck and typically send to the federal government is part of the funds used to pay the benefits available. In addition, FICA (Social Security and Medicaid taxes) is used to fund these benefits. They would still see the deductions at the appropriate rate but instead of that money going to the government, it would be used to pay for these benefits – if and when they are claimed.

If the consumer is no longer active, how does the FI collect the FFCRA benefit from payroll or FICA taxes?

The FEA files a special tax form with the federal government (Form 941). As an FEA we have a specific EIN where we file all the taxes on behalf of all participants we represent. For this purpose, we are able to claim the tax credit against the total liability of being an employer agent. It will not be at an individual employer/employee level that the funds are taken out, but at an overall level for us as the agent.

If an employer is approved to receive 40 hours/week, has multiple employees, and one employee claims 20 hours for FFCRA, can the other employee work/bill more than 20 hours?

This FFCRA has no impact on the authorization. The hard part is to separate the two. If the beneficiary is approved for 40 hours a week and one employee uses 20 hours of FFCRA, the participant is *still* authorized to receive 40 hours. The second employee could cover the 40 hours of authorization and the FFCRA benefit could pay out the 20 hours of Paid Sick Time or Paid FMLA during the same week.

Can you explain more clearly where the funds for any sick payments will come from if not from Budgets?

Normally when a payer (State Plan, Medicaid Program, Health Plan, etc.) pays for a service, they pay for gross wages to the employee *and* the employer portion of the payroll taxes. For example, if the employee is paid \$10 in gross pay, the actual cost is around \$12 because the employer pays for taxes beyond the gross wages. They employees FICA and Federal Income tax are taken out and the remaining \$2 goes towards the employer portion of FICA – a shared tax between employee and employer in addition to FUTA and SUTA. Instead of giving this money to the federal government, that money will be used to cover FFCRA wages. This cost has essentially already been covered and paid for by the payer and now the Federal government is using it for FFCRA benefits instead of tax revenue.



In addition to the taxes, is there any addition funding source? Are you sending information to the federal government for reimbursement?

We are not sending information at this time since we have not received claims. But the government has created a new form (Form 7200) that allows for employers to request funds if their tax liability is not enough to cover these benefits.

Case managers did not have a way to advise Parents on what to do when their child came home as of March 13. We advised parents to bill respite code with the understanding that this could be corrected and billed back once the client was approved for the new hours at home. However, I was informed the respite cannot be billed back to the family.

There are really two different types of children. The FFCRA benefit is referring to employee's children not the children receiving services. Some states are working to find and approve ways to cover the additional hours that are needed to care for children in self-directed programs now that they aren't attending school. We would have to look closer at the Appendix K's that are being approved and review each situation individually.

Is the employer the one who would make this decision to use FFCRA? How does one apply for this benefit?

Ultimately, it is up to the employer if they feel their employee is exempted from benefits. They would have to document in writing why, and it would need to meet one of the specified conditions. GT has a FFCRA claim form available if an employee feels that they meet a qualifying reason to receive benefits. At that point, we would contact the employer and verify they approve of this benefit being paid out.

At what point will GT inform employers of their right to exempt employees from the FFCRA because the employee is providing home health care?

We are planning to include that information in the mailing. In addition, we will go over the exemption options for each claim. Every time a claim is made, the form will be verified with the employer. That is when we will go through the individual situation and go through what their options are. The decision tree tool from Applied Self Direction will be utilized and go through any questions they have about paying or not paying the benefit.

Do you have any employees hired by GT (AWC Model)? How will FFCRA be handled?

We do have some employees in the AWC model. Those individuals will still have the option to claim benefits. While GT is the employer of record, we would still reach out to the managing employer to discuss. But ultimately, GT will decide, and our plan is to pay those claims.

Can you help me to understand a reason why an employer would want to request an exemption? It sounds like if it does not impact their budget, does not impact their employees' pay, and does not impact their authorization there would not really be any detriment to the employer to allow the FFCRA benefit.



It is up to the employer. The fear may be with reason 5; they want to incentivize their employee to find another way to care for their children instead of taking 10-12 weeks off with 2/3rds pay. We are going to go over the options with the employer and give them the needed information, but I think your observation is correct. This benefit provides a basic way for employees to get money to cover their basic needs if they cannot work due to COVID-19 which does not cost the employer any money.

Will we be notified if any of our participant's SD employees are not working?

We have several reports available for reporting trends of participants. If they employee is using the Caregiver app, we can show the last shift recorded live on the app in a report for Case Managers and agency staff. We also have reports to show the weekly usage patterns and give us critical information. GT will also add a notification to Case Managers if an FFCRA benefit is claimed.

Will participant hired workers need to provide documentation from their medical provider that they are seeking diagnosis or have been asked to self-quarantine?

They will need to provide who the medical provider is that they are seeking diagnosis from or who is requesting they self-quarantine. The DOL has clarified exactly what the documentation requirements are based on the reason selected. A doctor's note is not required.

Is the employee required to request the time off in advance?

The law specifies that they do not need to do so in advance. The benefit is typically initiated from being sick and that is not something you would know in advance. In the case of FMLA (Reason #5), it is convenient for the employee to do so. In the FAQs from the DOL, they encourage this behavior, however it is not required.

Will employees be allowed to request payment based upon qualifier #5 over the summer weeks, or will the school's typical calendar need to be followed?

I am guessing most people have some sort of childcare when outside of school. This benefit covers school *and* childcare providers. If the childcare provider is not available due to COVID-19 in the summer weeks, and there is no other responsible adult to care for their child, they will qualify for this benefit.

Can a PC worker use anxiety as a result of COVID-19 for a reason to collect FMLA?

No. The FMLA is specified to care only for a child whose school or place of care is closed. On the other hand, paid sick time may be used if for some reason they are asked to self-quarantine. It is for reasons only related to COVID-19, so it would depend on the healthcare provider's decision. It can certainly not be used for FMLA, and likely not for the paid sick time.

Is there any distinction between the DSW that lives with the member and those who do not?

It does not matter if you live with the member or not. All employers with under 500 employees are subject to this law. There are individual nuances that come into play, but these employees still qualify.

Does social distancing of staff qualify them for FFCRA?



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It depends. If it is a personal decision, it would not meet the qualification. Caregivers are essential staff and usually exempt from the state or local isolation orders. But, if they are under the advice of a medical provider, then perhaps. But it is likely that social distancing alone is not enough to qualify for the benefit.

What happens if the employer is no longer in the self-direction program?

If they no longer are an employer, then the law would not apply to them. If they were active between 4/1/2020 and 12/31/2020 then the law applies. If we have a claim on an employer that is no longer active, we will do what we can for the time period they were active and ensure that the benefit is paid out correctly.

If someone is currently on FMLA, could they qualify for an extension?

FMLA usually does not apply to employers this small – just for this one reason due to the FFCRA. It is unlikely that someone is already on FMLA, but they could qualify for up to 12 weeks total in the calendar year.

The retainer funds were explained different than how CAP/C explained how the funds were to be used when retaining an employee.

My comment on retainer funds was just in general; it was not specific to a North Carolina program. In general, they are used to retain an employee – not because they are meeting one of the six qualifying reasons. These six reasons listed are different from the reasons you would normally use a retainer payment for. We will make it clear for specific cases in North Carolina.

How will this be tracked? Will the Fiscal Agency be responsible for doing so?

Yes, we see it as our responsibility to work with the employer in complying with federal laws such as this. We have worked to create a process that tracks these payments, collects required documentation, ensures that we do not pay over the max benefit, and do not pay out regular hours at the same time. We will track and monitor the tax credit and make sure that if the employer wants to pay the benefit and the employee qualifies that we do so.

What is the process if hours are recorded at the same time as the use of the benefit? How will these cases be handled?

We have put controls in our system to prevent that from happening. If we find someone attempt to do so, we will contact the employer/employee to find out if they were going back to work or their sick leave is ending so we can correct it and pay the correct hours.

What if the employer passes away? Does the employee still qualify?

For the time that they were employed, they are eligible for the benefits. The law went into effect April 1, so people who have worked since then and experience one of the six reasons qualify to claim the benefit.

How do we complete a form if someone passes away?



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If it's the employer, we would then just go to the next person (guardian, representative, case manager, etc.) to confirm the situation and options. The employee is the person to fill out the form. We opted to not include a physical signature of the employer because of the circumstances surrounding this law.

If the employee passes away, we will work directly with the Employer and Case Manager. We do have occasional cases such as this for regular wages. In that case, we would handle the situation with special care on a case-by-case basis. Payment would still be made to the employee who is now deceased, and their estate would then be able to access those dollars.

What if the employer goes into the hospital or nursing home temporarily which would suspend their status in the self-directed program? Does that then prevent the participant hired worker from claiming this benefit?

Likely, because there is no work available, the answer is yes. Work must be available to claim this benefit. It cannot just be that the employer is in the hospital or doesn't want services at this time.

If an employee qualifies for FFCRA, but has already filed and started receiving unemployment benefits, what should they do? Can an employee who qualifies for FFCRA instead choose to file for unemployment (if the employer terminates)?

If they are receiving unemployment, they no longer have a job. If they return to their previous job, they can then qualify for one of the six reasons. If the employee was eligible for FFCRA benefits while they were still employed, they can claim payment for those benefits. The law is effective 4/1/2020 – 12/31/2020.

If the employee enrolled in unemployment, they are not employees anymore? Will they have to reapply and such?

I want to caution that. There are additional modifications to the unemployment laws and rules being made as we speak such as an ability to claim partial unemployment for lost hours if you are still working. In general, they are not an employee any longer. We do have a process where we can restart an employee that has worked in the recent past, and they do not have to redo all the required paperwork etc. These situations will be reviewed on a case-by-case basis.

It seems unfair if an employee was not aware of this program and went ahead with unemployment and now, they cannot participate in this program.

I think the main question is why did they claim unemployment? Was it for one of the six reasons and do they qualify for the benefit? I'm hopeful we get the word out as quickly as possible so people that are sick don't just decide to leave their job and lose their benefits.