



As we continue to navigate and understand the new legislation regarding COVID-19, we hope these daily FAQs are helpful to you as you make decisions for your business.

Q: Can an employee take intermittent leave under the Emergency Family and Medical Leave Expansion Act (EFMLEA)?

A: EFMLEA does not mention intermittent leave or reduced work schedules. Employees will likely be allowed with employer approval, but we expect the Department of Labor to weigh in on this in the regulations.

Q: An employee already exhausted his or her regular FMLA leave for the calendar year. Can they still receive paid leave under the EFMLEA for a qualifying reason under the FFCRA?

A: No. The EFMLEA provides additional qualifying reasons for leave under the FMLA. It does not expand the total amount of time an employee may take under the FMLA, which is 12 weeks.

Q: Do I have to offer EFMLEA if I have less than 50 employees?

A: Yes. This leave is available even if you have fewer than 50 employees. Eligibility for the 12 weeks of EFMLEA only requires the worker to have been employed for 30 calendar days vs. the 1-year employment requirement with regular FMLA leave.

Q: How will the new \$2 Trillion stimulus package impact my small business? Is there any information around qualifying for a loan, how to apply, etc.?

A: As of now, the new Senate Bill still needs to be approved by the House and won't become a law until signed by the President. The package would provide a total of \$350 billion for small business interruption loans, capped at \$10 million. Eligibility for loans would be expanded to non-profits and companies of 500 employees or less.

These loans would provide relief for COVID-19 pandemic-related costs incurred from March 1, 2020 to December 31, 2020. Loan forgiveness will be available but would be reduced for employers who lay-off workers or make changes in compensation, except where employers pay additional wages to tipped workers. Small businesses that lost revenue, but retained their workforce, would qualify for loans that would be forgiven. We expect to hear more information about the passing of this bill in the coming days.

Meanwhile, the U.S. Small Business Administration (SBA) provides low-interest, long-term disaster loans to businesses of all sizes and private non-profit organizations. SBA disaster loans offer an affordable way for businesses to recover from declared disasters, such as COVID-19.

We have attached SBA's Disaster Business Loan Application, a tutorial to complete the application, and an informational guide for the process of the SBA loan.

Q: How will this stimulus package affect unemployment benefits?

A: Workers in most states are currently eligible for 26 weeks of paid benefits (including TN) – this stimulus package would expand that to 39 weeks and an additional \$600 per week. Furloughed employees and independent contractors would also be eligible.