DOL Offers Families First Coronavirus Relief Act Guidance

As we shared over the weekend, the Department of Labor has issued a decision regarding exemptions to certain provisions in the Families First Coronavirus Recovery Act (FFCRA). In the DOL’s most recent update to their FFCRA FAQ, the Department had the following to say:

**Who is a “health care provider” who may be excluded by their employer from paid sick leave and/or expanded family and medical leave?**

For the purposes of employees who may be exempted from paid sick leave or expanded family and medical leave by their employer under the FFCRA, a health care provider is anyone employed at any doctor's office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity. This includes any permanent or temporary institution, facility, location, or site where medical services are provided that are similar to such institutions.
HCAOA is continuing to receive questions regarding home care being included in the term home health care. Through our outside counsel, HCAOA has confirmed that non-medical home care agencies are included under the umbrella of home health in the DOL’s recent guidance stating that home health is considered health care and therefore is exempt from the paid sick leave and family medical leave under FFCRA.

Member organizations are encouraged to use their discretion in taking advantage of the several funding sources opened up by the federal government to offer such employee benefits. As HCAOA President Emma Dickison said in our update over the weekend, “While we have the exemption, it does not negate our efforts to always be responsive to our employees’ needs especially during these tough times. There are programs available from the federal government and the Small Business Administration, such as the paycheck protection program, that will ensure that home care agencies can afford to pay their caregivers should they need time off to care for themselves or other family members. Everyone should look into this available financial assistance for our small businesses."

**Federal Coronavirus Relief Acts Contain Several Programs that Affect Home Care**

In addition to the mandated leave policies in the Families ‘First Coronavirus Recovery Act, the federal response to the pandemic has created or expanded several programs that may affect home care.
HCAOA has prepared a summary of the most relevant pieces of legislation; you can find that [here](#).

Key highlights include:

- The Department of Labor has included home care under its list of workers exempted from the expansive paid sick leave and family and medical leave provisions in the FFCRA.
  - With that said, exempt businesses can still take advantage of the available tax credits if they opt to honor the leave policies afforded to workers in the FFCRA.
- The Small Business Administration is now able to offer loans through its existing 7(a) program **in amounts equal to two and a half months of payroll.** These loans are forgivable if used for payroll, rent, and utilities.
- HR6201 included expanded unemployment benefits to add an additional 13 weeks. The federal government is also funding 100% of states’ work-sharing costs for 26 weeks.
- Employer payroll tax on all wages under $137,700 can be deferred.

**HCAOA Launches “Power of Five” Campaign**

HCAOA has launched a public awareness campaign to showcase how HCAOA’s membership is Protecting and Preventing the spread of COVID-19. Our team will share co-branded materials and copy with HCAOA members every week, with the aim of demonstrating our industry’s leadership to clients, referral partners and elected officials alike. Please feel free to add your agency’s logo to the images before sharing with your audiences on social media.
If you have not received the first round of materials, or if you have questions about the campaign, please find the program materials here.

**Other Concerns?**

If you have any other concerns that are not currently being addressed, please email info@hcaoa.org