

Paid Sick and Family Leave (EPSL and EFMLEA)

|  | 2020 Paid Sick and Family Leave Credits - Under the Families First Coronavirus Response Act (FFCRA) | 2021 Paid Sick and Family Leave Credits - Under the Consolidated Appropriations Act (CAA) | 2021 Paid Sick and Family Leave Credits - Under the American Rescue Plan Act (ARPA) |
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| Overview | <p>A tax credit available to employers to cover wages and allocable health plan expenses paid by the employer while the employee is taking time off under the Emergency Paid Sick Leave Act (EPSLA) and the Emergency Family & Medical Leave Expansion Act (EFMLEA). The credit is increased by the employer's share of Medicare tax (1.45%) paid on the qualified wages.</p> <p>Wages paid under EPSLA and EFMLEA are not subject to the employer's 6.2% Social Security taxes.</p> | <p>Same as 2020 Paid Sick and Family Leave Credits under FFCRA</p> | <p>A tax credit available to employers to cover wages and allocable health plan expenses paid by the employer while the employee is taking time off under EPSLA and EFMLEA, plus the employer's share of the Social Security and Medicare taxes.</p> <p>Prevents employers from receiving credits if their paid leave favors highly compensated employees, full-time workers, or employees based on tenure.</p> |
| For wages paid between | <p>3/18/2020 - 12/31/2020</p> | <p>1/1/2021 - 3/31/2021</p> | <p>4/1/2021 - 9/30/2021</p> |
| Eligible employers | <p>Private employers with fewer than 500 employees and public employers of any size; self-employed individuals are eligible as well.</p> | <p>Same as 2020 Paid Sick and Family Leave Credits under FFCRA</p> | <p>Same as 2020 Paid Sick and Family Leave Credits under FFCRA</p> |
| How to claim the credit | <p>An employer may:</p> <ul style="list-style-type: none"> > Reduce Social Security and Medicare payroll tax deposits by the amount of the credit, > File Form 7200 to claim a refund, or > Claim on Form 941 | <p>Same as 2020 Paid Sick and Family Leave Credits under FFCRA</p> | <p>Same as 2020 Paid Sick and Family Leave Credits under FFCRA</p> |

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| | Emergency Paid Sick Leave (EPSL) | Emergency Family & Medical Leave Expansion (EFMLE) | Emergency Paid Sick Leave (EPSL) | Emergency Family & Medical Leave Expansion (EFMLE) | Emergency Paid Sick Leave (EPSL) | Emergency Family & Medical Leave Expansion (EFMLE) |
| <p>What are “qualified wages”?</p> | <p>Wages which are required to be paid to employees who are unable to work for specified virus-related reasons</p> | <p>Wages which are required to be paid to employees who are unable to work or telework due to an emergency with respect to COVID-19 due to the need to care for a son or daughter under age 18 because:</p> <ul style="list-style-type: none"> a) School or place of care has been closed, or b) Childcare provider is unavailable | <p>An employer is NOT mandated to pay wages to employees who are unable to work for specified virus-related reasons. If the employer chooses to pay employees for those reasons, the employer will qualify for tax credits.</p> | <p>The employer is no longer required to pay EFMLE wages, but if it does, it will qualify for tax credits.</p> | <p>Same as 2021 Paid Sick and Family Leave Credits - Under the CAA</p> | <p>Wages which are paid to employees who are unable to work or telework due to an emergency with respect to COVID-19 due to the need to care for a son or daughter under age 18 because:</p> <ul style="list-style-type: none"> a) School or place of care has been closed, b) Childcare provider is unavailable, or c) Wages paid to employees for time off to obtain the COVID-19 vaccination or recover from an illness related to the immunization <p>It is not mandatory to provide EFMLE benefits.</p> |

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| Maximum amount of qualified wages | <p>80 hours for full-time employees;</p> <p>Payable at regular rate up to a maximum of \$511 per day for employees who are:</p> <ul style="list-style-type: none"> a) Subject to a quarantine or isolation order, b) Advised by a health provider to self-quarantine, or c) Experiencing symptoms and seeking diagnosis <p>Payable at 2/3 of regular rate up to a maximum of \$200 per day for employees who are:</p> <ul style="list-style-type: none"> d) Caring for an individual described in a, b or c above, e) Caring for a son or daughter whose school is closed or childcare provider is unavailable, or f) Experiencing a “substantially similar condition” specified by the government | <p>Up to 12 weeks of time off. The first 10 days of leave may be unpaid. The remaining 10 weeks are payable at 2/3 of regular pay, capped at \$200 per day and \$10,000 in total.</p> | <p>Same as 2020 Paid Sick and Family Leave Credits under FFCRA</p> <p>The 80 hours of available EPSL time does not reset at 1/1/2021.</p> | <p>Same as 2020 Paid Sick and Family Leave Credits under FFCRA</p> <p>The 12 weeks of EFMLE does not reset at 1/1/2021.</p> | <p>Same as 2020 Paid Sick and Family Leave Credits under FFCRA</p> <p>The 80 hours of available EPSL time resets at 4/1/2021.</p> | <p>Up to 12 weeks (60 days) of paid time off at 2/3 of regular pay, capped at \$12,000 in total for the calendar year.</p> <p>Self-employed individuals can claim the paid family leave credit for up to 60 days.</p> |