

**From:** [Karen Heil](#)  
**To:** [Karen Heil](#)  
**Subject:** Families First Coronavirus Response Act Effective April 1st, Notice to ANO Entities  
**Date:** Wednesday, April 1, 2020 1:04:43 PM  
**Attachments:** [USCCB Unemployment and Benefits Provided to Religious Orgs in CARES Act \(final\).pdf](#)  
[Letter to ANO Entities FFCRA 4-1-20.pdf](#)  
**Importance:** High

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April 1, 2020

*Dear Pastors, Principals, Exec Directors, and Site Administrators,*

RE: Families First Coronavirus Response Act, Effective April 1, 2020

We are all aware of the Archbishop's desire for our programs and ministries, as best they are able, to keep people 'whole' and run payroll as normal through the period of the Governor's initial School Closures, or April 13<sup>th</sup>, and commend those who have been able to make that happen for your co-workers in the Vineyard of the Lord.

In the meantime, our Archdiocesan Administrative Offices (*Legal, Finance, and Human Resources*) have been in almost daily contact with our outside Counsel, our Vendor Advisors, and our LCCB and USCCB leadership resources since this new Families First Coronavirus Response Act was passed several weeks ago, on how to best advise our entities of its impact, and ultimately make this additional assistance available to our eligible Staff.

This law applies to *\*locations of less than 500 staff* and has two Emergency Paid Leave components: Emergency Paid Sick Leave and Family Medical Leave Emergency Extension.

*\*NOTE – this law does NOT apply to all of our Agencies, based on size and scope of business in the exceptions noted in the attachment.*

[CLICK HERE for the REQUIRED LEGAL POSTER](#), which we have electronically added on our Staff Benefits Page, as means of meeting the April 1<sup>st</sup> posting requirement.

For covered entities, the Poster should be physically added to your breakroom or notice area when you are back on premises.

As these are both Emergency Paid Leave entitlements, this requires the employee meets the criteria noted on the Legal Poster, and is unable to work due to one of the reasons listed.

Once the entity is no longer paying those who are at home [and NOT working] then the Emergency Paid leaves may commence, with the proper documentation provided by the staff member to your payroll office.

1. *The Administrative offices will continue normal wages until April 13. We urge parishes and ministries to follow suit.*

2. *How will our employees be made whole after April 13?*
- a. *Furloughed or reduced hour employees- Pandemic Unemployment Assistance is available to such employees in the CARES Act for 100% wages for up to 39 weeks at no cost to the employer. There are many different underlying reasons to trigger pandemic unemployment assistance for an employee. One trigger for this is that the employer closed the business due to a COVID-19 emergency. It is broader than an isolation order or a self-quarantine order in the Federal Families First Emergency Leave Act. These employees are also entitled to personally accrued paid time off unrelated to the corona pandemic. The details of implementation are not yet published.*
  - b. *Employees who are not furloughed or laid off but are not able to work and meet the criteria of the Federal Emergency Paid Sick Leave are entitled to 80 hours of paid time off. These employees are also entitled to use personally accrued paid time off unrelated to the corona pandemic. The Employer is able to apply for the tax credits to offset this pay. The government order to shut the business to non-essential personnel does not trigger this leave. The leave is employee specific.*
  - c. *Employees who are not furloughed or laid off but are not able to work for a COVID-19 child or family care reason are entitled to 2 unpaid weeks and 10 weeks at 2/3 wages under the Federal Emergency Family Medical Leave provision. These employees are also entitled to use personally accrued paid time of unrelated to corona pandemic. The Employer is able to apply for the tax credits to offset this pay.*

There are Payroll TAX Credits that we can claim for these wages, and it will be important to *DESIGNATE* any such Emergency Paid Leave time in PrimePay or CPS|Crescent Payroll Solutions with the new CODE they are providing. [Emergency or Coronavirus]

This will allow your location to track the associated cost, and retain funds you would have otherwise deposited with the IRS for payroll taxes for that period. *For more details, please reference the detailed letter, attached.*

*For Agencies, you and your Board of Directors should determine whether you are exempted as a Healthcare provider, or as an employer of 500 or more staff.*

There may be additional guidance coming out in the next weeks, which we will add to our [HR Downloads](#) FFCRA area of our webpage.

The Office of Finance has sent out information this morning on the Small Business Loans available under the CARES act. Under this act, please reference information from the USCCB on *Emergency Unemployment Insurance* for Entities not otherwise participating in that program, which we've been asked to share. [see USCCB attachment]

*Attached, please find the full detailed legal Notice to our entities, prepared for us by Denechaud and Denechaud, and additional Dept. of Labor resources, as referenced below:*

The Department of Labor has issued additional guidance on the emergency paid leave provisions in the form of more questions and answers at this link: <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>.

"Health care provider" has been defined by the guidance very broadly and does not appear restricted only to employees who directly provide health care services. For example, any employee of a nursing facility, retirement facility, nursing home, or home health care provider may be considered a "health care provider" and may be exempted by the employer from this emergency paid leave, as I read the guidance. Though employers are encouraged to be "judicious" about using this exemption to reduce the spread of COVID-19. See Answer to Question 56.

The emergency FMLA leave is not in addition to pre-existing FMLA leave, it merely adds another qualification to receive FMLA leave. So an employee who has taken partial FMLA leave during the covered 12-month period may not be eligible for part or all of this emergency leave. Similarly, an employee who takes the emergency leave will not be eligible for non-emergency FMLA leave later in the 12-month period. See Answers to Questions 44 and 45.

The Department of Labor has issued guidance about where and how to post the required notice: <https://www.dol.gov/agencies/whd/pandemic/ffcra-poster-questions>.

The Department of Labor has issued guidance about the *non-enforcement grace period*. Notably, the grace period only *extends through April 17, 2020*.

Employers who make "reasonable, good faith efforts" to comply with the Act will not be subject to enforcement actions or violations. Employers are acting reasonably and in good faith when all of the following conditions are met: 1) the employer remedies any violations, including making employees whole as soon as practicable; 2) the violations were not "willful" (i.e. the employer did not know or show reckless disregard for the fact that its actions were prohibited), and 3) DOL receives a written commitment from the employer to comply with the Act in the future.

The full guidance is here: <https://www.dol.gov/agencies/whd/field-assistance-bulletins/2020-1>.

*Thank you & God Bless,*

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*Entrusting Ourselves in His Peace*