COVID-19 Relief Overview





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Massachusetts Sales and Use, Meals and Occupancy Tax Relief

Certain companies who collect and remit sales, use, meals and occupancy taxes have been provided an extension of time to file and pay during the COVID-19 State of Emergency

- Applies to companies whose cumulative sales and use tax liability in the 12-month period ending February 29, 2020 is less than \$150,000
- Returns and payments due during the period beginning March 20, 2020 and ending May 31, 2020, are suspended
- All related returns and payments are due on June 20, 2020
- This suspension does not apply to marijuana retailers, marketplace facilitators or vendors selling motor vehicles

Federal Income Tax Relief

The federal income tax filing due date is automatically extended from April 15, 2020, to July 15, 2020

- Taxpayers can defer federal income tax payments due on April 15, 2020, to July 15, 2020, without penalties and interest, regardless of the amount owed
- Estimated tax payments due April 15, 2020 are also now due July 15, 2020
- Deferment applies to all taxpayers individuals, trusts and estates, corporations and non-corporate tax filers, including those who pay self-employment tax
- Automatic federal filing and payment relief no need to file any forms or call the IRS
- Taxpayers expecting a refund file ASAP and can expect a refund within 21 days
- Penalties and interest to accrue on remaining unpaid balances as of July 16, 2020
- Individual taxpayers who need additional time to file beyond the July 15 deadline can request a filing extension

Massachusetts DOR Relief

DOR is aware that the IRS has issued guidance with respect to tax returns and payments due April 15th

- Working on a plan to provide relief to Massachusetts taxpayers with respect to the filing of state income tax returns and related income tax payments
- Taxpayers expecting a refund should file ASAP those who file electronically and request direct deposit for their refunds will receive them faster

SBA Economic Injury Disaster Loan (EIDL)

The SBA can provide up to \$2 million to help meet financial obligations and operating expenses that could have been met had the disaster not occurred

- Loan amount based on actual economic injury and company's financial needs
- Interest rate will not exceed 4% and the term will not exceed 30 years repayment terms determined by ability to repay the loan
- EIDL assistance available only to small businesses unable to obtain credit elsewhere (SBA determination)
- SBA considers assistance available through business interruption policies as well as the business owner's personal savings or credit available from banks
- Must have a satisfactory credit history to SBA and an ability to repay the loan
- Collateral required for loans in excess of \$25,000

Massachusetts Unemployment

Emergency regulations allow people impacted by COVID-19 to collect unemployment benefits for workplaces shut down and expected to reopen

- Emergency legislation waives 1 week waiting period new claims paid more quickly
- Applies to all employees (full and part time) who are impacted by such shutdowns
- Employers may request to extend the period of the covered shutdown to 8 weeks; workers remain eligible for the longer period under same conditions above
- Employers paying into the system for themselves (receiving a W-2) are able to apply as well
- Currently self-employed individuals and 1099 contract employees are not eligible for unemployment benefits

Families First Coronavirus Response Act (FFCRA) requires certain employers to provide employees with expanded family and medical leave (*EF&ML*)

Generally, FFCRA provides that employees of covered employers are eligible for:

• 2 weeks (up to 80 hours) of **EF&ML** at EE's regular payrate where employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or

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Generally, FFCRA provides that employees of covered employers are eligible for:

• 2 weeks (up to 80 hours) of **EF&ML** at 2/3's the EE's regular payrate because employee is unable to work due to a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor; and

Families First Coronavirus Response Act (FFCRA) requires certain employers to provide employees with expanded family and medical leave (*EF&ML*)

Generally, FFCRA provides that employees of covered employers are eligible for:

• Up to an additional 10 weeks of **EF&ML** at 2/3's EE's regular payrate where employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

Covered Employers: The expanded family and medical leave provisions of the FFCRA apply to certain public employers, and private employers with fewer than 500 employees. Most employees of the federal government are covered by Title II of the Family and Medical Leave Act, which was not amended by this Act, and are therefore not covered by the expanded family and medical leave provisions of the FFCRA. However, federal employees covered by Title II of the Family and Medical Leave Act are covered by the paid sick leave provision.

Small businesses with fewer than 50 employees may qualify for exemption from the requirement to provide leave due to school closings or childcare unavailability if the leave requirements would jeopardize the viability of the business as a going concern.

Eligible Employees: All employees of covered employers are eligible for two weeks of expanded family and medical leave for specified reasons related to COVID-19. *Employees employed for at least 30 days* are eligible for up to an additional 10 weeks of paid family leave to care for a child under certain circumstances related to COVID-19.

These provisions will apply from the effective date through December 31, 2020

Qualifying Reasons for Leave:

Under the FFCRA, an employee qualifies for expanded family and medical leave if the employee is unable to work (**or unable to telework**) due to a need for leave because the employee:

- 1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- 2. has been advised by a health care provider to self-quarantine related to COVID-19;
- 3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
- 4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
- 5. is caring for a child whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19; or
- 6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Duration of Leave:

For reasons (1)-(4) and (6): A full-time employee is eligible for 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

For reason (5): A full-time employee is eligible for up to 12 weeks of leave (two weeks of paid sick leave followed by up to 10 weeks of paid expanded family & medical leave) at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

Calculation of Pay:

For leave reasons (1), (2), or (3): employees taking leave are entitled to pay at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period).

For leave reasons (4) or (6): employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period).

For leave reason (5): employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period).