

Employer Credits: Side-by-Side Comparison

	Paid Sick Leave Credit	E-FMLA Credit	Employee Retention Credit	45S - Employer Credit for Paid Family & Medical Leave	Work Opportunity Tax Credit
Enabling Legislation	Families First Coronavirus Response Act	Families First Coronavirus Response Act	Coronavirus Aid, Relief, and Economic Security Act	Internal Revenue Code Section 45S	Internal Revenue Code Section 51
Number of Employee Limitations	Employers with fewer than 500 employees	Employers with fewer than 500 employees	The credit can be claimed by employers with an average of more than 100 employees for all employees who are retained but not currently working as a result of COVID-19. For employers with 100 or fewer employees, all wages paid qualify for the credit so long as they meet other requirements related to suspension of business or reduction in gross receipts.	Any size employer	Any size employer
Type of Employer	Eligible employers that are entitled to claim the refundable tax credits are businesses and tax-exempt organizations that: (i) have fewer than 500 employees, and (ii) are required under the FFCRA to pay "qualified sick leave wages" and/or "qualified family leave wages."	Eligible employers that are entitled to claim the refundable tax credits are businesses and tax-exempt organizations that: (i) have fewer than 500 employees, and (ii) are required under the FFCRA to pay "qualified sick leave wages" and/or "qualified family leave wages."	Private employers and 501(c) employers exempt from tax under 501(a)	Private employers	Private employers
Type of Credit	Refundable Payroll Credit or Self-Employment Tax	Refundable Payroll Credit or Self-Employment Tax	Refundable Payroll Credit	General Business Credit	General Business Credit or Refundable Payroll Credit for Tax-Exempt Employers
Effective Dates	April 1, 2020 through December 31, 2020	April 1, 2020 through December 31, 2020	March 13, 2020 through December 31, 2020	January 1, 2018 through December 31, 2020	Through December 31, 2020
Credit Calculation	Emergency paid sick leave at the employee's regular rate of pay, up to \$511 per day and \$5,110 in the aggregate, for a total of 10 days OR For employers who pay wages to an employee to care for a child whose daycare is closed, a payroll tax credit for 100% of employee's qualified sick leave, capped at \$200 per day for 10 days (\$2,000 total); plus eligible employers may receive a tax credit determined based on costs to maintain health insurance coverage for the eligible employee during the leave period. Any included health care costs are subject to the same overall dollar limitations, so it is not an additional credit.	Eligible employers may receive a payroll tax credit of 100% of eligible wages paid, capped at \$200 per day up to \$10,000 per employee in total. Up to 10 weeks of qualifying leave can be counted towards the child care leave credit. Qualified health plan expenses can be added to the wages to determine the credit.	The credit is computed on a calendar-quarter basis and equals 50% of qualified wages up to \$10,000 paid to each employee or \$5,000 in actual credit. The credit is provided for the first \$10,000 of compensation, including health benefits, paid to an eligible employee. Wages paid under the FFCRA are not included as "qualified wages."	The credit is a percentage of the amount of wages paid to a qualifying employee while on family and medical leave for up to 12 weeks per taxable year. The minimum percentage is 12.5% and is increased by 0.25% for each percentage point by which the amount paid to a qualifying employee exceeds 50% of the employee's wages, with a maximum of 25%. In certain cases, an additional limit may apply.	The credit amount is computed for qualifying employees as a percentage of wages determined by total hours worked and qualifying category of eligibility. The maximum potential credit per employee ranges anywhere from \$2,400 to \$9,600.



Employer Credits: Side-by-Side Comparison

	Paid Sick Leave Credit	E-FMLA Credit	Employee Retention Credit	45S - Employer Credit for Paid Family & Medical Leave	Work Opportunity Tax Credit
Qualifying Employee	All employees	Full- or part-time employees who have been employed for 30 days or longer	No limitations	A qualifying employee is any employee under the Fair Labor Standards Act who has been employed by the employer for one year or more and who, for the preceding year, had compensation of not more than a certain amount. For an employer claiming a credit for wages paid to an employee in 2018, the employee must not have earned more than \$72,000 in 2017.	A qualifying employee meets one of 9 criteria, unless for a tax-exempt employer, in which case only eligible veterans will qualify: <i>Short-term Temporary Assistance for Needy Families (TANF) Recipient (Group 1); Qualified Veteran (Group 2a); Disabled Veteran (Group 2b); Unemployed Disabled Veteran (Group 2c); Unemployed Veteran - 4 Weeks (Group 2d); Unemployed Veteran - 6 Months (Group 2e); Qualified Ex-felon: (Group 3); Designated Community Resident (Group 4); Vocational Rehabilitation Referral (Group 5); Food Stamp Recipient (Supplemental Nutrition Assistance Program - SNAP) (Group 6); Supplemental Security Income Recipient (Group 7); Long-term Family Assistance Recipient (Group 8); Qualified Long-term Unemployment Recipient (Group 9).</i> Employers must submit paperwork for qualifying employees within 28 days of start day in order to be eligible for credit amounts.
What is qualifying leave?	Under the FFCRA, an employee qualifies for paid sick time if the employee is unable to work (or unable to telework) due to a need for leave because the employee: <i>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 child care 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.</i>	Under the FFCRA, an employee qualifies for expanded family leave if the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19.	N/A	This is leave for one or more of the following reasons: <i>1. Birth of an employee's child and to care for the child; 2. Placement of a child with the employee for adoption or foster care; 3. To care for the employee's spouse, child, or parent who has a serious health condition; 4. A serious health condition that makes the employee unable to perform the functions of his or her position; 5. Any qualifying exigency due to an employee's spouse, child, or parent being on covered active duty (or having been notified of an impending call or order to covered active duty) in the Armed Forces; 6. To care for a service member who is the employee's spouse, child, parent, or next of kin.</i>	N/A
How do the credits intersect?	Can be taken in connection with E-FMLA credit, but not with Retention Credit. Wages taken into account for this credit cannot be taken into account for purposes of the 45S credit.	Can be taken in connection with Paid Sick Leave Credit, but not with Retention Credit. Wages taken into account for this credit cannot be taken into account for purposes of the 45S credit.	May be taken with other credits, but not for same wages. In that event, must choose among credits for best answer.	Will apply to different employers than covered under FFCRA. May not be taken with Retention Credit. Wages included in Paid Sick Leave or E-FMLA Credits do not qualify.	May be taken with other credits, but not for same wages. In that event, must choose among credits for best answer

