

COVID-19

Legislative Update That Employers Need to Know-Part 2

April 10, 2020

Presented by:

Traci Scherck, SPHR, SCP &
Bryan Whitehead



Agenda

- Understanding who qualifies under FFCRA
- Understanding when someone can take expanded FMLA to care for a child under the age of 18
- Calculating the Regular Rate of Pay
- What if...

TELL US
CABOT CORP
OUT TRUTH
ONAVIRUS

Calm the Crazy!



Confirmed COVID Cases

Confirmed cases of Covid-19 in the US

Confirmed cases

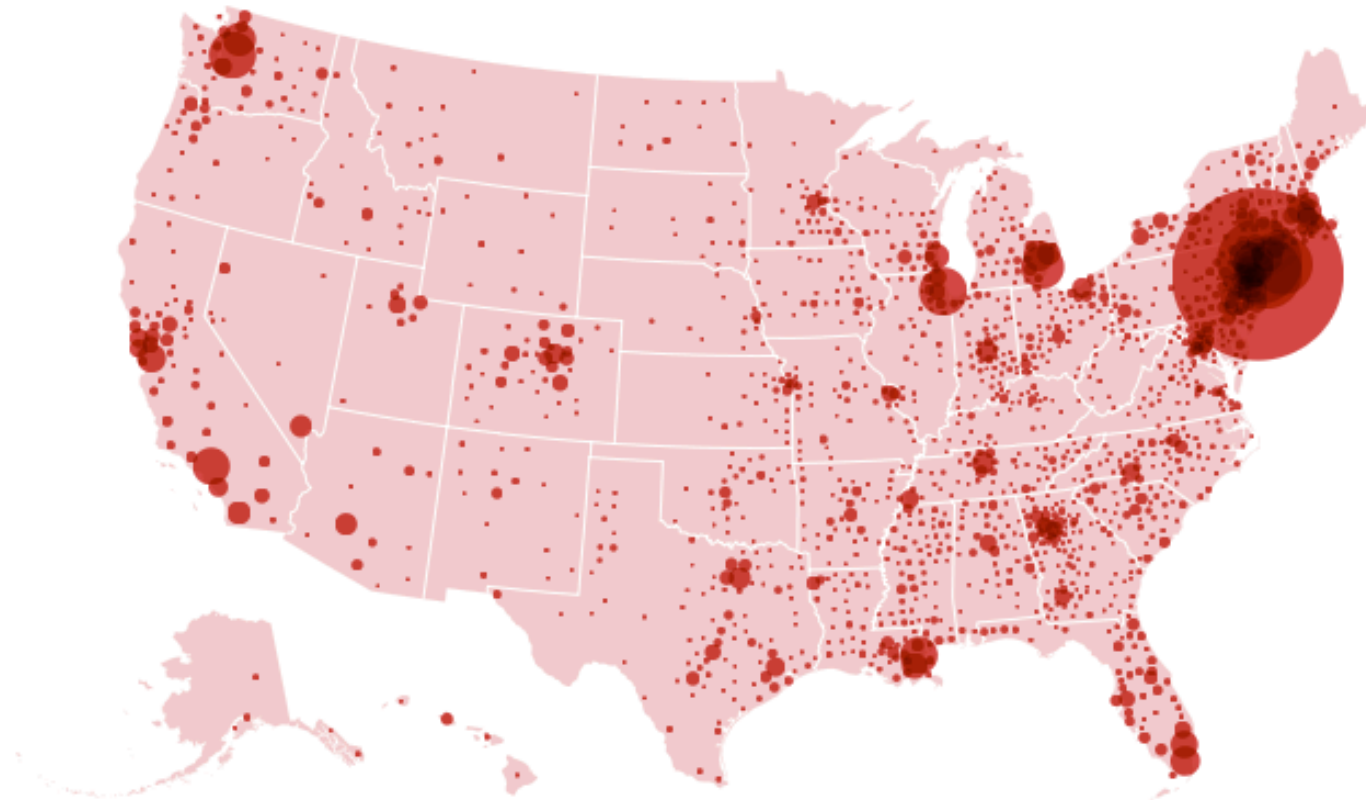
69,120

(Today: +3,342)

Deaths

1,045

(Today: +103)



<https://www.theguardian.com/world/ng>

Last updated 26 Mar 8:25am EST Source: Johns Hopkins CSSE *Note: The CSSE states that its numbers rely upon publicly available data from multiple sources

Confirmed COVID Cases

Confirmed cases of Covid-19 in the US

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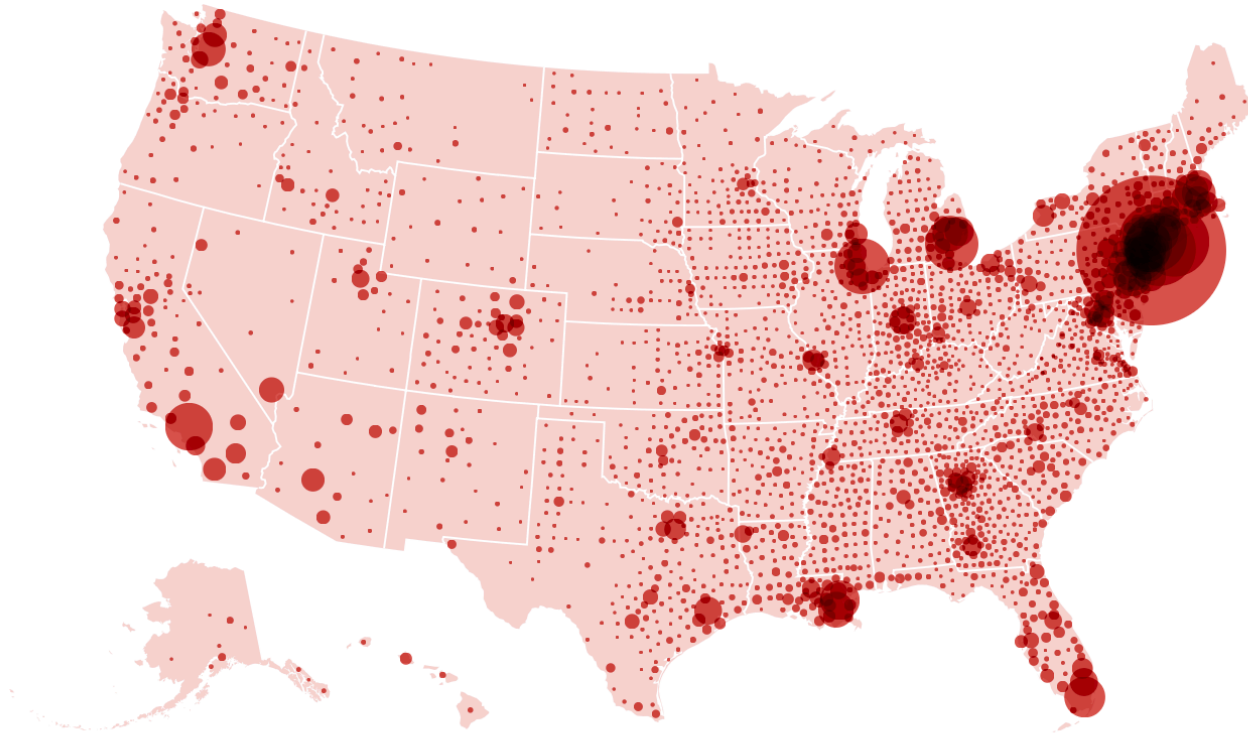
432,433

(Today: +3,381)

Deaths

14,826

(Today: +131)



Last updated 9 Apr 12:25pm EST Source: Johns Hopkins CSSE *Note: The CSSE states that its numbers rely upon publicly available data from multiple sources

<https://www.theguardian.com/world/ng>

Overview Families First Coronavirus Response Act (FFCRA)

Emergency Paid Sick Leave

- Up to 80 hours of paid leave
- 6 different reasons for leave

Emergency Paid FMLA

- Up to 12 weeks*
- 1 reason only (childcare due to closings)
- Weeks 1-2 unpaid (but can use paid sick leave)
- Weeks 3-12 2/3 pay
- Subject to caps

Only if under 500 employees, with possible DOL waiver under 50

Emergency Family Medical Leave Expansion Act (EFMLEA)

Who is Covered?	What benefits are available?
<p>Employees: employed for 30 days or more</p>	<p>12 weeks of leave = job protected</p>
<p>Employers:</p> <ul style="list-style-type: none"> • Private employers with fewer than 500 employees • Public agencies (federal/state governments, political subdivisions, schools) 	<p>First 10 days of Leave = Unpaid Remainder of Leave = 2/3 regular rate of pay Payment cap = \$200/day, \$10,000 total</p>
<p>Covered Reason: Employees who are unable to work, or telework, due to a need to care for a minor child if the child's school or place of care has been closed or the child care provider is unavailable due to a public health emergency related to COVID-19</p>	<p>Exception: Employers of less than 25 employees where the employee's position no longer exists upon return due to economic conditions or other changes caused by the coronavirus emergency, and the employer has made reasonable efforts to restore the employee to an equivalent position</p>

****Note that the new benefits apply only to childcare!***

Emergency Paid Sick Leave Act (EPSLA) Specifics

Who: Small businesses with fewer than 500 employees

Specifics:

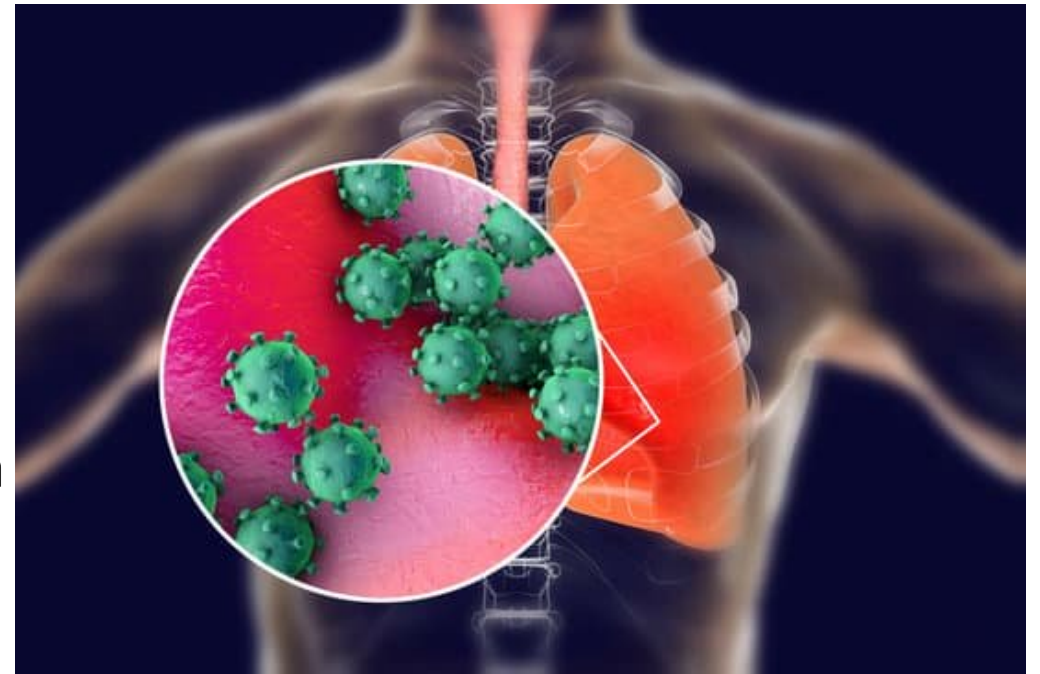
- Any employee is eligible* (No 30-day requirement)
- Maximum of 80 hours. If they work 50 hours a week. They will get the 50 hours the first week and the 30 hours the second week as a total of 80 hours.
- **In addition** to any PTO/sick you already offer, including unlimited paid time off.
- No credit for any time off prior to April 1
- There is no minimum hours of employment
- Employer may **NOT** require employee to use other paid leave first.
- Tax Credits! See your tax professional

<https://www.dol.gov/agencies/whd/ffcra>

Families First Coronavirus Response Act

How to count to 500

- What date do we use to determine if an employee qualifies based on the 500 employee rule?
 - The date on which the employee takes the paid sick leave or EFMLEA
- Who does this include:
 - Part time employees
 - Full time employees
 - Anyone out on leave
 - Any “joint employees” including those from an agency
- If multiple subsidiaries:
 - Common Management
 - Common ownership
 - Common control/ interchange of ee’s



<https://www.dol.gov/agencies/whd/ffcra>

<https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

Emergency Paid Sick Leave Act (EPSLA) Qualifying Reasons/ Payment

Compensated at regular rate of pay up to \$511/ day, \$5,110 total

- (1) the employee is subject to a federal, state or local quarantine or isolation order;
- (2) a health care provider has advised the employee to self-quarantine;
- (3) the employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;

\$511/
day

Compensated at 2/3 of regular rate up to \$200/ day, \$2,000 total

- (4) the employee is caring for someone who has been advised or ordered to quarantine;
- (5) the employee is caring for a son or daughter whose school or place of care has closed, or whose childcare provider is unavailable, because of COVID-19 precautions; or
- (6) the employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.

\$200/
day

Regular Rate of Pay! Ensure you calculate this correctly.

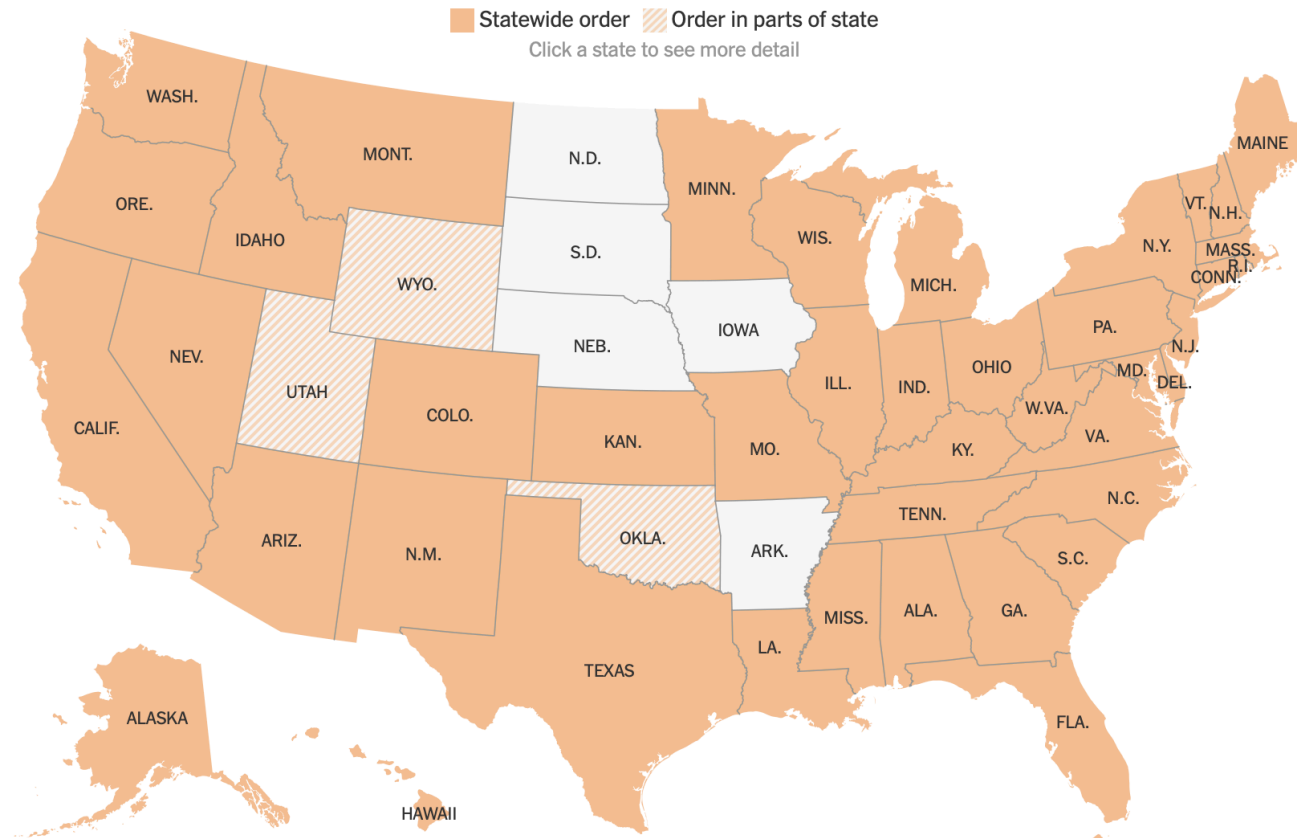
Talk with your tax professional – ie. Wegner CPA's!

<https://www.dol.gov/agencies/whd/ffcra>

Stay Home!

See Which States and Cities Have Told Residents to Stay at Home

By Sarah Mervosh, Denise Lu and Vanessa Swales Updated April 7, 2020



<https://www.nytimes.com/interactive/2020/us/coronavirus-stay-at-home-orders.html>

Regular Rate of Pay

Kat'ya is out on EPSLA. She worked a variable schedule with multiple pay rates over the last 6 months.

- Total hours worked= 1,120
- 560 hours * 15 = \$8,400
- 500 * 18 = \$9,000
- 60 * 20 = \$1,200
- Shift Diff = \$2/ hour * 560 = \$1,120
- Non-Discretionary Bonus = \$500

$$\$8,400 + \$9,000 + \$1,200 + \$1,120 + \$500 = \$20,220$$

$$\$20,220 / 1,120 = \$18.05 \text{ per hour}$$

$$\$18.05 * 8 = \$144.42 \text{ daily rate}$$



<https://www.dol.gov/agencies/whd/fact-sheets/56a-regular-rate>

<https://www.dol.gov/agencies/whd/fact-sheets/23-flsa-overtime-pay>

Exemptions

Health Care Providers

- 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.
- Any individual employed by an entity that contracts with any of the above institutions, employers, or entities institutions to provide services or to maintain the operation of the facility.
- Anyone employed by any entity that provides medical services, produces medical products, or is otherwise involved in the making of COVID-19 related medical equipment, tests, drugs, vaccines, diagnostic vehicles, or treatments.

Exemptions

Emergency Responders

- Employees who are necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19.
- Military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills.
- Includes employees who work for facilities employing these individuals and whose work is necessary to maintain the operation of the facility.
- Anyone the Governor determines is an emergency responder.

Exemptions

Small Business < 50 employees

A small business may claim this exemption if an authorized officer of the business has determined that:

- Paid sick leave or expanded family and medical leave would result in expenses and financial obligations exceeding available business revenues and cause the small business to cease operating at a minimal capacity;
- Absence of employee or employees requesting paid sick leave or expanded family and medical leave would entail substantial risk to financial health or operational capabilities of the small business because of their specialized skills, knowledge of the business, or responsibilities; or
- There are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services provided by the employee or employees requesting paid sick leave or expanded family and medical leave, and these labor or services are needed for the small business to operate at a minimal capacity.

<https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

Notice Requirements

- By April 1st, the employee rights notice must be posted in a conspicuous place at work.
- The employer must comply with both federal and state law.
- Employers may e-mail, direct mail or post the notice on an employee information internal or external website.
- Employees already laid off do not need to be given a copy of the notice.

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- ⅔ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at ⅓ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

- | | |
|---|---|
| 1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19; | 5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or |
| 2. has been advised by a health care provider to self-quarantine related to COVID-19; | 6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
| 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); | |

ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd



WH1422 REV 03/20

- <https://www.dol.gov/agencies/whd/pandemic/ffcra-poster-questions>
- https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf

OSHA Says – Take Care of Your People!

Ten Steps All Workplaces Can Take to Reduce Risk of Exposure to Coronavirus

All workplaces can take the following infection prevention measures to protect workers:

- 1 Encourage workers to stay home if sick.
- 2 Encourage respiratory etiquette, including covering coughs and sneezes.
- 3 Provide a place to wash hands or alcohol-based hand rubs containing at least 60% alcohol.
- 4 Limit worksite access to only essential workers, if possible.
- 5 Establish flexible worksites (e.g., telecommuting) and flexible work hours (e.g., staggered shifts), if feasible.
- 6 Discourage workers from using other workers' phones, desks, or other work tools and equipment.
- 7 Regularly clean and disinfect surfaces, equipment, and other elements of the work environment.
- 8 Use Environmental Protection Agency (EPA)-approved cleaning chemicals with label claims against the coronavirus.
- 9 Follow the manufacturer's instructions for use of all cleaning and disinfection products.
- 10 Encourage workers to report any safety and health concerns.

For more information, visit www.osha.gov/coronavirus or call 1-800-321-OSHA (6742).

Classifying Worker Exposure to SARS-CoV-2

Worker risk of occupational exposure to SARS-CoV-2, the virus that causes COVID-19, during an outbreak may depend in part on the industry type and need for contact within 6 feet of people known to have, or suspected of having, COVID-19.

OSHA has divided job tasks into four risk exposure levels, as shown below. Most American workers will likely fall in the lower exposure risk (caution) or medium exposure risk levels.

Occupational Risk Pyramid for COVID-19

VERY HIGH EXPOSURE RISK

Jobs with a high potential for exposure to known or suspected sources of COVID-19 during specific medical, postmortem, or laboratory procedures. Workers include:

- Healthcare and morgue workers performing aerosol-generating procedures on or collecting/handling specimens from potentially infectious patients or bodies of people known to have, or suspected of having, COVID-19 at the time of death.

HIGH EXPOSURE RISK

Jobs with a high potential for exposure to known or suspected sources of COVID-19. Workers in this category include:

- Healthcare delivery, healthcare support, medical transport, and mortuary workers exposed to known or suspected COVID-19 patients or bodies of people known to have, or suspected of having, COVID-19 at the time of death.

MEDIUM EXPOSURE RISK

Jobs that require frequent/close contact with people who may be infected, but who are not known or suspected patients. Workers in this category include:

- Those who may have contact with the general public (e.g., schools, high-population-density work environments, some high-volume retail settings), including individuals returning from locations with widespread COVID-19 transmission.

LOWER EXPOSURE RISK (CAUTION)

Jobs that do not require contact with people known to be, or suspected of being, infected.

- Workers in this category have minimal occupational contact with the public and other coworkers.

For more information, see the [Guidance on Preparing Workplaces for COVID-19](#).



The four exposure risk levels represent probable distribution of risk.

<https://www.osha.gov/coronavirus>
<https://www.osha.gov/coronavirus>

OSHA Says – Take Care of Your People!

1. Encourage workers to stay home if sick.
2. Encourage respiratory etiquette, including covering coughs and sneezes.
3. Provide a place to wash hands or alcohol-based hand rubs containing at least 60% alcohol.
4. Limit worksite access to only essential workers, if possible.
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6. Discourage workers from using other workers' phones, desks, or other work tools and equipment.
7. Regularly clean and disinfect surfaces, equipment, and other elements of the work environment.
8. Use Environmental Protection Agency (EPA)-approved cleaning chemicals with label claims against the coronavirus.
9. Follow the manufacturer's instructions for use of all cleaning and disinfection products.
10. Encourage workers to report any safety and health concerns.

CDC Says – Monitor those exposed

Pre-Screen: Employers should measure the employee's temperature and assess symptoms prior to them starting work. Ideally, temperature checks should happen before the individual enters the facility.

Regular Monitoring: As long as the employee doesn't have a temperature or symptoms, they should self-monitor under the supervision of their employer's occupational health program.

Wear a Mask: The employee should wear a face mask at all times while in the workplace for 14 days after last exposure. Employers can issue facemasks or can approve employees' supplied cloth face coverings in the event of shortages.

Social Distance: The employee should maintain 6 feet and practice social distancing as work duties permit in the workplace.

Disinfect and Clean work spaces: Clean and disinfect all areas such as offices, bathrooms, common areas, shared electronic equipment routinely.

Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19

To ensure continuity of operations of essential functions, CDC advises that critical infrastructure workers may be permitted to continue work following potential exposure to COVID-19, provided they remain asymptomatic and additional precautions are implemented to protect them and the community.

A potential exposure means being a household contact or having close contact within 6 feet of an individual with confirmed or suspected COVID-19. The timeframe for having contact with an individual includes the period of time of 48 hours before the individual became symptomatic.

Critical Infrastructure workers who have had an exposure but remain asymptomatic should adhere to the following practices prior to and during their work shift:

- ▶ **Pre-Screen:** Employers should measure the employee's temperature and assess symptoms prior to them starting work. Ideally, temperature checks should happen before the individual enters the facility.
- ▶ **Regular Monitoring:** As long as the employee doesn't have a temperature or symptoms, they should self-monitor under the supervision of their employer's occupational health program.
- ▶ **Wear a Mask:** The employee should wear a face mask at all times while in the workplace for 14 days after last exposure. Employers can issue facemasks or can approve employees' supplied cloth face coverings in the event of shortages.
- ▶ **Social Distance:** The employee should maintain 6 feet and practice social distancing as work duties permit in the workplace.
- ▶ **Disinfect and Clean work spaces:** Clean and disinfect all areas such as offices, bathrooms, common areas, shared electronic equipment routinely.

If the employee becomes sick during the day, they should be sent home immediately. Surfaces in their workspace should be cleaned and disinfected. Information on persons who had contact with the ill employee during the time the employee had symptoms and 2 days prior to symptoms should be compiled. Others at the facility with close contact within 6 feet of the employee during this time would be considered exposed.

Employers should implement the recommendations in the Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 to help prevent and slow the spread of COVID-19 in the workplace. Additional information about identifying critical infrastructure during COVID-19 can be found on the DHS CISA website or the CDC's specific First Responder Guidance page.

INTERIM GUIDANCE

This interim guidance pertains to critical infrastructure workers, including personnel in 16 different sectors of work including:

- ▶ Federal, state, & local law enforcement
- ▶ 911 call center employees
- ▶ Fusion Center employees
- ▶ Hazardous material responders from government and the private sector
- ▶ Janitorial staff and other custodial staff
- ▶ Workers – including contracted vendors – in food and agriculture, critical manufacturing, informational technology, transportation, energy and government facilities

ADDITIONAL CONSIDERATIONS

- ▶ Employees should not share headsets or other objects that are near mouth or nose.
- ▶ Employers should increase the frequency of cleaning commonly touched surfaces.
- ▶ Employees and employers should consider pilot testing the use of face masks to ensure they do not interfere with work assignments.
- ▶ Employers should work with facility maintenance staff to increase air exchanges in room.
- ▶ Employees should physically distance when they take breaks together. Stagger breaks and don't congregate in the break room, and don't share food or utensils.

Emergency Paid Sick Leave Act (EPSLA)

Qualifying Reasons/ Payment

Compensated at regular rate of pay up to \$511/ day, \$5,110 total

- (1) the employee is subject to a federal, state or local quarantine or isolation order;
- (2) a health care provider has advised the employee to self-quarantine;
- (3) the employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;

\$511/
day

Compensated at 2/3 of regular rate up to \$200/ day, \$2,000 total

- (4) the employee is caring for someone who has been advised or ordered to quarantine;
- (5) the employee is caring for a son or daughter whose school or place of care has closed, or whose childcare provider is unavailable, because of COVID-19 precautions; or
- (6) the employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.

\$200/
day

Regular Rate of Pay! Ensure you calculate this correctly.

Talk with your tax professional – ie. Wegner CPA's!

An employee calls in sick, what do I need to document?

- Talk with the employee
- Send an email to the employee recapping the conversation. (date & time stamped)
 - Reason for the leave
 - How you've calculated
 - Require them to put the following into writing:
 - The employee's name;
 - The date or dates for which leave is requested;
 - A statement of the COVID-19 related reason the employee is requesting leave and written support for such reason; and
 - A statement that the employee is unable to work, including by means of telework, for such reason.
 - Share this information with the IRS/DOL
 - Tracking hours is important – Excel can be an amazing tool!

B-SCAP	BS-900	Long Term Liabilities
B-RET	BS-950	Finance Leases
I-REVS	BS-990	Deferred Tax
I-REVO	IS-100	Share Capital
I-OTIM	IS-105	Retained Earnings - Opening Balance
I-OTIDV	IS-150	Sales
I-OTIPP	IS-155	Royalties
I-COS	IS-160	Other Income
I-DIS	IS-200	Dividends Received
	IS-305	Profit on Disposal of Assets
	IS-310	Cost of Sales
		Distribution Costs
		Advertising & Marketing
		FINANCIAL STATEMENTS

https://www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitaion_act_coronavirus.cfm

What document can I require from an employee?



- A copy of the Federal, State or local quarantine or isolation order related to COVID-19 or written documentation by a health care provider advising you to self-quarantine due to concerns related to COVID-19.
- A notice of closure or unavailability from your child's school, place of care, or child care provider, including a notice that may have been posted on a government, school, or day care website, published in a newspaper, or emailed to you from an employee or official of the school, place of care, or child care provider.
- A statement of the COVID-19 related reason the employee is requesting leave and written support for such reason; and
- A statement that the employee is unable to work, including by means of telework, for such reason.

Recommended Checklist/ Policy

Policies

1. FFCRA Policy
2. Temporary teleworking policy

Checklist/ Tracking

1. Emergency Paid Sick Leave Act (EPSL) Leave Checklist
2. Emergency Family and Medical Leave Expansion Act Checklist
3. EPSL/EFMLEA tracking form. KEY – You need this for tax credit through IRS.

ALL DOCUMENTATION MUST BE KEPT FOR 4 YEARS

<https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

<https://www.irs.gov/newsroom/covid-19-related-tax-credits-for-required-paid-leave-provided-by-small-and-midsize->



Start with the End in Mind!

- When this is over...
 - What will your organizational structure look like?
 - What processes will be changed?
 - What do you want your employees to think and feel about you as an employer?
 - What do you want the public to think about how you handled this situation?



Unemployment

April 6

THE DAILY

A Historic Unemployment Crisis

The U.S. is probably experiencing the highest rates of joblessness since the Great Depression. But with layoffs mounting daily, the real picture may be even worse than we think.

April 3

THE UPSHOT

The Unemployment Rate Is Probably Around 13 Percent

It's almost certainly at its highest level since the Great Depression. Here's how we estimated it.

By Justin Wolfers



PRINT EDITION [Unemployment Is Rising Faster Than Ever, Outpacing Official Statistics](#) | April 4, 2020, Page B3

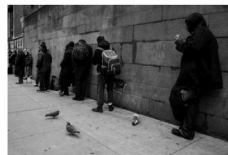
March 26

OPINION

Why Is America Choosing Mass Unemployment?

European countries are paying to preserve jobs during the coronavirus crisis. Sadly for American workers, the United States is charting its own path.

By The Editorial Board



PRINT EDITION [Mass Unemployment Was Our Choice](#) | March 27, 2020, Page A26

COVID-19 > Public > UI

Unemployment COVID-19 Public Information

Frequently asked questions about the COVID-19 Coronavirus and Wisconsin Unemployment Benefits for [claimants](#) and [employers](#).

Last updated on 3/25/2020 at 2:30 pm

Information for Claimants

[Expand All](#) | [Collapse All](#)

I was asked to update my name. Where do I go to make the update? [+](#)

I needed to start my unemployment claim (initial application) two weeks ago but I did not. Will it create an eligibility issue if I choose to start my claim to include those two weeks? [+](#)

Am I required to search for work during the COVID-19 pandemic? [+](#)

Do I still need to register for work (register with JCW) if I'm not required to do a work search? [+](#)

My employer is currently closed, and I don't have an exact return to work date, but I am going back to work for my employer. Why am I required to register on Job Center of Wisconsin (JCW)? [+](#)

I'm self-employed, can I receive unemployment benefits? [+](#)

Will I qualify for unemployment benefits if the coronavirus (COVID-19) causes my employer to shut down operations? [+](#)

My employer has not told me that I am laid off, but my workplace is closed and I don't have hours. Am I still eligible? [+](#)

My hours have been reduced, am I still eligible to apply for UI benefits even though I still have a job? [+](#)

If I work less than full-time, may I apply for unemployment if I'm out of work due to COVID-19? [+](#)

Unemployment Resources

- [Apply for Unemployment Benefits](#)
- [Other Unemployment FAQs for Claimants](#)
- [Other Unemployment FAQs for Employers](#)

COVID-19 Resources

- [Wisconsin DHS Website](#)
- [CDC Website](#)

<https://www.nytimes.com/article/coronavirus-stimulus-package-questions-answers.html>

Furlough vs. Layoff

Furlough

- Temporary lay-off with intent to bring back
- May keep employee on health insurance and/or other benefits
- No need to pay out accrued but unearned PTO

Lay-off

- Permanent lay-off/termination
- Pay out accrued but unused PTO
- COBRA health benefits

<https://www.shrm.org/resourcesandtools/hr-topics/benefits/pages/consider-these-benefit-issues-before-you-furlough>

<https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-furloughs-layoffs>

Kari would like to work from home half time due to childcare, can she?

- Is her child care location closed?
- Is there anyone else that can care for her child?
- Is her child under the age of 14?
- Can she telework?
- Can she work intermittent?



Jerry is showing symptoms, can we send him home?



https://www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitaion_act_coronavirus.cfm

Can you require employees to have their temperature checked?



Do we
have to pay
them?

Your employee, Johnny, does not have symptoms of COVID-19 but insists that he needs to take off work to avoid any exposure. Is he eligible to take EPSL?

Do you
need a
leave
request
form?

<https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>



Can you require employees to take their PTO time with the EPSL?

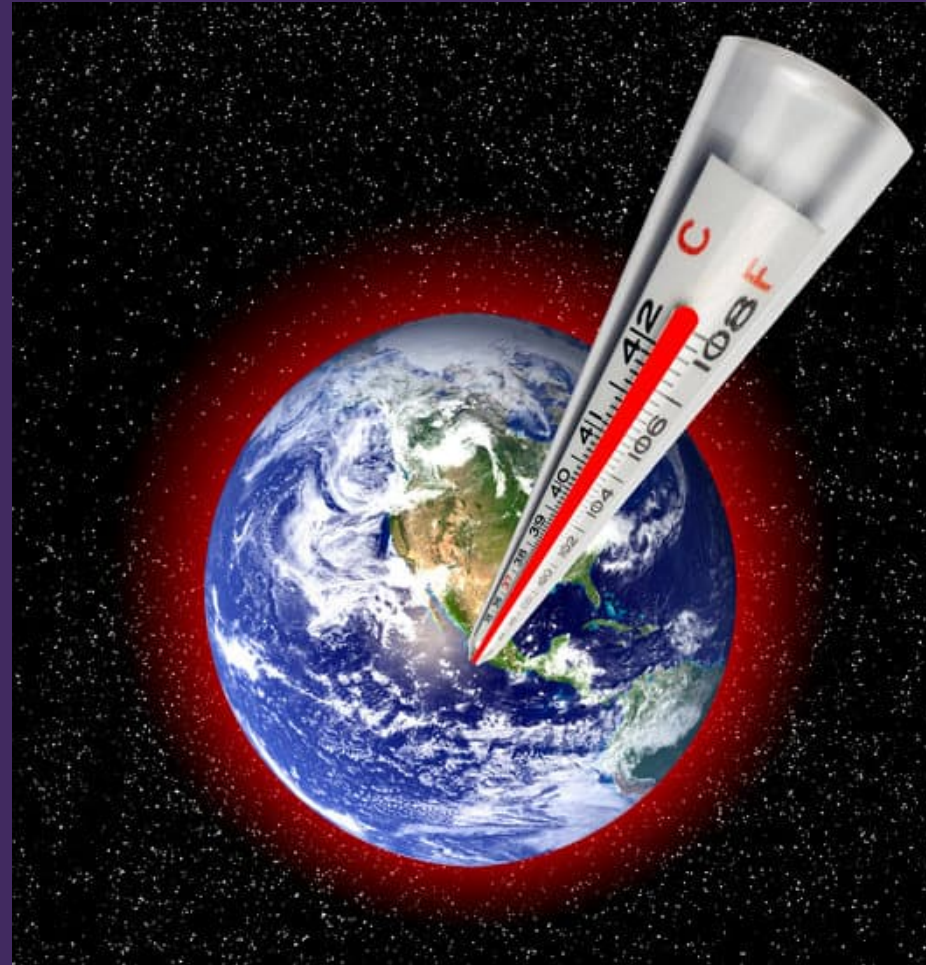


Unless
BOTH the
employee
and the
employer
agree

James is taking EFMLEA...

- James is using the EFMLEA intermittently, can they use it over a longer period of time than 12 weeks?
- For example, if James is working 2 hours a day and using 6 hours of EFMLEA Per work day, during the 12 weeks he would only use 75% of the EFMLEA Hours.
- Could he continue using 6 hours a day for another four weeks as along as the dollar amount was less than \$10,000?

World is Sick – We will Get Better.



Agenda

- Understanding who qualifies under FFCRA
- Understanding when someone can take expanded FMLA to care for a child under the age of 18
- Calculating the Regular Rate of Pay
- What if...

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Resources

- [State information on Unemployment](#)
- [Family First Coronavirus Response Act Notice FAQ](#)
- [Sick Pay Provision of the Family First Coronavirus Response Act](#)
- [DOL Families first Coronavirus Response Act FAQs](#)
- [DOL Expanded FMLA Rights](#)
- [ADA, Rehabilitation Act and COVID-19 FAQ](#)
- [COVID-19 and the Fair Labor Standards Act Q&A](#)
- [OSHA/ CDC Guidance for Workplace](#)

OSHA Resources

[Guidance on Preparing Workplaces for COVID-19 \(Spanish\)](#).

[Temporary Enforcement Guidance – Healthcare Respiratory Protection Annual Fit-Testing for N95 Filtering Facepieces During the COVID-19 Outbreak](#).

[Enforcement Guidance for Respiratory Protection and the N95 Shortage Due to the Coronavirus Disease 2019 \(COVID-19\) Pandemic](#).

[Enforcement Guidance for Use of Respiratory Protection Equipment Certified under Standards of Other Countries During the Coronavirus Disease 2019 \(COVID-19\) Pandemic](#).

[Expanded Temporary Enforcement Guidance on Respiratory Protection Fit-Testing for N95 Filtering Facepieces in All Industries During the Coronavirus Disease 2019 \(COVID-19\) Pandemic](#).

[Prevent Worker Exposure to Coronavirus \(COVID-19\)\(Spanish\)](#).

[Worker Exposure Risk to COVID-19 \(Spanish\)](#).



Questions?

Thank You



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