



What Is Life After Coronavirus?

Understanding Employer Compliance And Safety

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Agenda

- CDC Facts & State Resources
- Families First Coronavirus Response Act
- Compliance - Legal Liabilities
 - Family Medical Leave Act
 - Americans with Disabilities Act
 - Department of Labor – Compensation
 - Unemployment Compensation
 - Employee Discussion Guidelines

Agenda

- Moving forward proactive employer approach
 - Review of employee handbooks
 - FMLA, Medical Leaves of Absences
 - Temporary Remote Work Policies
 - Crisis Communication Plan & Policies – update
 - Best Practices – how do we retain furloughed workers?

What Is Life After Coronavirus?

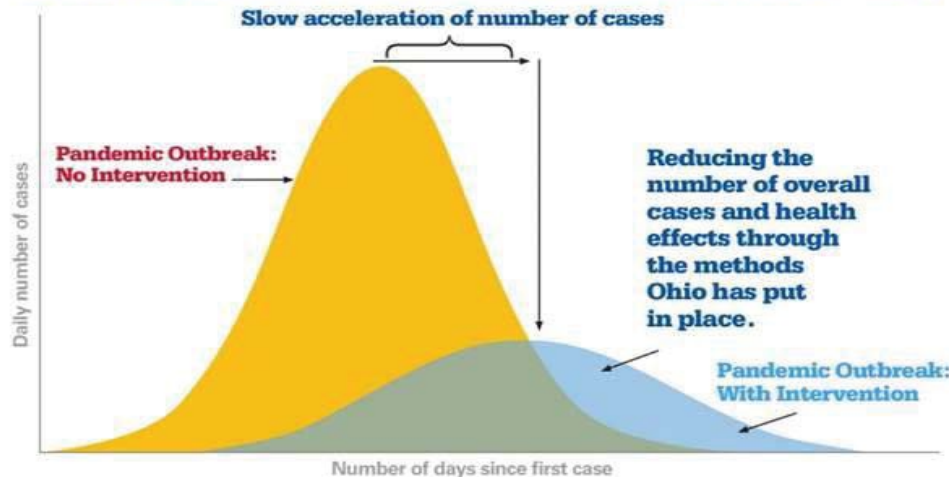
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Centers for Disease Control and Prevention, State Statistics

- 88 confirmed cases in Ohio as of March 18, 2020

GOALS OF COMMUNITY MITIGATION FOR

(COVID-19)



Source: Adapted from: CDC. Interim pre-pandemic planning guidance: community strategy for pandemic influenza mitigation in the United States—early, targeted, layered use of nonpharmaceutical interventions. Atlanta, GA: US Department of Health and Human Services, CDC; 2007. <https://stacks.cdc.gov/view/cdc/11425>.

Community Mitigation Methods in Ohio

- Social distancing
- Staying home when sick
- Implementing telework and e-learning
- Closing schools
- Banning large gatherings
- Traveling only when necessary
- Suspending visits at hospitals and nursing homes
- Monitoring those who are sick
- Moving polling locations

MIKE DEWINE
GOVERNOR OF OHIO

Ohio

Department
of Health

For more information go to
coronavirus.ohio.gov

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CDC & State Resources

- [CDC Resources](#)
- [White House Task Force](#)
- [The Ohio Channel, Governor Mike DeWine's page](#)
- [World Health Organization](#)

Employer Resources

- Shared Work Ohio
 - jfs.ohio.gov/ouio/SharedWorkOhio
 - Alternative to layoffs for employers
 - Allows workers to remain employed and employers to retain staff during times of reduced business activity
 - Employers should provide Ohio Department of Job and Family Services with a list of participating employees and specify their normal weekly hours of work, not to exceed 40 hours and not including overtime
 - Part-time employees may be eligible, but all employees in an affected unit must have their hours reduced by the same reduction percentage

Family First Coronavirus Response Act (FFCRA)

- Approved by Senate on 3-18-20
- Approved by President evening of 3-18-20
- Stay tuned for details as to effective date and specifics.

Family First Coronavirus Response Act (FFCRA)

- What does act provide?
 - Free Coronavirus testing
 - Paid emergency leave
 - Enhanced unemployment insurance
 - Additional funding for nutritional programs
 - Protections for health care workers and employees responsible for cleaning at risk places
 - Additional federal funds for Medicaid

Family First Coronavirus Response Act (FFCRA)

- Pending details for paid sick leave
 - Employers to provide 80 hours of paid sick leave for:
 - Mandated Quarantine due to COVID-19 by government or health care provider
 - At onset of symptoms for virus until medical diagnosis obtained
 - Caring for relative who is in quarantine
 - Child care due to closed school or daycare provider
 - Capped at \$511 a day for workers own care
 - \$200 a day for care of other as defined above
 - Benefits of act will expire at end of 2020

Family First Coronavirus Response Act (FFCRA)

- Large and Small Business Exceptions
 - Private businesses with more than 500 employees would not be covered
 - Employers with fewer than 50 employees could file for an exemption from providing paid leave if it “would jeopardize the viability of the business”

Family Medical Leave Act

- FMLA
 - 50 or more employees within 75 mile radius
 - 12 weeks unpaid leave for qualifying reasons
 - Quarantine issues if infected
 - Pending federal legislation for paid leave benefits
 - Would need to run concurrent with any leaves

Americans With Disabilities Act

- ADA
 - Employee may develop a disability from COVID-19 or aggravate a pre-existing disability
 - Employee may be entitled to a reasonable accommodation, providing no undue hardship to employer
 - Possible accommodations
 - Work remotely
 - Leave
 - Reduced Work Schedule
 - No Travel

Unemployment Compensation

- Will workers qualify for unemployment benefits if COVID-19 causes the employer to lay off employees due to loss of production caused by virus?
 - Yes, if employees are otherwise eligible.

Unemployment Compensation

- Will workers qualify for unemployment benefits if COVID-19 causes employer to shut down operations?
 - Yes
 - Unemployment benefit will be available **for eligible individuals** even if they are not actually diagnosed with COVID-19.
 - The waiting period for unemployment eligibility has been waived.

Unemployment Compensation

- If an employee receives unemployment benefits will the employer's unemployment taxes increase?
 - For contributing employers, charges during this timeframe will be mutualized.
 - Follow Ohio Revised Code Chapter 4141.

Unemployment Compensation

- Additional Resources
 - <http://jfs.ohio.gov/ouio/CoronavirusAndUI.stm>

Department of Labor - Compensation

- <https://www.dol.gov/coronavirus>
- <https://www.dol.gov/agencies/whd/flsa/pandemic>
- Review the above for specific guidelines keeping in mind:
 - FLSA applies to hours actually worked. It does not require employers who are unable to provide work to non-exempt employees to pay them for hours employees “would have worked”.
 - Exempt, salaried employees generally must receive their full salary in ANY week which they perform work, subject to certain very limited exceptions.

Guidelines For Employee Discussions

- Can we ask employees to go home if they are showing signs of COVID-19?
 - Yes, you can send them home and request they speak with their doctor.

Guidelines For Employee Discussions

- Can employees be asked to notify their employer if they've come in contact with someone who has COVID-19?
 - Yes
 - Visit the CDC website for guidance on how to conduct a risk assessment.
 - Sample language for employees who are ill or who are reporting that they are ill:

“We recommend you contact your doctor if you are experiencing symptoms such as fever, cough, or shortness of breath.”
 - Avoid questions regarding potential disabilities or ADA.
 - Confidentiality is key! Ensure no employee names or medical conditions are shared per HIPAA regulations.

Best Practices

- Retention of employees furloughed employees
- Conduct conversations with employees at the time of layoff, for example:
 - “Please plan to check in with us periodically, we will keep you updated as to any potential recall details as they are determined.”
- Due to the competitive labor market, communication will be key the when the time comes to re-hire key employees after this virus is resolved.

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Questions?



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