

Coronavirus and the Workplace



Unemployment Claims

The U.S. Department of Labor has granted states wide latitude in amending their laws to allow unemployment benefits in the following COVID-19 circumstances.

For example...

- (1) An employer temporarily ceases operations due to COVID-19, preventing employees from coming to work
- (2) An individual is quarantined with the expectation of returning to work after the quarantine is over
- (3) An individual leaves employment due to a risk of exposure or infection **OR** to care for a family member.



Unemployment Claims

Each state has basic eligibility requirements which must be met, in addition to the COVID-19 exceptions, in order for an individual to qualify for benefits.

1. Has to have worked a minimum number of weeks within a 1-year period (16-20 weeks).
2. Has to have earned a minimum weekly gross amount during the qualified weeks.
3. Many states are waiving any waiting periods and are not requiring the individuals to seek employment
4. On average the individual will be entitled to a maximum of 26 weeks of benefits



Managing Extended Sick Leave

Laws and healthcare programs as they currently apply:

- **FMLA** (job security but unpaid) or the organization's Medical LOA policy applies
- **STD eligibility** - 7 -8 day waiting period before becoming - Paid Time Off/ Sick time can be used to cover the waiting period. Employee will qualify for STD benefits (if applicable) for up to 12-13 weeks depending on the program
- **Long Term Disability** (LTD) usually available after 90 days pays 60% of wages
- **Worker's Comp** coverage would not apply to most of the situations involving a virus diagnosis unless it can be proven that their job put them at increased risk. (ordinary disease of life to the public)



Families First Coronavirus Act (Pending Passage in Senate)

New law will apply to

- Employers with fewer than 500 employees.
- Employers with less than 50 employees may request an exemption to comply if compliance will financially cripple the business.
- The bill will allow employees to have up to 12 weeks of job-protected paid Family Medical Leave Act (FMLA) leave under certain COVID-19 events

There are two components to the proposal

1. Emergency Paid Sick Leave
2. Emergency Paid Family Medical leave



Families First Coronavirus Act - Updated New Law

Emergency Paid Sick Leave

- Full-time employees are entitled to 2 weeks (80 hours) at their regular rate of pay
- Part-time employees are entitled to the typical number of hours that they work in a typical two-week period.

Employee issue:

(1)For recommended quarantine based on coronavirus diagnosis or (2) to seek a diagnosis based on symptoms or (3) to comply with quarantine based on exposure to the virus. The employee is entitled to 2 weeks of paid leave.

Family member issue:

- Employee is paid at two-thirds the employee's regular rate to care for a family member for such purposes for a period of 2 weeks up to \$200 per day.



Families First Coronavirus Act (Pending Passage in Senate)

Emergency Paid Family Medical Leave

- The employer must offer 12 weeks of paid family leave to employees who have worked for at least 30 days.
- The first 10 workdays of the LOA is unpaid
- Employees can use accrued PTO for the 10-day unpaid leave, but the employer cannot require them to do so.

The use of the leave include:

- To care for a child of an employee if the child's school or place of care has been closed, or the child-care provider is unavailable, due to a coronavirus event. The benefit must replace at least 2/3 of the employee wages up to \$200 per day.



When To Tell Staff to Self-Quarantine

- **If they are displaying some of the key symptoms**
 - Fever 99.6 or above
 - Cough (dry hacky cough)
 - Difficulty breathing
- They have a reasonable belief they have been exposed to the virus
- They have been diagnosed with the virus



Confidentiality of Staff Illnesses (It's the Law)

- The law prohibits the organization from revealing the name of an employee who has been diagnosed or is suspected of being ill with coronavirus.
- Sharing medical information about a specific employee has always been prohibited.
- Employees can be informed that a co-worker has been diagnosed with the virus, but the name must be withheld.
- If an employee is diagnosed with the virus the healthcare provider will report it the CDC and local health department.



Managing Staff Anxiety

- You want to be sensitive to their concerns but need to remain the voice of calm.
- Recommend that they limit their exposure to the news by selecting one time each day to check for updates.
- Continue to do the activities that relieve stress for them (hobbies, exercise, games).
- Talk to a trusted friend, family member or other personal counsel to relieve anxiety.
- Live your life, enjoy the extra time with your family.



Managing Staff Anxiety

- Offer Employee Assistance Program (EAP) access if applicable
- Give information for local COVID-19 hotlines
- Maintain open door policy at your organization
- Inform staff of a timeframe when workplace updates will be shared.

Emphasize adhering to the prescribed safety precautions and social distancing. Remember that this crisis will pass!



Questions

