

# COVID-19 Updates

Anna Chamber of Commerce

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# **Families First Coronavirus Response Act (“FFCRA”)**

- Effective from 4/1/2020-12/31/2020
- Applies to employers with less than 500 employees
- Exceptions are health care providers and small businesses with fewer than 50 employees\*

# FFCRA Small Business Exceptions

## **Small Businesses with fewer than 50 employees –**

- Would the FFCRA create a financial hardship that may cause the business to cease operating at a minimal capacity? or;
- Would the absence of employee or employees requesting time create a substantial risk to the financial health or operations because of their specialized knowledge or the business or responsibilities? or;
- Would there be sufficient workers who are available to keep business operating at a minimal capacity?

*Document reasons for exemption but do not need to submit anything*

# Families First Coronavirus Response Act (“FFCRA”)

- Key Points
  - Emergency Paid Sick Leave Act
    - Pay for up to 10 days
  - Emergency Family and Medical Leave Expansion Act
    - Pay for up to 10 weeks
- <https://www.dol.gov/agencies/whd/pandemic>

# Emergency Paid Sick Leave Act

- (1) The employee is subject to a federal, state, or local government or agency quarantine or isolation order
- (2) A health care provider has advised the employee to quarantine
- (3) The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis
- (4) The employee is caring for an individual subject to (1) or (2)
- (5) The employee is caring for a son or daughter due to a school or day care provider closure or the unavailability of a childcare provider
- (6) The employee is experiencing any other substantially similar condition specified in regulations issued by the U.S. Department of Health & Human Services (HHS)

# **Emergency Family and Medical Leave Expansion Act**

- Temporarily expands the FMLA to include “public health emergency leave” when an employee is unable to work because the employee must care for a son or daughter under age 18 due a school or day care provider closure or the unavailability of a childcare provider

# Ways to Make Working from Home Successful

- Set clear expectations for your employees – Leadership and managers need to set clear expectations from the beginning. Such as what hours of the day do you expect your employees to be online and available? How much and what type of output do you anticipate? Are there deadlines? Document and communicate exactly what you're expecting out of a remote employee.
- Keep all lines of communication open – Set up a daily or weekly Zoom meeting that allows employees to express their thoughts and ideas, go over projects, expectations etc.
- Make sure support and supplies are available – Provide education on your company's technology, so your entire workforce knows how to use it correctly. Create a guide with detailed instructions on how to do certain undertakings such as how to upload documents to a shared folder etc. Make sure everyone knows who to contact if there is a problem.
- Engage all your employees – Be sure to set aside time for one-on-one conversations throughout the week. Schedule regular team meetings via Zoon, Skype etc.
- A little trust and understanding goes a long way – If you have set expectations, your remote team has the framework to effectively work from home. Allow for flexibility and you will be able to make changes and improve over time.

# **The Plan to Re-Open Workplaces – What Does that Look Like...**

- On Friday, April 17, Governor Abbott rolled out phases on opening up Texas again. What does that mean for your business?
- It will not be as simple as switching on the lights and welcoming back employees.
- Companies need to realize they cannot just come back and resume operations exactly the way they left before the shutdown.
- Make sure employees are comfortable coming back to work
- Dallas has extended their “stay at home orders” until May 15<sup>th</sup>

# The Plan to Re-Open Workplaces – What Does that Look Like...

- Employers are starting to think about moves they might take to re-establish regular work operations. This includes:
  - Rotating schedules by staggering shifts and rotating lunch breaks
  - Establishing scheduled hand washing
  - Cleaning and disinfecting office equipment
  - Providing protective equipment in the workplace
  - Enforced social distancing
  - Any industry-specific requirements

# **The Plan to Re-Open Workplaces – What Does that Look Like...**

- Not only will employers need to consider measures to ensure the health and safety of their returning employees by phased in returns to the workplace and physical distancing but,
  - There may be a greater employee demand for flexible work schedules and remote-work arrangements as part of the new normal
  - With schools closed the rest of the academic school year, this could cause some issues for working parents.

# Furloughed Employees

- Furloughed employees agree to take an unpaid leave of absence in an effort to help their organizations cut costs temporarily. This helps employers survive an unprecedented economic downturn but still retain the talent their business needs to come back, hopefully better and stronger.
- Asking furloughed employees to return to work is cause for celebration, but don't let that get in the way of proper procedures.
- Just as you confirmed an employee's furlough with an Official letter, you should also send a furlough recall letter to all returning employees.
- In the letter, state all the facts about what has changed or has not changed with their employment and the organization.

# Items to Include in Furlough Recall Letter

- An Employment Offer – Employees may have found alternative employment while furloughed or simply do not wish to return to work at this time. Employees should be given a choice whether to accept the offer to return or reject it and have their employment terminated.
- Return to Work Date – Include the exact date when an employee is expected to return to work.
- Terms of Employment – This letter will now supersede any previous terms of employment, so it is important to get all the important details right. For example...Position, Supervisor, Salary, Hours, Exempt/Non-Exempt status.
- What's Changed – And what Hasn't – Lay out whether any of the employee's terms of employment have changed. Even if there are only small changes, not disclosing them clearly will only lead to resentment.
- New Safety Procedures – The furlough is over but, the crisis isn't. Employees should still work from home if they can. It is the employer's responsibility to create a safe work environment and work to promote social distancing.
- Reassurance – Offer employees a chance to reach out privately with any questions or concerns. This is a time of high anxiety.

# Wrap-Up

- Employers need to think through decisions carefully and thoroughly.
- There are many laws, guidelines, and ordinances to consider. By working together and communicating, this will help reducing any possible conflict.

We are glad to be a resource for any of your questions. You may contact us at:

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