



Bucks County

HR and Legal Issues In the Time of Coronavirus



Presented by:

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Introduction, thanks, and disclaimers

Handling COVID-19 in the Workplace

- Enforce social distancing
- Post signs
- Take temperatures - new EEOC guidance
- Send home -- with or without pay? ... that depends
- Use of personal time
- Be careful of disclosure ... must maintain privacy
- Test results running 5-7 days

Families First Coronavirus Response Act

Enacted

March 18, 2020

Effective

April 1, 2020

Expires

December 31, 2020



What we
DON'T
know

A LOT

Paid Sick Leave

- ALL employees
(WITHOUT LIMITATION)
- Two weeks PAID
- Effective . . .
Immediately
- No carryover/payout

EXEMPTION

- Small Business . . .

EXCLUDED

Employers "MAY ELECT"

- Health care providers
- Emergency responders



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Reasons for Use

- ASSUMPTIONS
- 6 Reasons

EMPLOYEES

- Full-time
- Part-time (varies)

RATES OF PAY

- Care for self
- Care for others

Expanded FMLA

- Existing employees only
- 12 weeks
- Qualified absence
- First 10 days UNPAID

but see

Paid Sick Leave provisions

EXEMPTION

- Small Business
- Limited exception for job restoration after 12 weeks

EXCLUDED

Employers "MAY ELECT"

- Health care providers
- Emergency responders

Restore to Position

- >25 Must restore
- <25 not required



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EMPLOYEES

- Full-time
- Part-time
- Temps

RATES OF PAY

- 2/3
- Caps

Small Business Exception

- The provision of paid sick leave or expanded family and medical leave would result in the small business's expenses and financial obligations exceeding available business revenues and cause the small business to cease operating at a minimal capacity; OR
- The absence of the employee or employees requesting paid sick leave or expanded family and medical leave would entail a substantial risk to the 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.

Other Provisions

Posters

Available on the
DOL Website

Notice

Employers should have a
FFCRA policy in effect
and forms for employees
to request leave

Do Not

Discriminate or Retaliate



For updates:

1. LinkedIn with me
2. Email me to get my blog

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