



Coronavirus

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OPEN FOR BUSINESS!

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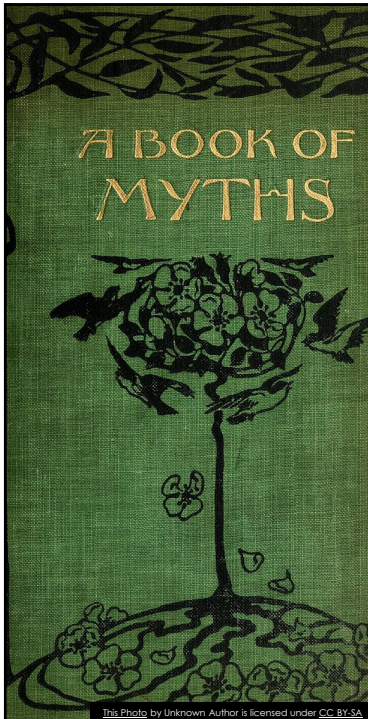


THE CORONAVIRUS PANDEMIC BEGINS

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- ▶ THIS IS NO BIG DEAL
- ▶ WE WILL JUST REOPEN
- ▶ SKEWED NUMBERS/CONSPIRACY THEORY
- ▶ WE'LL BE FINISHED WITH THIS NONSENSE IN JUNE

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FACTS

- Unprecedented times
- We're not just flinging open the doors
- Considerations:
 - Health/Safety
 - Security
 - Legal



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FINALLY!!! BUT ARE WE READY?

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- ▶ Still being asked to practice social distancing
- ▶ Still being asked to limit movements outside of home

MODIFICATION OF HOME OR WORK

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GETTING OUR EMPLOYEES BACK TO WORK

- ▶ Recalling furloughed employees
- ▶ Employers have a RIGHT to recall workers
- ▶ Recalling reduced hours employees
- ▶ What do we do with the reluctant employee?
- ▶ I'm scared to come back to work
- ▶ I don't want to come back to work...



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High risk employees may include:

1. Older employees (65+)
2. Employees with serious underlying health conditions
3. Some pregnant employees

RETURNING HIGH RISK EMPLOYEES

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MANAGING RETURNING EMPLOYEES

- ▶ Consider staggering work schedules so that employees can maintain social distance at work stations
- ▶ Sick = fever of 100.4 or greater and respiratory issues. **STAY HOME!**
- ▶ OSHA guide:
<https://www.osha.gov/Publications/OSHA3990.pdf>
- ▶ Clean high touch surfaces often

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WHAT IF AN EMPLOYEE GETS SICK?

- ▶ If an employee is confirmed to have Covid-19, employers should inform fellow employees of possible exposure but maintain ADA confidentiality
 - ▶ Employees may need 14-day quarantine—need to speak with DHEC to determine the risk
 - ▶ Work station where employee was should be isolated for 24 hours then disinfected
- ▶ CDC guidelines: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>

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WHAT IF AN EMPLOYEE GETS SICK?

- ▶ When is employee “exposed”?
 - ▶ What is “close contact”?
- ▶ When is it safe for sick employee to return to work?

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EMPLOYEES WHO REFUSE OFFER OF WORK

- ▶ Address on case-by-case basis but if they refuse to work you must report to SCDEW so unemployment benefits end
- ▶ Employees who used FMLA under the new emergency law are not eligible to use it again—they only get 12 weeks during a one year period

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Temperature testing



Require the use of masks



Require COVID-19 testing



Social Distancing, regular handwashing, etc. Don't forget the EAP!

SAFETY PRECAUTIONS FOR EMPLOYEES

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SCREENING THE PUBLIC BEFORE ENTERING A COUNTY BUILDING OR FACILITY

- ▶ Citizen temperature checks?
- ▶ Mask requirement?
 - ▶ Deny entry for refusal?

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The pandemic has created the need to revise many policies along with the creation of new policies:

1. Safety policies
2. Telework
3. Cross Training
4. Coronavirus
5. Benefits
6. Return to Work

COVID 19 POLICIES

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Unconfirmed COVID-19 with illness Confirmed COVID-19 with no illness Confirmed COVID-19 with illness but no hospitalization Confirmed COVID-19 with illness and hospitalization

SO WHEN IS IT SAFE TO RETURN?

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LAWSUIT!

LEGAL

- ▶ OSHA
- ▶ ADA
- ▶ WORKERS COMPENSATION
- ▶ DISCRIMINATION ISSUES
- ▶ HARASSMENT
- ▶ ABSENTEEISM
- ▶ OH MY!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

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STILL HAVE TO WORRY ABOUT COMPLIANCE!

- ▶ **Mandatory Quarantine – Non-exempt – paid for work performed; Exempt – paid weekly salary unless NO work performed in that week**
- ▶ **Remote Work – require your employees to maintain time records.**

FAIR LABOR STANDARDS ACT

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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:


<ol style="list-style-type: none"> 1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19; 2. has been advised by a health care provider to self-quarantine related to COVID-19; 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); 	<ol style="list-style-type: none"> 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 6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.
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▶ **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.

For additional information or to file a complaint:
1-866-487-9243
 TTY: 1-877-588-5627
dol.gov/agencies/whd



WAGE AND HOUR DIVISION
 UNITED STATES DEPARTMENT OF LABOR



WH402 REV 03/20

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PROVIDES \$150 BILLION IN DIRECT AID TO STATE AND LOCAL GOVERNMENTS

- ▶ South Carolina received \$1.996 Billion
- ▶ Local governments could apply directly <500,000 population
- ▶ For reimbursement of COVID-19 related expenses incurred between March 1-December 30, 2020

CARES ACT

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WHAT DO WE DO?

- ▶ DOCUMENT
- ▶ DOCUMENT
- ▶ DOCUMENT

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► **QUESTIONS?**

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