

COVID-19 Town Hall Series – Download Recording Now! How will existing and new regulations impact your mission-driven organization?

Date Recorded: Monday, March 23, 2020

12:00 – 1:15 pm

www.nonprofithr.com/covid19

Virtual Town Hall

Today's Presenters





Lisa McKeown
Practice Leader, Total
Rewards
Nonprofit HR

Eric Salyers
Senior HR Business
Partner/Benefits
Nonprofit HR



Virtual Town Hall-

How will existing and new regulations impact your mission-driven organization?

Today's Focus



- Steps to Take Leave Programs
- HIPAA and ADA Considerations
- Workers Compensation
- Unemployment Insurance
- Q&A



Families First Coronavirus Response Act The Big Picture

- Applies to private sector & governmental entities employing fewer than 500 employees (employers with fewer than 50 employees <u>may</u> later be deemed exempt by the Secretary of Labor through subsequent regulations)
- Requires employers to provide emergency paid family and sick leaves
- Requires all group health plans to cover COVID-19 testing without employee cost-sharing
- Employers will be provided refundable tax credits against their employer portion of Social Security taxes for 100% of the qualified sick leave and family leave wages paid in accordance with the Act.
- Link to review this legislation as passed by Congress and signed into law by the President: https://www.congress.gov/bill/116th-congress/house-bill/6201/text

Families First Coronavirus Response Act Emergency Paid Family Leave (effective 4/2 – 12/31/2020)

Key Provisions:

- Employees must be employed at least 30 days to be eligible.
- Provides job protection and up to 12 weeks of paid leave for any employee with a COVID-19
 qualifying event who can't work or telework due to an illness or have children home and can't
 work.
- Leave will be paid at 2/3 of employee's regular rate of pay.
- Up to the first 10 days of leave can be unpaid, leave payments are capped at \$200/a day.
- First responders or healthcare workers are not required to provide this leave.

Families First Coronavirus Response Act Emergency Paid Sick Leave (effective 4/2 – 12/31/2020)

Key Provisions:

- No length of service requirement.
- Full time employees receive up to 80 hours; part time employees receive the average of hours worked in the prior two weeks.
- For those sick, the benefit is capped at \$511 per day; for those caring for other the benefit is capped at \$200 per day.
- This emergency is leave is in addition to what employers already offer; employees can't be forced to take other sick leave prior to taking leave under this emergency paid sick leave benefit.
- Notice of benefit (provided by 3/25) must be shared with employees.

Families First Coronavirus Response Act Changes to Group Health Plans (effective 4/2 – 12/31/2020)

Key Provisions:

- Group health plans (fully and self-insured) must cover the cost of COVID-19 testing without requiring employee cost sharing, prior authorization, or any other medical management restrictions. This includes coverage for:
 - Diagnostic testing products
 - Items and services provided to an individual during health care provider office visits (including in-person and telehealth visits)
 - Urgent care center visits
 - Emergency room visits that result in an order for the test, the administration of the test, or the evaluation of the individual to determine whether the test is needed.

Things to do Now Leave Programs

- Create new earnings/pay codes in your payroll system
 - Provides method to track payments made to employees under each FFCRA benefit
 - Provides method to exclude the 6.2% OASDI (Social Security) employer tax obligation on FFCRA benefit payments
 - Accumulators on codes could help track maximum FFCRA benefit payment allowed
 - If your organization does not create new codes, alternate means will be needed to accurately process FFCRA benefit payments
- Determine method by which your organization will track FFCRA benefits
 - Does your organization have time & resources to configure these benefits in your HRMS/Payroll system?
 - If not, which method will your organization use as a solution for this need (e.g. Excel spreadsheets, etc.)
- Determine how your employees will request FFCRA benefits
 - Can these new benefits be integrated in your current process or will you need to create a new process?

Steps to Take Now HIPAA and ADA Considerations

HIPAA primarily covers medical records maintained by health care providers and health plans.

ADA is a civil rights act that prohibits discrimination based on disability.

- Employer should notify workforce of a potential exposure
- Employers can ask a potentially ill employee to go home
- You can share the health plan name and number with a loved one for purposes of ensuring coverage and payment

Do not identify or include details that would permit any means of identifying the ill employee!

The practice of requesting a potentially ill employee go home must be consistently applied!

Have employee emergency and contact information readily available!

Steps to Take Now Workers' Compensation Considerations

- Absent any state legislation, an employee seeking worker's compensation for a coronavirus infected must still provide medical evidence to support the claim that they contracted coronavirus at work.
- If an employee is a health care worker or first responder, then they will likely be able to file and receive workers compensation.

Steps to Take Now Unemployment Insurance Considerations

- The DOL announced new guidance on March 12, 2020 outlining flexibilities that states have in administering their unemployment insurance. Under the guidance, federal law permits significant flexibility for states to amend their laws to provide UI benefits in multiple scenarios related to COVID-19:
 - (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.
- Check with your state department of labor to see what the requirements are and what
 accommodations have been made with respect to COVID-19. Any employee affected by
 reduced hours or shutting down of operations due to COVID-19 should apply for UI benefits
 regardless.

Important Takeaways

- 1. Encourage employees to use telemedicine for physical and mental health needs.
- 2. Send employees home who are potentially ill.
- 3. Be consistent across all of your employment practices during the Coronavirus Pandemic.
- 4. Families First Coronavirus Response Act emergency leave programs begin April 2nd, be ready!



What to do if you are sick with coronavirus disease 2019 (COVID-19)

Keep your safety top of mind!

Download tools from our new Coronavirus Digital Information Portal



What you need to know about coronavirus disease 2019 (COVID-19)



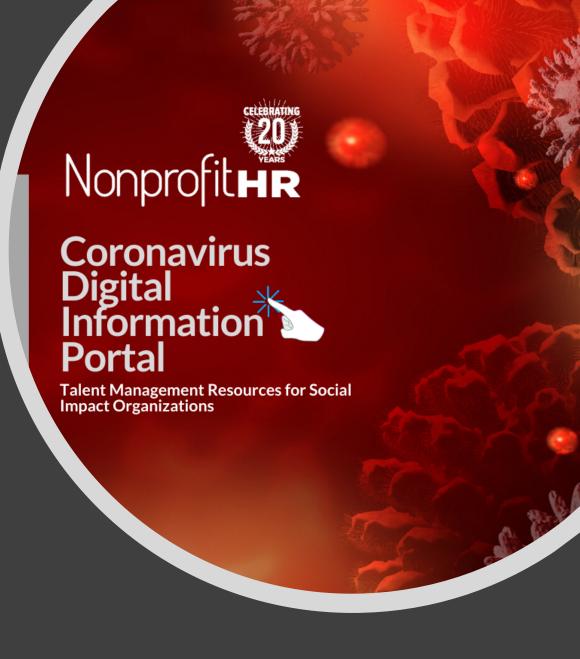
to others, you should

ongoing spread of COVID-197

Is there a treatment?

Sample List Coronavirus Trustworthy Resources

- General Updates:
 - CDC travel notices
 - CDC COVID-19 webpage
 - WHO COVID-19 webpage
 - Live news updates from the <u>New York</u> <u>Times</u>, <u>CNN</u> and <u>Washington Post</u>
 - DC's Metro system has activated its <u>pandemic</u> <u>task force</u> and increased cleanings
 - State of Maryland Department of Health <u>Coronavirus Response Alert</u>
 - Virginia Department of Health <u>Coronavirus</u> <u>Information Page</u>



New Resources on our Coronavirus Digital Information Portal! Nonprofithr.com/covid-19

Health Insurance Portability and Accountability Act (HIPAA), American with Disabilities Act (ADA) and COVID-19





organizations meet

HIPAA applies prima maintained by health maintains and transm electronic form. Any h which exists outside of the files of health plan This means that works relate to other employ insurance, disability, w long-term care insura

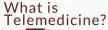
While HIPPA does not Americans with Disab Employers are require medical information a

This one-pager offers a variety of potential s regulations. However our practical advice to

If you are ready to improve your social in

Call us: 202.785.2060

Nonprofit HR is the leading professiona



Teleme freedo

health

service

discret

techno

may us

Call us





discretion that state assist employees aff permits significant fl multiple scenarios r henefits when

from coming to w

2. An individual is o quarantine is ove 3. An individual lea family member, I receive benefits

An individual receivi generally speaking, t unemployment insu

Check with your sta reduced hours or sh benefits regardless.







Workers' Compensation





If the employee is a health care w state law). For other categories of possible but would be specific to

The virus is not an "injury" but is i . the illness or disease must be

- employment; and the illness or disease must aris
- risk of contracting the disea

benefiting the employer and whe Even if the employer takes all of claim may be determined where the exposure was peculiar to the

coronavirus infection will still ha to contest such a claim may be at employee's medical evidence is



WAGE & HOUR ISSUES





The Fair Labor Standards Act (FLSA) does not typically require employers to continue to pa employees who are not working. Minimum wage and overtime requirements attach to hours

worked in a workweek so employees who are not working are typically not entitled to paymen Employers may, however, still be required to pay exempt "white collar" workers that are paid on a

salary basis. If an exempt employee performs at least some work in a workweek, the salary basi: rules require that they be paid the entire salary for that particular workwee

contract, collective bargaining agreement, or some other policy or practice that is enforceable as a

When thinking through whethe<mark>r o</mark>r not to pay employees, employers should also consider the public relations aspect of not paying employees who may not be working if they have contracted or are avoiding COVID-19. Given the publicity surrounding this outbreak, it is possible that situations involving these kinds of issues could reach the media and damage an employer's reputation and

Can we charge time missed to vacation and leave balances

employee. This should be done in full-day increments for exempt employees to preserve their FLSA classification. Non-exempt employees' balances may be reduced in any increment practical or as









"FAMILIES FIRST **CORONAVIRUS RESPONSE ACT"**

INSIDE:

- The Big Picture
- Emergency Paid Family Leave
- **Emergency Paid Sick Leave**
- Changes to Group Health Plan Coverage Related to COVID-19 Testing

Visit us online:

Nonprofithr.com/covid19

Email us:

covid19@nonprofithr.com

Call us:

202.785.2060

