



Nonprofit**HR**

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

- Families First Coronavirus Response Act
- 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 may 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!

Nonprofitthr.com/covid19



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

If you are sick with COVID-19 or suspect you are infected with the virus that causes COVID-19, follow the steps below to help prevent the disease from spreading to people in your home and community.

Stay home except to get medical care

You should restrict activities outside your home, except for getting medical care. Do not go to work, school, or public areas. Avoid using public transportation, ride sharing, or taxis.

Separate yourself from other people and animals in your home

People: As much as possible, you should stay in a specific room and away from other people in your home. Also, you should use a separate bathroom, if available.

Animals: Do not handle pets or other animals while sick.

See [COVID-19 and Animals](#) for more information.

Call ahead before visiting your doctor

If you have a medical appointment, call the healthcare provider and tell them that you have or may have COVID-19. This will help the healthcare provider's office take steps to keep other people from getting infected or exposed.

Wear a facemask

You should wear a facemask when you are around other people (e.g., shopping, a visit or visit to a pet and before you enter a healthcare provider's office. If you are not able to wear a facemask (for example, because it causes trouble breathing), then people who live with you should not stay in the same room with you, or they should wear a facemask if they enter your room.

Cover your coughs and sneezes

Cover your mouth and nose with a tissue when you cough or sneeze. Throw used tissues in a lined trash can, immediately wash your hands with soap and water for at least 20 seconds, or clean your hands with an alcohol-based hand sanitizer that contains at least 60% alcohol covering all surfaces of your hands and rubbing them together until they feel dry. Soap and water should be used preferentially if hands are visibly dirty.

Avoid sharing personal household items

You should not share dishes, drinking glasses, cups, eating utensils, towels, or bedding with other people in your home. After using these items, they should be washed thoroughly with soap and water.

Clean your hands often

Wash your hands often with soap and water for at least 20 seconds. If soap and water are not available, clean your hands with an alcohol-based hand sanitizer that contains at least 60% alcohol, covering all surfaces of your hands and rubbing them together until they feel dry. Soap and water should be used preferentially if hands are visibly dirty. Avoid touching your eyes, nose, and mouth with unwashed hands.

Clean all "high touch" surfaces every day

High touch surfaces include counters, tabletops, doorknobs, bathroom fixtures, toilets, phones, keyboards, tablets, and bedside tables. Also, clean any surfaces that may have blood, stool, or body fluids on them. Use a household cleaning spray or wipe, according to the label instructions. Labels contain instructions for safe and effective use of the cleaning product including precautions you should take when applying the product, such as wearing gloves and making sure you have good ventilation during use of the product.

Monitor your symptoms

Seek prompt medical attention if your illness is worsening (e.g., difficulty breathing). Before seeking care, call your healthcare provider and tell them that you have, or are being evaluated for, COVID-19. Put on a facemask before you enter the facility. Your steps will help the healthcare provider's office to keep other people in the office or waiting rooms from getting infected or exposed.


Ask your healthcare provider to call the local or state health department.

Persons who are placed under active monitoring or facilitated self-monitoring should follow instructions provided by their local health department or occupational health professionals, as appropriate.

If you have a medical emergency and need to call 911, notify the dispatch personnel that you have, or are being evaluated for, COVID-19. If possible, put on a facemask before emergency medical services arrive.

Discontinuing home isolation

Persons with confirmed COVID-19 should remain under home isolation precautions until the risk of secondary transmission to others is thought to be low. The decision to discontinue home isolation precautions should be made on a case-by-case basis, in consultation with healthcare providers and state and local health departments.



For more information: www.cdc.gov/COVID19



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

What is coronavirus disease 2019 (COVID-19)?

Coronavirus disease 2019 (COVID-19) is a respiratory illness that can spread from person to person. The virus that causes COVID-19 is a novel coronavirus that was first identified during an investigation into an outbreak in Wuhan, China.

Can people in the U.S. get COVID-19?

Yes, COVID-19 is spreading from person to person in parts of the United States. Risk of infection with COVID-19 is higher for people who are close contacts of someone known to have COVID-19, for example healthcare workers, or household members. Other people at higher risk for infection are those who live in or have recently been in an area with ongoing spread of COVID-19. Learn more about places with ongoing spread at <https://www.cdc.gov/coronavirus/2019-nCoV/AboutTransmission.html#page=6>.

Have there been cases of COVID-19 in the U.S.?

Yes. The first case of COVID-19 in the United States was reported on January 21, 2020. The current count of cases of COVID-19 in the United States is available on CDC's webpage at <https://www.cdc.gov/coronavirus/2019-nCoV/cases-in-us.html>.

How does COVID-19 spread?

The virus that causes COVID-19 probably emerged from an animal source, but is now spreading from person to person. The virus is thought to spread mainly between people who are in close contact with one another (within about 6 feet) through respiratory droplets produced when an infected person coughs or sneezes. It also may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes, but this is not thought to be the main way the virus spreads. Learn what is known about the spread of newly emerged coronaviruses at <https://www.cdc.gov/coronavirus/2019-nCoV/about/transmission.html>.

What are the symptoms of COVID-19?

Patients with COVID-19 have had mild to severe respiratory illness with symptoms of:

- fever
- cough
- shortness of breath

What are severe complications from this virus?

Some patients have pneumonia in both lungs, multi-organ failure and in some cases death.

How can I help protect myself?

People can help protect themselves from respiratory illness with everyday preventive actions:

- Avoid close contact with people who are sick.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Wash your hands often with soap and water for at least 20 seconds. Use an alcohol-based hand sanitizer that contains at least 60% alcohol if soap and water are not available.

If you are sick, to keep from spreading respiratory illness to others, you should:

- Stay home when you are sick.
- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces.

What should I do if I recently traveled from an area with ongoing spread of COVID-19?

If you have traveled from an affected area, there may be restrictions on your movements for up to 2 weeks. If you develop symptoms during that period (fever, cough, trouble breathing), seek medical advice. Call the office of your health care provider before you go, and tell them about your travel and your symptoms. They will give you instructions on how to get care without exposing other people to your illness. While sick, avoid contact with people, don't go out and delay any travel to reduce the possibility of spreading illness to others.

Is there a vaccine?

There is currently no vaccine to protect against COVID-19. The best way to prevent infection is to take everyday preventive actions, like avoiding close contact with people who are sick and washing your hands often.

Is there a treatment?

There is no specific antiviral treatment for COVID-19. People with COVID-19 can seek medical care to help relieve symptoms.



For more information: www.cdc.gov/COVID19

Download tools from our new Coronavirus Digital Information Portal

Sample List Coronavirus Trustworthy Resources

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



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



What is Telemedicine?



Unemployment Insurance



Workers' Compensation



WAGE & HOUR ISSUES



Must we keep paying employees who are not working?

It depends...

If the employee is a health care worker (under state law). For other categories of workers, it is possible but would be specific to the jurisdiction.

The virus is not an "injury" but is a disease." To be an occupational disease, it must be caused by two things:

1. An employer temporarily suspends an employee from coming to work.
2. An individual is quarantined, and the quarantine is over.
3. An individual leaves a household with a family member. In this case, the individual must not receive benefits during the suspension.

An individual receiving unemployment insurance benefits is generally speaking, the unemployed individual.

Check with your state to see if accommodations have reduced hours or shutdowns. You may lose benefits regardless.

If you are ready to improve your question, contact us. Some

Call us: 202.785.2060
Email us: covid19@nonprofit

Nonprofit HR is the leading professional services firm focused exclusively on the talent and culture needs of the social impact sector.

Call us: 202.785.2060
Email us: covid19@nonprofitthr.com

The Fair Labor Standards Act (FLSA) does not typically require employers to continue to pay 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 payment.

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 basis rules require that they be paid the entire salary for that particular workweek.

Employers may also have a legal obligation to continue paying employees because of an employment contract, collective bargaining agreement, or some other policy or practice that is enforceable as a contract under state law.

When thinking through whether or 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 employee morale.

Can we charge time missed to vacation and leave balances?

The FLSA generally does not govern any leave policies an employer may have in place; however, state laws will vary on what may or may not be done with leave depending on the circumstances.

Generally, an employer may reduce leave balances for time not worked to continue to pay the 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 designated by policy.

If you are ready to improve your social impact organization's approach to HR, contact us. Someone from our team will be in touch shortly.

 Call us: 202.785.2060

Nonprofit HR is the leading professional HR consulting firm for nonprofits. We help you build a strong HR foundation, so you can focus on your mission.

CELEBRATING
20
YEARS

Nonprofit**HR**

"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](https://nonprofithr.com/covid19)

Email us:

covid19@nonprofithr.com

Call us:

202.785.20 60



Nonprofit**HR**

Questions?

Reach out to Nonprofit HR at
info@nonprofithr.com

Stay connected to Nonprofit HR's Coronavirus Digital Information Portal for Sector-Specific Updates
nonprofithr.com/covid19