Workplace Guide to COVID-19: Solutions to Employment and Benefits Challenges

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Agenda

- **1** | Quarantines, Absences and Telecommuting
- 2 | Health Information and Privacy
- **3** | Employee Benefits
- 4 | Government Assistance

Questions?

Email your questions and comments during the presentation to:

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Quarantines, Absences and Telecommuting

Ensuring Workplace Safety

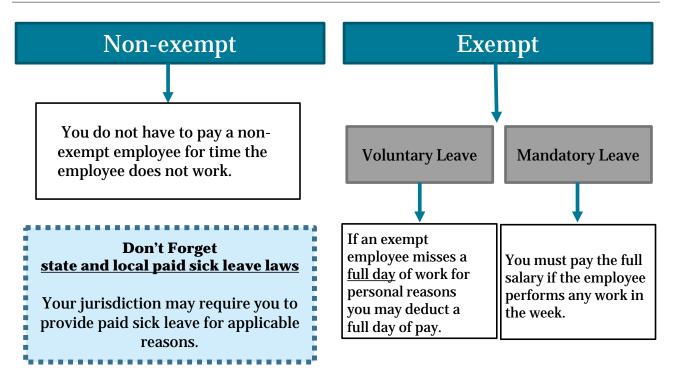
- **Understand OSHA** safety requirements
- Review applicable OSHA (and state OSHA) and CDC guidance
- Actively encourage sick employees to stay home
- **Educate** employees about proper hygiene and how to recognize COVID-19 symptoms

Leave and Telecommuting Policies

Implement and communicate consistent policies.

- Paid or unpaid leave policy, including any extension of sick leave or vacation time
- Whether employee must obtain medical documentation to return to work
- □ Telecommuting policy
- □ Leave-sharing policies, if applicable

Do I Need to Pay My Employees on Leave?



Can Employees Be Required to Report to Work?

- Generally yes
- Workers' compensation liability is unlikely
- *But* consider that the coronavirus is fast-moving and health guidance may lag behind
- Employers might risk breaching local health and safety rules (e.g., OSHA)
- Prepare for a shelter in place order



Special Considerations Across Jurisdictions

- Wage and sick leave laws
- Unemployment insurance
- WARN Acts
- Employment anti-discrimination laws

Health Information and Privacy

Health Information and Privacy

The guy down the hall is coughing. I suspect that he has the coronavirus. Now what?

What information can I require employees to disclose?

Under what circumstances?

Can I take employees' temperatures or conduct other on-site health checks?

Can I make them go get tested?

Are we subject to HIPAA obligations or restrictions?

Employee Benefits

Solutions to Benefit Challenges

Access to Benefits While Employees Are on Leave

- Health Coverage
- Short-Term Disability Coverage
- Health Plan Coverage of COVID-19 Tests and Treatment
- Long-Term Disability and Life Insurance



Solutions to Benefit Challenges

Some Additional Observations

- 401(k) Investments, Hardship Withdrawals, and Loans
- Pension Funding
- Continuation of Plan Operations
- "Conduct of Business" Clauses in M&A Transactions
- Workers Other than Common-Law Employees



Fringe Benefit Issues

Dependent care assistance Dependent FSA election changes Emergency backup childcare

Commuting considerations

Meals

Disaster relief payments

Government Assistance

Federal Action

Trump's Payroll Tax Proposal House Bill

Emergency family and medical leave

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- Emergency paid sick leave
- Leave Donation

Questions or Comments?



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