

Are You Prepared for COVID?

Being Prepared WHEN – Not IF
An Employee Tests Positive

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COVID Wave 2

- ◆ Coast to coast spikes in the number of cases...
- ◆ Personal opinions are irrelevant!
 - ◆ Not about the virus itself...
 - ◆ Not about the government's response...
 - ◆ Not about your employee's reasonable or unreasonable fears...



Families First COVID Response Act

- ◆ The FFCRA went into effect on 4/1/2020
- ◆ Covers employers up to 500 employees.
- ◆ What it provides:
 - ◆ Every Employee receives up to 80 hours of Paid Sick Leave for COVID related occurrences
 - ◆ Employee catches COVID
 - ◆ Employee caring for close family member positive with COVID
 - ◆ Employee is required to quarantine or isolate
 - ◆ Employee needs to care for a child unable to attend school due to shutdowns.

Families First COVID Response Act



- ◆ Emergency Family Medical Leave Act (eFMLA)
 - ◆ Up to 12 weeks of partially paid time (2/3 rate of pay).
 - ◆ ONLY usable for caring for children unable to attend school/daycare due to mandated shutdowns or class quarantines.
 - ◆ First two weeks are unpaid, but covered by COVID Sick Pay (still at 2/3 rate of pay)

Families First COVID Response Act

- ◆ How is this paid sick time funded?
 - ◆ Primarily through the 6.2% SSI payment made every payroll period.
 - ◆ If the SSI payment is not enough to account for COVID Sick Pay, it acts as a loan that carries over to the next pay period.
 - ◆ At quarter end, if there is a COVID balance owed to you, the 1.45% FICA/MEDI payment can be pulled on.

Pretty straight forward, right?

But Wait! There's More!

FFCRA – Common Variances

- ◆ Part Time Employees – 80 hours modified by regularly schedule
- ◆ Performance Pay – The COVID sick pay rate may need to be calculated.
- ◆ FFCRA does NOT cover base 'fear' of possible exposure.
- ◆ IF jobs can be converted to remote, sick pay does not have to be paid unless employee is physically unable to perform job tasks.
- ◆ Expiration: As of right now, FFCRA is set to expire at the end of Dec.
 - ◆ What will the next chapter hold?

Pre-Example Assumptions

1. You already have a COVID response policy in place.
2. You actively want employees to get back to work as quickly as possible.
3. Daily operations already require standard precautions of masking, distancing, and sanitation.

Example 1:

- ◆ Employee wakes up feeling sick with possible COVID symptoms:
 - ◆ Suggested 48-hour 'Waiting Period' before testing to distinguish between COVID and Common Cold.
 - ◆ Recovery from symptoms and/or negative test result = Return to work.
 - ◆ Positive results = Proceed accordingly with recommended quarantine period.
 - ◆ All time spent out of work due to symptoms and/or waiting for test results gets paid under FFCRA.

Example 2:

- ◆ Employee learns an individual they recently interacted with has tested positive.
- ◆ Investigation: Ask questions to learn how close of contact
- ◆ If Credible Exposure: Employee is quarantined and sent for testing.
- ◆ If NOT Credible: Any response from quarantine anyway to return to work fully.

Example 3:

- ◆ Employee decides independently to get tested and only informs management after being quarantined awaiting test results
 - ◆ If there is no credible reason for the test, then standardly available PTO should be used until results are returned.
 - ◆ If negative, return to work.
 - ◆ If positive, switch used time to COVID sick pay.

EITHER WAY, DISCIPLINARY ACTION MAY BE WARRANTED DUE TO FAILING TO FOLLOW STATED COVID POLICY (assuming again that you have an official policy in place!)

Example 4:

- ◆ Employee reports that a 'Friend of a Friend' has tested positive.
- ◆ Management Response: 'Get back to work!'



Example 5:



- ◆ Employee needs to care for a child or other house-sharing individual who tested positive for COVID.
 - ◆ Caring for someone infected by COVID qualifies for FFCRA Paid Sick Time.
 - ◆ Efforts should be taken to minimize direct exposure even in the
 - ◆ Technicians should stay isolated until a negative test result is provided.

Example 6:

- ◆ Employee needs time to care for children unable to attend school due to mandated closures.
- ◆ Government Ordered School Closings
- ◆ Individual Class Quarantine
- ◆ Family schedule challenges – Single parents especially!

Qualifies for up to 80 hours FFCRA Paid Sick time at 2/3 the regular/average rate of pay
May qualify for an additional 10 weeks of eFMLA

eFMLA time does NOT have to be taken in a single block of time.

Questions?



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Analyze EVERY situation as bias-free as possible.

Understand Employees are just as confused and frustrated as their employers.

SOME situations will be attempts at subterfuge.

Remember, the law does not care about your opinions about COVID.



QUESTIONS - CONTACT US



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