



COVID-19 Best Practices

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Presentation Agenda

- Introductions
- Submitted Questions
- Follow-Up Questions – send to askbhs@bhsins.com

Our Team



Denise Neuhaus
HR & Compliance



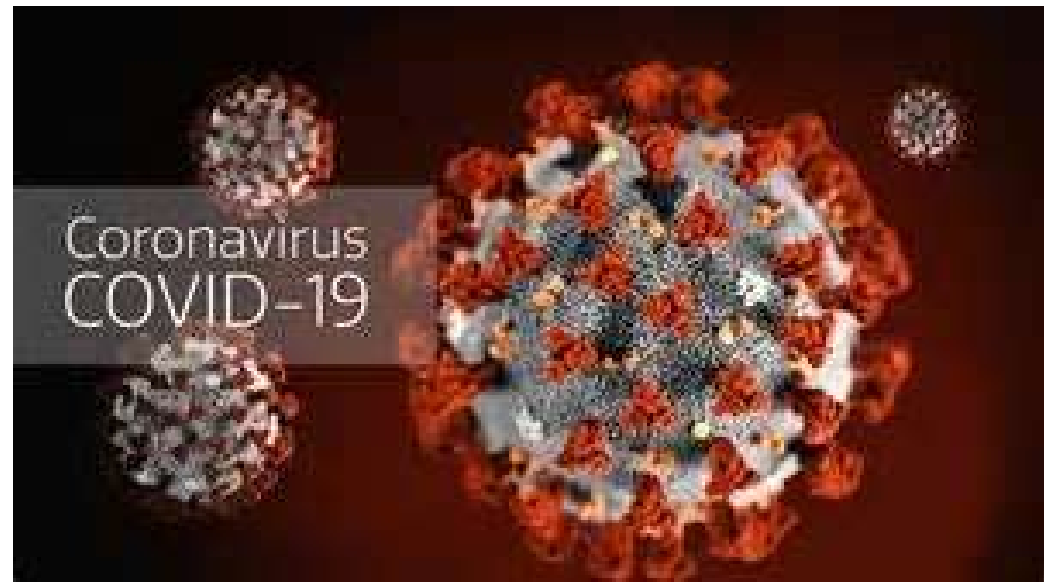
Rich DeLeau
Safety Advisor



Chris Scholten
Safety Advisor

Welcome

Thank you for joining us...



This presentation is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Participants should contact legal counsel for detailed advice customized to your situation and your organization.

We would also like to note: regulations and guidance related to this pandemic changes frequently. We will continue to provide updates on the most up-to-date State and Federal guidance. We have focused on Michigan laws when referencing State laws.

Employee Sick at Work

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Separate Sick Employees

- Employees who appear to have symptoms (i.e., fever, cough, or shortness of breath) upon arrival at work or who become sick during the day should immediately be separated from other employees, customers, and visitors and sent home
- If an employee is confirmed to have COVID-19 infection, employers should inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA)

After Exposure

- Close Contact
 - <6 feet
 - prolonged period of time
- What about doctor's notes?
- Refer exposed employees to the CDC Public Health Recommendations for Community Exposure:
 - <https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html>

FFCRA

Paid Leave Requirements

Qualifying Reasons for Leave

An employee qualifies for paid sick time if the employee is unable to work (**or unable to telework**) due to a need for leave because the employee:

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);
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Under the FFCRA, an employee qualifies for expanded family leave if the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19.

Duration of Leave

- **For reasons (1)-(4) and (6):** A full-time employee is eligible for up to 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period
- **For reason (5):** A full-time employee is eligible for up to 12 weeks of leave at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period

Calculation of Pay

- **For leave reasons (1), (2), or (3):** employees taking leave shall be paid at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period)
- **For leave reasons (4) or (6):** employees taking leave shall be paid at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period)
- **For leave reason (5):** employees taking leave shall be paid at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period—two weeks of paid sick leave followed by up to 10 weeks of paid expanded family and medical leave)

Tax Credits

- Covered employers qualify for dollar-for-dollar reimbursement through tax credits for all qualifying wages paid under the FFCRA
- Qualifying wages are those paid to an employee who takes leave under the Act for a qualifying reason, up to the appropriate per diem and aggregate payment caps
- Applicable tax credits also extend to amounts paid or incurred to maintain health insurance coverage

EFMLA - childcare

- Employer determines if they would like to offer on an intermittent basis
- Generally not eligible if telework is available
- Would not apply if employee is already on layoff or company is shutdown
- Employee should provide the following documentation:
 - The name of your child;
 - The name of the school, place of care, or child care provider that has closed or become unavailable; and
 - A statement that no other suitable person is available to care for your child.

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;
- $\frac{2}{3}$ 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 $\frac{2}{3}$ 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; or6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
|---|---|

► 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.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd



WH1422 REV 03/20

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DOL Q&A Posting

- <https://www.dol.gov/agencies/whd/pandemic/ffcra-poster-questions>
- **Where do I post this notice? Since most of my workforce is teleworking, where do I electronically “post” this notice?** Each covered employer must post a notice of the Families First Coronavirus Response Act (FFCRA) requirements in a conspicuous place on its premises. An employer may satisfy this requirement by emailing or direct mailing this notice to employees, or posting this notice on an employee information internal or external website.

Employee Benefits

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Emergency Sick Leave

- Emergency FMLA – benefits should be continued as if the employee is working, in the same terms as “regular” FMLA
- Emergency Paid Sick Leave – Under the Health Insurance Portability and Accountability Act (HIPAA), an employer cannot establish a rule for eligibility or set any individual’s premium or contribution rate based on whether an individual is actively at work (including whether an individual is continuously employed), unless absence from work due to any health factor (such as being absent from work on sick leave) is treated, for purposes of the plan or health insurance coverage, as being actively at work.

Layoff/Leave/Furlough

- Employer may choose to continue benefits
 - As long as employee is not terminated (indefinite layoff)
 - Collection of employee contribution permitted
 - COBRA subsidy

Paid Time Off Policies

- Don't forget about the Michigan Paid Sick Leave Act
 - For employers with 50 or more employees
 - FFCRA Emergency Sick Leave does not replace this
- Employer paid time off programs, based on company policy

Unemployment

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Quarterly Wages

Example, if employee files for unemployment on April 12, 2020:

- January 1, 2020 – March 31, 2020 (lag quarter)
- October 1, 2019 – December 31, 2019
- July 1, 2019 – September 30, 2019
- April 1, 2019 – June 30, 2019
- January 1, 2019 – March 31, 2019

Michigan Executive Orders

- Adds COVID-19 qualifying reasons for eligibility
 - involuntary medical reasons
 - leave of absence because of self-isolation or self-quarantine in response to elevated risk from COVID-19 due to being immunocompromised, displaying the symptoms of COVID-19, having contact in the last 14 days with someone with a confirmed diagnosis of COVID-19, the need to care for someone with a confirmed diagnosis of COVID-19, or a family care responsibility as a result of a government directive, must be considered to be unemployed unless the individual is already on sick leave or receives a disability benefit.

Michigan Executive Orders

- An individual who becomes unemployed and files a claim for unemployment benefits within 28 days of the last day worked must be considered to have filed on time (normally 14 days)
- 26-week eligibility (20 weeks previously)
- Non-chargeable benefits
- 2020-57: remains in effect during the declared states of emergency and disaster

CARES Act

Expansion of Unemployment Benefits

- Significant expansion of unemployment benefits that will extend unemployment insurance by 13 weeks and include a four-month enhancement of benefits (for reference, many states already provide 26 weeks of unemployment benefits, and thus participants in such states would be eligible for a total of 39 weeks when adding the 13 weeks of federal relief)
- The enhanced benefits will provide an additional \$600 per week on top of what state unemployment programs pay.
- Note that many individuals who typically do not qualify for unemployment insurance will qualify under the package, including independent contractors and self-employed individuals.

Reduced Work Schedule

- If employee receives \$1 of state UI, eligible for \$600/week CARES Act benefit

Earnings equal or exceed 1.5 times your Weekly Benefit Amount (WBA)	A. WBA = \$362.00 B. Total Earnings = \$600.00 C. $\$362 \times 1.5 = \543.00 D. If B is more than C, then you will not receive a benefit payment for this week.
Earnings are less than 1.5 times your WBA, but greater than your WBA, total earnings are subtracted from 1.5 times your WBA.	A. WBA = \$362.00 B. Total Earnings of \$420.00 C. $\$362 \times 1.5 = \543.00 D. If B is more than A, then subtract earnings from C. $\$543.00 - \$420.00 = \$123.00$
Earnings are equal to or less than your WBA, 0.5 times your earnings are subtracted from your WBA.	A. WBA = \$362.00 B. Total earnings of \$101.00 C. If B is less than A, see the calculation below $\$101 \times .5 = \50.50 $\text{WBA } \$362 - \$50.50 = \$311.50$ You receive \$312.00

Employee Declines Work

- Will the Executive Order be extended allowing unemployment for COVID-19 reasons?
- Employee quits or refuses to return to work, prefers to receive the unemployment compensation benefits
 - Generally not eligible for unemployment, voluntary
 - Imminent danger an exception
 - May need to dispute unemployment claim, refusal of suitable work

DOL Guidance

- Can I obtain benefits?
 - My employer has remained open because it is essential. I'm not sick, nor is anyone in my household sick. I do not have children or care for someone who cannot care for themselves. However, I'm afraid of getting coronavirus
 - My employer will let me work from home with pay. However, because my children are out of school and my spouse is working, I need to care for them and it is too difficult to work from home (primary caregiver)

Return to Work

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WWGWD?

What Will Governor Whitmer Do?

- Controlling Access (symptom checks)
- Physical Distancing
- Sanitation and Hygiene
- Protective Equipment
- Testing, Tracing and Isolating

Note: these potential workplace controls have not been finalized or released, but are examples of considerations.

Ten Steps All Workplaces Can Take to Reduce Risk of Exposure to Coronavirus

All workplaces can take the following infection prevention measures to protect workers:

- 1 Encourage workers to stay home if sick.
- 2 Encourage respiratory etiquette, including covering coughs and sneezes.
- 3 Provide a place to wash hands or alcohol-based hand rubs containing at least 60% alcohol.
- 4 Limit worksite access to only essential workers, if possible.
- 5 Establish flexible worksites (e.g., telecommuting) and flexible work hours (e.g., staggered shifts), if feasible.
- 6 Discourage workers from using other workers' phones, desks, or other work tools and equipment.
- 7 Regularly clean and disinfect surfaces, equipment, and other elements of the work environment.
- 8 Use Environmental Protection Agency (EPA)-approved cleaning chemicals with label claims against the coronavirus.
- 9 Follow the manufacturer's instructions for use of all cleaning and disinfection products.
- 10 Encourage workers to report any safety and health concerns.

For more information, visit www.osha.gov/coronavirus or call 1-800-321-OSHA (6742).

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Discontinue Home Isolation

- **If you will not have a test** to determine if you are still contagious, you can leave home after these three things have happened:
 - You have had no fever for at least 72 hours (that is three full days of no fever without the use medicine that reduces fevers)
AND
 - other symptoms have improved (for example, when your cough or shortness of breath have improved)
AND
 - at least 7 days have passed since your symptoms first appeared

Discontinue Home Isolation

- **If you will be tested** to determine if you are still contagious, you can leave home after these three things have happened:
 - You no longer have a fever (without the use medicine that reduces fevers)
AND
 - other symptoms have improved (for example, when your cough or shortness of breath have improved)
AND
 - you received two negative tests in a row, 24 hours apart.
Your doctor will follow [CDC guidelines](#).
- In all cases, **follow the guidance of your healthcare provider and local health department.**

Employee Fear

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Communication

This is your best opportunity to minimize fear!

- What steps are you taking to protect your employees
- Clear communication on expectations and procedures
- Staying connected now

Communication

- Myth Busters:
<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/myth-busters>
- Testimonials from peers that have remained working

Monetary Incentives

- Paying employees that are at home the same as those working
 - PPP Loan impact
- Voluntarily not working, a disqualification for insurance benefits?
 - Personal leave policies

What about Masks?

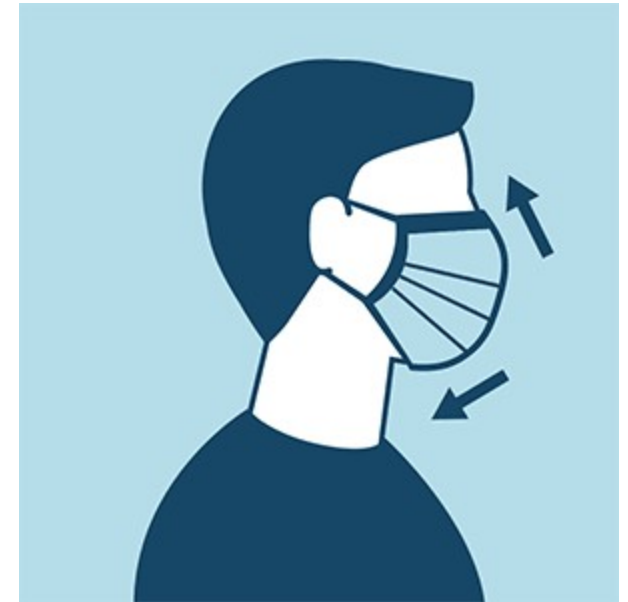
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CDC Guidance – Cloth Masks

Cloth face coverings should—

- fit snugly but comfortably against the side of the face
- be secured with ties or ear loops
- include multiple layers of fabric
- allow for breathing without restriction
- be able to be laundered and machine dried without damage or change to shape



CDC Guidance – Cloth Masks

Should cloth face coverings be washed or otherwise cleaned regularly? How regularly?

Yes. They should be routinely washed depending on the frequency of use.

How does one safely sterilize/clean a cloth face covering?

A washing machine should suffice in properly washing a face covering.

How does one safely remove a used cloth face covering?

Individuals should be careful not to touch their eyes, nose, and mouth when removing their face covering and wash hands immediately after removing.

CDC Guidance – Cloth Masks

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>

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Sewn Cloth Face Covering

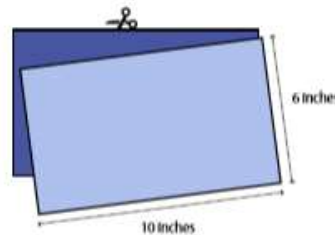
Materials

- Two 10"x6" rectangles of cotton fabric
- Two 6" pieces of elastic (or rubber bands, string, cloth strips, or hair ties)
- Needle and thread (or bobby pin)
- Scissors
- Sewing machine

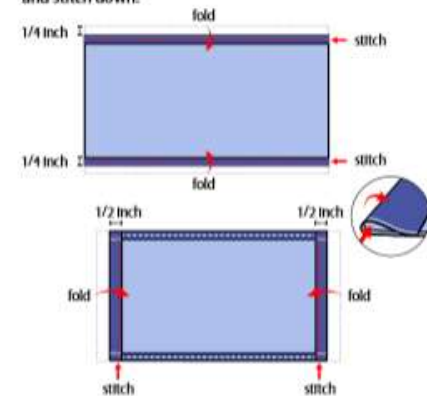


Tutorial

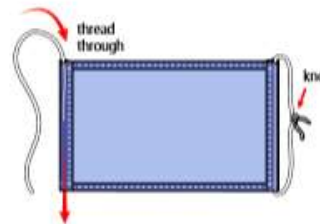
1. Cut out two 10-by-6-inch rectangles of cotton fabric. Use tightly woven cotton, such as quilting fabric or cotton sheets. T-shirt fabric will work in a pinch. Stack the two rectangles; you will sew the cloth face covering as if it was a single piece of fabric.



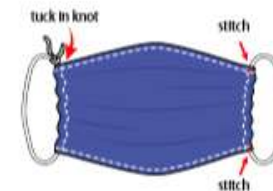
2. Fold over the long sides 1/4 inch and hem. Then fold the double layer of fabric over 1/2 inch along the short sides and stitch down.



3. Run a 6-inch length of 1/8-inch wide elastic through the wider hem on each side of the cloth face covering. These will be the ear loops. Use a large needle or a bobby pin to thread it through. Tie the ends tight. Don't have elastic? Use hair ties or elastic head bands. If you only have string, you can make the ties longer and tie the cloth face covering behind your head.



4. Gently pull on the elastic so that the knots are tucked inside the hem. Gather the sides of the cloth face covering on the elastic and adjust so the cloth face covering fits your face. Then securely stitch the elastic in place to keep it from slipping.



Taking Temperatures

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Taking Temperatures

Non-Contact InfraRed Thermometer

- Ensure the device you use is for human temperature taking, not industrial IF guns
- Look for accuracy to within 0.5°F.
- Measurement range should be 89.6°F to 108.5°F
- Alarm: Visual and Audible capability
- Spot distance with longest accurate range possible
- Fast response to within 0.5 seconds



Gloves

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Use of Gloves to Prevent Cross-Contamination

- Hands should be washed before gloves are put on and after they are taken off.
- Gloves protect against cross-contamination.
- Plastic single use gloves are used for one task only.
- Discard gloves when soiled or damaged or finished with the task.
- Change gloves when interruptions occur.

How to take a pair of gloves off



Business Plan

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Covid-19 Action Plans

- Multiple templates for different industries (general template, construction, manufacturing)
 - Plans include: Responsibilities, social distancing, visitors, PPE, cleaning and disinfecting, exposure situations, self-quarantining & return to work, job site protective measures & general safety.

Note: Sample policies are not meant to be exhaustive or construed as legal advice. Please modify sample plans to meet business needs, taking all relevant federal, state and local compliance requirements into account.

Resources

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Resources

- Department of Labor FFCRA FAQ: <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>
- DOL FFCRA Poster: https://www.dol.gov/sites/dolgov/files/WHd/posters/FFCRA_Poster_WH1422_Non-Federal.pdf
- Michigan Unemployment, How to Apply: https://www.michigan.gov/documents/uia/160_-_Claiming_UI_Benefit_In_Michigan_-_Jan2014_444213_7.pdf
- Department of Labor and Unemployment: <https://www.dol.gov/coronavirus/unemployment-insurance>
- Myth Busters: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/myth-busters>
- CDC, What to do if you are sick: <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>
- CDC guidance for businesses: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>
- IRS Guidance on FFCRA Tax Credits: <https://www.irs.gov/newsroom/covid-19-related-tax-credits-for-required-paid-leave-provided-by-small-and-midsize-businesses-faqs>



Thank You

**Questions? Please contact us at
askbhs@bhsins.com**