

MINNESOTA CHAMBER OF COMMERCE

GROWING MINNESOTA



COVID-19 RESOURCES FOR YOUR BUSINESS

A WEBINAR FOR MINNESOTA CHAMBER MEMBERS
THURSDAY, MARCH 19, 2020

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WELCOME



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TODAY'S SPEAKERS



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EMPLOYER, EMPLOYEE CONSIDERATIONS



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Coronavirus: Employer Update



Kristin Berger Parker, Stinson LLP

Families First Coronavirus Response Act

- Signed March 18, 2020
- Effective April 2, 2020
- Two main employee leave provisions
 - 1) Emergency Family and Medical Leave Expansion Act; and
 - 2) Emergency Paid Sick Leave Act
- Sunsets December 31, 2020

Emergency Family and Medical Leave Expansion Act (EFMLA)

- Applies to private employers with fewer than 500 employees and public employers with 1 or more employees
 - Employers with fewer than 50 employees may be exempted
- Employees eligible if on the job for 30 days

EFMLA

Employees who qualify will now be able to receive benefits under the EFMLA for a "qualifying need related to a public health emergency" – meaning, if the employee is unable to work (or telework) due to a **need for leave to care for the son or daughter under 18 years old, if the school or place of care has been closed.**

EFMLA

- The initial 10 days of leave will be unpaid
 - Employee can choose to substitute **accrued paid leave**
- After the initial 10 days, employers must provide up to 10 weeks of paid leave
 - Not less than two-third of the employee's regular rate of pay, not to exceed **\$200 per day and \$10,000 in the aggregate**

Exclusion for Health Care Providers

- The Secretary of Labor can exclude certain **health care providers** and **emergency responders** from the definition of eligible employee
- Employers of health care providers and emergency responders can also exclude such employee from the application of the EFMLA

Emergency Paid Sick Leave Act (EPSLA)

- Applies to private employers with fewer than 500 employees and public employers with 1 or more employees
- Employees eligible regardless of length of employment
 - Certain health care providers and emergency workers excluded

EPSLA – Qualifying reasons

- 1) Employee under **quarantine or isolation** order for COVID-19;
- 2) Health care provider advised the employee **self-quarantine** for COVID-19;
- 3) Employee has **symptoms of COVID-19** and is seeking a diagnosis;
- 4) Employee is **caring for someone** in those categories;
- 5) Employee is caring for son or daughter because **school is closed** due to COVID-19; or
- 6) Employee is experiencing any other substantially similar condition

EPSLA – Leave Available

- 80 hours sick time for full-time employees
 - Part time based on average number of hours in a two-week period
- Benefit not to exceed \$511 per day and \$5,110 in the aggregate for uses 1, 2 and 3; or
- \$200 per day and \$2000 in the aggregate for uses 4, 5 and 6.

Handling Other Common Leave Requests

- Employees at an elevated risk of contracting COVID-19
- Employees at high risk of complications from COVID-19
- Employees with caregiving responsibilities for an older adult who is at risk
- Employees with expressed concern, but not in a high risk category

EEOC New Guidance on Temperature Taking

- Effective March 18, the EEOC updated its guidance to state that the CDC and state/local health authorities have acknowledged **community spread of COVID-19**.
- As a result, employers **may** measure employees' body temperature.
- Employers should be aware that some people with COVID-19 do not have a fever.

WARN Act Considerations

- Covered employers: 100 or more employees
 - Excludes employees who have worked less than 6 of the past 12 months
 - Excludes part time employees
- Requires 60-day notice

WARN Act Triggers

- Closes a facility or discontinues an operating unit, permanently or temporarily, affecting at least 50 employees at a single site of employment
- Lays off 500 or more workers at a single site during a 30-day period; or lays off 50-499 and at least 33% at the site
- Temporary layoff that is extended beyond 6 months
- Reduces work hours for 50 or more workers by 50% or more each month in a 6-month period

WARN Exceptions to 60-Day Notice

- Faltering company
- Unforeseeable business circumstance
- Natural disaster

Thank You

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