COVID-19 RESOURCES FOR YOUR BUSINESS

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

#AskMNChamber
TODAY’S SPEAKERS

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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
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-thirds 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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