



Taming the COVID-19 Chaos: What Employers Need to Know PART 4

Webinar Attendees:

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Taming the COVID-19 Chaos: What Employers Need to Know PART 4

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Stay-at-Home Orders

- California: “Shelter in Place”
 - Issued 3/19 – Effective until further notice
- Oregon: “Stay Home, Save Lives”
 - Issued 3/23 – Effective until further notice
- Washington: “Stay at Home - Stay Healthy”
 - Issued 3/23 – Effective until at least 4/6
- Idaho: “Stay at Home”
 - Issued 3/25 – Effective until at least 4/15
- Alaska: No statewide stay-at-home order yet
 - Statewide travel restrictions
 - Anchorage “hunker down” order issued 3/20

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Families First Coronavirus Response Act (FFCRA)

- Refresher of leave provisions:
 - Emergency FMLA for childcare
 - 12 weeks, 10 weeks of which are paid at 2/3 regular rate
 - 1st 10 days are unpaid (but employee may use leave, including Emergency Sick Leave)
 - Employees employed for 30 days are eligible
 - Emergency Sick Leave for various COVID-19-related reasons
 - 80 hours, paid at either full rate or 2/3 rate, depending on the reason for leave
 - All employees are eligible
- Tax credits against payroll taxes available for payments made (including for non-profits)

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FFCRA Poster

- Now available on the DOL website:
<https://www.dol.gov/agencies/whd/pandemic>
- Post in conspicuous place at worksite
- Good idea to email or post to intranet given stay-at-home orders
- Must provide to new employees, but no obligation to provide to laid off employees
- Only employers required to provide FFCRA leave are required to post (most public employers and private employers w/fewer than 500 employees)

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New FFCRA Guidance from DOL

- No regulations yet: expected in April
- Effective date of the FFCRA is April 1
- No retroactivity (and no tax credits for payments before April 1)
- Emergency Sick Leave is separate and in addition to employer's leave programs
- Temporary employees are eligible for Emergency FMLA
- Counting employees under the FFCRA
- Likely exclusions for health care provider employees and businesses under 50 employees w/hardship
- Records to keep when an employee takes leave

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Coronavirus Aid, Relief, and Economic Security (CARES) Act

- Updated version of bill passed by Senate on 3/25 – House must still vote
- Direct payments to individuals
- Clarification that Emergency FMLA available to rehired employees w/out 30-day wait
- Increased unemployment benefits
 - Extra \$600 in benefits for individuals
 - 13-week extension beyond state-provided benefits
 - Expansion of those who are eligible: self-employed, independent contractors, limited work history
 - Federal \$ to cover 1st week of benefits for states that eliminate waiting period

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CARES Act

- Payroll assistance
 - SBA loans for businesses w/fewer than 500 employees – covering payroll and benefits
 - Some loans may be eligible for forgiveness (reduced if employees have been laid off)

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CARES Act

- Employee retention tax credit
 - Up to 50% of “qualified wages” paid during COVID-19 pandemic
 - If operations fully or partially suspended due to a shutdown order OR if gross receipts declined by more than 50% since same quarter prior year
 - “Qualified wages” depends on size of employer
- Deferral of payment of employer payroll taxes
- Employers who receive forgiveness of SBA loans under CARES Act are not eligible for tax credit or deferral of payment

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What to do with our workforce during a shutdown or slowdown?

- Reduction in hours and/or pay
 - Some states require advance notice of change in compensation
 - Some employees may be eligible for unemployment
- Furloughs
 - Employees may be eligible for unemployment
 - Be aware of limitations for exempt employees (full salary for any week in which work is performed)
 - Check w/insurer re continuation of benefits or have employees elect COBRA

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What to do with our workforce during a shutdown or slowdown?

- Layoffs (temporary or permanent)
 - Employees likely eligible for unemployment
 - Temporary may be eligible for unemployment on a standby basis w/no obligation to seek new employment
 - Consider possibility of CARES Act benefits before layoffs
- Continue full employment
 - CARES Act benefits may assist if legislation is passed
 - Employees' use of accrued leave banks and/or FFCRA leave

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FAQs

- What is an essential business or service for purposes of a shutdown order?
- Is Emergency FMLA in addition to regular FMLA? Does the requirement of 50 employees w/in 75-mile radius apply? Are we now required to extend other types of FMLA leave if under 50 employees?
- Are very small employers exempt from the FFCRA?
- What do I do if I have an employee who refuses to come into work right now?

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Questions?



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