



J.GRAPE LAW, PLLC

Jewelie provides the legal talent you need, combined with the business perspective you deserve. She has several decades of experience working in large law firms, Fortune 100 companies and large nonprofit organizations.

Jewelie delivers timely, practical and understandable legal advice on employee benefits, human resources and other business matters. She works hard to add value in all she does.



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CORONAVIRUS (COVID-19) – WHAT HUMAN RESOURCES ISSUES SHOULD EMPLOYERS BE ADDRESSING?

Following are 10 practical steps that your organization should take to help keep your employees, their families and your workplace healthy during the coronavirus outbreak.

1. **Actively encourage sick employees to stay home and, if people come to work sick, send them home immediately.** The Centers for Disease Control and Prevention (CDC) recommends that employees who appear to have respiratory illness symptoms (i.e. cough, shortness of breath) or who become sick during the day be separated from other employees and sent home right away.

2. **Review your paid time off and sick leave policies.** Ensure policies are flexible and consistent with public health guidance, and that employees are aware of these policies. Consider revising policies to permit employees to use sick time to care for a sick family member. If policies provide for minimal sick leave, consider providing additional leave (paid, if possible) to encourage sick employees to stay home until they are healthy. The CDC recommends not requiring a healthcare provider's note for employees who are sick with respiratory illness to validate their illness or to return to work, because healthcare providers are extremely busy and may be unable to provide such documentation in a timely manner.

Note: Federal legislation proposed on March 13, 2020 would require employers to provide a certain amount of paid sick leave to address coronavirus situations. Payroll tax credits would be provided to employers to offset the cost of this paid leave.

3. **Review attendance policies** to determine if changes need to be made to accommodate coronavirus-related absences.

4. **Review (or develop) and implement remote work/telecommuting policies** if all or a portion of your workforce can work remotely. Be sure the policy describes eligibility, equipment/supplies provided, compliance with organizational policies (including security and records retention), hours of work/availability, liability, and work quality and quantity expectations.

5. If your organization employs 50 or more employees, **ensure you are complying with all applicable Family and Medical Leave Act (FMLA) requirements.** The FMLA generally requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for specified family and medical reasons.

6. **Ensure your organization is complying with all applicable local/city/county sick time ordinances.**

7. **Limit large gatherings of employees.** If your employees must come into work or travel for work, consider:

- Implementing a staggered work schedule (i.e., an early shift and a late shift) to limit employee contact.
- Increasing social distancing in the workplace by spreading out employees, leaving empty cubes or workspaces between individuals.
- Cancelling all non-essential travel and conducting meetings via conference call, Skype, Zoom, WebEx or other platforms. Your business could be violating the Occupational Safety and Health Act by requiring employees to travel if it could cause them severe physical harm.

8. **Intensify cleaning efforts.** The CDC recommends regular cleaning of all frequently touched surfaces in the workplace. Provide disposable antibacterial wipes so that employees can wipe down commonly used surfaces (i.e., doorknobs, keyboards, touchpads, desks) before each use. Provide soap and water, alcohol-based hand rubs, tissues and no-touch disposal receptacles for employee use. Place hand rubs in multiple locations and in conference rooms to encourage hand hygiene.

9. **Review (or develop) a contingency plan for staffing needs.** Create a plan in case critical employees are sick and unable to work. Identify temporary and contingent workers that can be employed until your employees return to good health.

10. If you have **union employees** covered by a collective bargaining agreement, remember that changing work schedules or leave policies without involving the union could trigger a National Labor Relations Act claim.

RESOURCES:

- CDC Coronavirus Resources for Businesses and Employers:
<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>
- Minnesota Department of Health Coronavirus Materials and Resources:
<https://www.health.state.mn.us/diseases/coronavirus/materials/index.html>

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