



Wanda R. Dorgan



WISE
MANAGEMENT OF
YOUR WORKFORCE
AND THE COVID-19

ANALYSIS NUMBER ONE – ALL EMPLOYERS CURRENT STIMULUS BILL (may be more Bills)

- CARES ACT APPLICABLE TO THE 7(a) LOAN PROGRAM
- PAYCHECK PROTECTION PROGRAM (Does Not Apply to Payments for Which Employer is Entitled to a Tax Credit Under the FFCRA for Emergency Sick Leave or Extended Family Medical Leave)

ANALYSIS NUMBER TWO – EMPLOYERS WITH 500 OR MORE EMPLOYEES WORKING IN LOS ANGELES

- Existing Law: Six Days of Paid Sick Leave/One Hour SL Every 30 Hours
- **PLUS** Supplemental Paid Sick Leave **With No Tax Credit**
- **Full time** – 80 hours in the aggregate based on average two week pay from 2/3/20 to 3/4/20
- **Part time** - average two-week pay from 2/3/20 to 3/4/20
- Up to \$511 per day and \$5110
- **Triggered on Oral or Written Request By Employee – No Doctor’s Note Required**

CRITERIA FOR Supplemental Paid Sick Leave (Differs somewhat from FFCRA):

- The employee takes time off work because a public health official or health care provider requires or recommends the employee isolate or self-quarantine to prevent the spread of COVID-19;
- The employee takes time off work because the employee is at least 65 years old or has a health condition such as heart disease, asthma, lung disease, diabetes, kidney disease, or weakened immune system;
- The employee takes time off work because the employee needs to care for a family member who is not sick but who public health officials or health care providers have required or recommended isolation or self-quarantine;
- The employee takes time off work because the employee needs to provide care for a family member whose senior care provider or whose school or childcare provider caring for a child under the age of 18 temporarily ceases operations in response to a public health or other public official's recommendation.

Los Angeles Supplemental Paid Sick Leave (cont.d)

- Issues:
- Signed by Mayor Garcetti? Anticipated
- In Lieu of Other Accrued Sick Leave? Yes and No. There is credit for employees' use of sick time after March 4 for absences meeting the criteria for such leave

ANALYSIS NUMBER THREE – ALL EMPLOYERS WITH TIME OFF OBLIGATIONS EXISTING BEFORE COVID-19

- **California Paid Sick Leave – generally three days**
- **COVID-19 and the Fair Labor Standards Act Questions and Answers**
 - (modified schedules, reducing pay, furloughs, infection control strategies, telework)
- **COVID – 19 and the Family and Medical Leave Act Questions and Answers (50 or more employees with continued medical coverage)**
- **California Family Rights Act Leave – Ill with COVID-19 or caring for ill family (50 or more employees with continued medical coverage)**
- **Reasonable Accommodation for employees with disabilities (5 + employees)**

ANALYSIS NUMBER FOUR – ALL EMPLOYERS
WITH 500 OR LESS EMPLOYEES AT THE TIME AN EMPLOYEE SEEKS
LEAVE

FAMILIES FIRST CORONAVIRUS RESPONSE ACT

See DLS April 1, 2010 Summary

DOL CURRENT FAQ'S

ANALYSIS NUMBER FIVE – ALL EMPLOYERS

MAKE A CALL TO MEDICAL INSURANCE BROKER
TO UNDERSTAND OPTIONS FOR CONTINUING
MEDICAL COVERAGE FOR EMPLOYEES AWAITING
ELIGIBILITY, FOR THOSE TAKING LEAVES AND
THOSE WHO ARE NOT WORKING

ANALYSIS NUMBER SIX – ALL EMPLOYERS
STAYING IN BUSINESS WITH POTENTIAL OBLIGATIONS UNDER
ANALYSIS ONE THROUGH FIVE

- Telecommuting
- Pay Cuts – Don't have to supplement with FFCRA monies
- Skeleton Crew(s)
- Altered Shifts
- Furlough
- Layoff

ANALYSIS NUMBER SEVEN - BEATING THE BUG

SYMPTOMS: Cough, Shortness of Breath, Fever 100.4 or Greater

INFECTED EMPLOYEE: Keep Info Confidential; Send employees within 3-6 Feet Home for 14 days; come back symptom-free for 24 hours without medication

CALIFORNIA DFEH GUIDANCE

WHAT INFORMATION MAY AN EMPLOYER REVEAL IF AN EMPLOYEE IS QUARANTINED? TESTS POSITIVE FOR COVID-19, *OR HAS COME IN CONTACT WITH SOMEONE WHO HAS THE VIRUS?*

Follow the most current local, state or federal public health recommendations.

DFEH Recommendations: Close the worksite, deep clean, or permit or require telework (FFCRA sick leave trigger: Employee is experiencing **symptoms** of COVID-19 *and seeking medical diagnosis* – Seeking medical diagnosis not required by California DFEH).

ANALYSIS NUMBER SEVEN – MASS LAYOFFS OR PLANT CLOSING

- Two Months Notice With Pay Under Federal and State Law If Certain Criteria Is Met
- California Governor Giving a Reprieve for California WARN Which Still Requires Notice ASAP



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