

June 1, 2020

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HRMORNING

Keep Up To Date with the Latest HR News

With HRMorning arriving in your inbox, you will never miss critical stories on labor laws, benefits, retention and onboarding strategies.

HRMorning, part of the Catalyst Media Network, provides the latest HR and benefits and employment law news for HR professionals in the trenches of small-to-medium-sized businesses. Rather than simply regurgitating the day's headlines, HRMorning delivers actionable insights, helping HR execs understand what HR trends mean to their business.

Post-pandemic, back-to-work compliance: New regs, policies

■ *Staying safe, tracking leave, ensuring distancing*

Now that some states are beginning to bring employees back to work after the coronavirus lockdown, employers need to be on top of their game with employee safety concerns and compliance with new regs.

Asking employees to return to work and providing a safe workplace for them will be challenging. Amidst layoffs, furloughs and emergency sick leaves, firms will have more safety, administrative and regulatory responsibilities.

Stay informed

It's key that employers continue to follow guidance and safety orders

from state and local governments, as well as federal agencies, including:

CDC: The agency continues to update its guidance for employers on its website (tinyurl.com/COVIDCDC604) and has also drafted proposed guidelines for a phased reopening, which will be available soon.

OSHA: The agency recently issued *Guidance on Preparing Workplaces for COVID-19* (tinyurl.com/OSHA-covid604), a 35-page guide for employers to consult when preparing workplaces for employees to return. OSHA recommends employers

(Please turn to Back-to-work... Page 2)

COVID-19 REGS

DOL: New guidance on emergency FMLA leave, PTO

As employers administer emergency leave to their employees under the coronavirus relief FFCRA law, there's been some confusion as to whether it can be used along with their paid time off. Now, the DOL has issued a new ruling to help clarify this issue.

It all depends on whether leave is taken under the FFCRA emergency sick leave or the emergency FMLA leave, according to the DOL's latest guidance (tinyurl.com/leave604).

A worker who elects to take the FFCRA emergency paid FMLA leave – for a coronavirus-related reason – may use their paid time off to supplement the two-thirds pay they receive under the new FMLA leave.

In addition, an employee may take FFCRA emergency sick leave – or any vacation, personal leave or sick leave – during the first two weeks of the emergency FMLA leave. This is because the FFCRA provides 12 weeks of leave, only 10 of which are paid.

'Usual' FMLA leave

While the FFCRA's expanded FMLA leave is temporary, it does count against an employee's normal FMLA leave. For instance, if a worker has already used six weeks of regular FMLA leave during the current leave period, they'll only be entitled to six weeks of leave under FFCRA.

Info: tinyurl.com/FFCRA604

Back-to-work ...

(continued from Page 1)

designate one person to serve as the workplace coronavirus coordinator to address employee concerns and track employees with the virus.

The new OSHA guide includes protective measures, such as limiting the number of employees in offices, staggering arrival and departure times, and installing barriers for meetings.

EEOC: In a recent update, the EEOC ([tinyurl.com/EEOCguide604](https://www.tinyurl.com/EEOCguide604)) issued guidance for employers on a variety of topics. They include reasonable coronavirus-related accommodations as defined by the ADA, hiring and onboarding concerns such as screening for the coronavirus symptoms, and pandemic-related harassment, which may require training for supervisors and managers.

Some employees will be hesitant to return to work for safety concerns unless granted an accommodation. Employers may need to allow them to work remotely longer or install barriers to ensure distances from

co-workers if feasible, says the EEOC.

DOL: The agency has issued a poster that'll fulfill employers' notice requirements under the FFCRA. The poster ([tinyurl.com/DOL604](https://www.tinyurl.com/DOL604)) must be displayed on the premises.

Sick leave laws

Employers need to review their existing policies, ensuring compliance with all newly enacted sick leave laws.

First, check that your policies are consistent with the new coronavirus FFCRA law, which became effective April 1, 2020. This law includes the Emergency Paid Sick Leave Act and the Emergency FMLA Expansion Act, both of which will need to be tracked.

"In some state or local jurisdictions, benefits such as extended family leave to employees would be available to the extent they are greater than federal benefits," says Carlos Ledo, human resource consultant, Engage PEO.

In addition, it's likely more and more states will provide paid sick leave, as the new emergency leave laws are set to expire at the end of 2020.

New policies

By examining their policies, employers can ensure compliance with new laws, as well as develop new policies for:

Coronavirus reporting – Firms need to develop clear policies for coronavirus reporting when someone begins experiencing symptoms.

Remote work – Since some staff will continue to work remotely, firms need to consider interim policies to address employee technology expenses (Wi-Fi, cell phone use, etc.).

"It's imperative that employers stay on top of the latest guidance as it's changing constantly, including industry-specific rules that may apply," says Vanessa Matsis-McCready, director of human resources, Engage PEO.

Info: [tinyurl.com/COVID19604](https://www.tinyurl.com/COVID19604)

S HARPEN YOUR B ENEFITS J U D G M E N T

This feature provides a framework for decision making that helps keep you and your company out of trouble. It describes a recent legal conflict and lets you judge the outcome.

■ Did she take sick leave before accruing enough time?

"Just to be clear," Company Attorney Jim Gannon said to Benefits Manager Betty Murphy, as they sat in her office, "Jodi Reynolds didn't have enough sick time available when she missed all those days from work for her PTSD?"

"Correct," Betty responded. "She hadn't accrued enough time, so she was terminated for her attendance issues. And it wasn't the first time she'd violated our policies."

'Should've been available'

"Well, Jodi's lawsuit tells a different story," Jim replied. "She's saying we kept her from taking leave she'd already accrued, and we made mistakes when calculating the amount of sick time she'd accrued. Any hours accrued should've been available at the beginning of the new pay period."

"That's not our policy," Betty said. "All available hours of sick leave appear on employees' pay stubs. Once a pay period starts, more sick time does start being accrued, but it's not yet available."

"Our policy seems clear: Sick time cannot be used until after the hours appear on the pay stub. Even though an employee's accruing hours once the new pay period begins, they're not to be used until they appear on the pay stub. My worry is that we didn't make our policy clear to Jodi," said Jim.

"Well, we also specified the policy in her job description, so I think we're covered," said Betty.

The company decided to fight this lawsuit. Did it win?

■ *Make your decision, then please turn to Page 6 for the court's ruling.*



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EEOC: COVID-19 testing, taking temps OK before staff heads back to work

Once coronavirus testing becomes more readily available and states ease up on shelter-in-place restrictions, employers will need to know if they can screen employees for the disease. That's why the EEOC just updated its guidance, explaining employers may screen workers for COVID-19 before allowing them to enter the workplace.

"Employers may take steps to determine if employees entering the workplace have COVID-19 because an individual with the virus will pose a direct threat to the health of others," states the EEOC in new guidance released in April ([tinyurl.com/EEOC604](https://www.tinyurl.com/EEOC604)).

The agency previously stated employers could monitor employees' body temperature, but left open the permissibility of coronavirus testing. While the agency's new position gives firms comfort they can test without running afoul of the ADA, there are some practical things to consider.

Accurate testing

The EEOC cautions employers to obtain tests that are accurate and

reliable, taking guidance from the Food and Drug Administration and the Centers for Disease Control and Prevention. Currently, there are two forms of the test:

- **Swab test:** It detects whether the virus is present in the body only on the day of the test.
- **Blood test:** This detects COVID-19 antibodies, which will confirm the person has had the disease but not if they're contagious.

Corporate testing sites could pop up in office buildings or at nearby labs since testing for coronavirus is more invasive than annual flu shots, which some employers provide. A swab test requires a sample from the back of a person's nose or throat, which would require a tester clad in full PPE.

Firms can also take workers' temps during the pandemic, as long as they establish a consistent process for the procedure, says the EEOC.

However, firms should be aware, says the guidance, that some people with the virus don't have a fever.

Info: [tinyurl.com/COVIDtest604](https://www.tinyurl.com/COVIDtest604)

\$ THE COST OF NONCOMPLIANCE

This regular feature highlights recent case settlements, court awards and fines against companies. It serves as a reminder to keep benefits policies in order.

■ Electrical firm illegally shorted quarantined worker \$1,600

An Arizona electrical company denied a worker paid sick leave when he was quarantined due to the coronavirus.

What happened: Despite receiving documentation of a doctor's order to self-quarantine for two weeks, Tucson-based Bear Creek Electrical refused to pay a worker his hourly wage for the time he was out of work, under the newly passed Emergency Paid Sick Leave Act.

Result: Bear Creek will pay the employee's full wages of \$20 an hour for 80 hours of leave and has agreed to future compliance with the Families First Coronavirus Response Act (FFCRA), which went into effect on April 1, 2020.

Info: [tinyurl.com/quarantine604](https://www.tinyurl.com/quarantine604)

■ Assisted living firm pays \$66K for failure to accommodate

A Texas senior living facility operator fired a worker when she couldn't get back to work without restrictions following scheduled surgery.

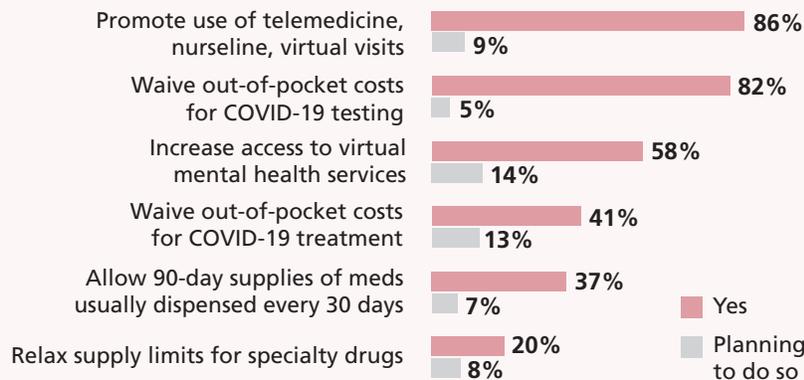
What happened: The Dallas assisted-living location of national operator Assisted Living Concepts told a chef – one day prior to surgery – she had to return to work without restrictions by a certain date. When she was unable to return by that date, they fired her in violation of ADA.

Result: Assisted Living Concepts, which does business under the name Enlivant, has agreed to pay the former chef \$66,000. It will also provide training for HR directors and managers and disseminate policies that specifically address the ADA accommodation issue. Online training for employees will also be planned.

Info: [tinyurl.com/ADAcchef604](https://www.tinyurl.com/ADAcchef604)

Have you eased access to health care for employees?

How employers are boosting benefits during pandemic



Source: Willis Towers Watson

Employers that take action to put employees' health first will be in the best position to restore stability and productivity in a post-pandemic work world.

State-run workshare programs: Allow firms to reduce hours, offset wages

As a way to avoid layoffs and furloughs during the pandemic, many employers are implementing a workshare program that allows them to reduce employees' hours, while the state pays employees partial unemployment.

26 states have workshares

Many states, including Texas, Oregon, Colorado, Arkansas and Wisconsin, have experienced a rise in workshare applications from employers since mid-March, when the coronavirus caused shutdowns.

Currently, 26 states and the District of Columbia (check for your state at tinyurl.com/sharing604) have worksharing programs or short-time compensation programs.

However, the coronavirus relief CARES Act created an incentive for states that don't currently have work sharing to create such programs because the feds will reimburse states for the cost of the programs.

While each state has its own specific rules, workshare programs now are allowing employees who otherwise

wouldn't be eligible for unemployment to receive benefits. Typically, if an employer reduces hours, many employees remain ineligible to collect because their wages rise above the maximum eligibility threshold.

One employer, Gibson's Bookstore in Concord, NH, started using workshare when it was forced to shut down in March. But under the program, his 19 employees have stayed on board, working part-time to process online orders.

"If people have been on worksharing, and they've remained attached to the business, it's going to be a lot easier to ramp back up," says Katharine Abraham, economic professor at the University of Maryland.

Employers can avoid the costs of recruiting and retraining when business gets back to normal, while employees, whose hours can be reduced by up to 60%, continue to get a paycheck and receive health benefits. And the employer can save a huge amount on payroll costs.

Info: tinyurl.com/workshare604

Making sure your messages are seen during the crisis

Working from home has employees dealing with more stress and distraction than usual, and your benefits messaging might get lost in the noise.

Getting heard

Here are three great tips to help get your messages seen – and understood.

1. Show, don't tell. It's not enough to tell employees they need to understand the details of medical insurance and other benefits. You need to pull them in and keep them reading or watching – and that means lots of visual appeal.

Make liberal use of infographics, photos and embedded short videos. Check with marketing for help with design and presentation ideas.

For free-to-use images, check out sites like Unsplash, Pixabay and Stocksnap.

2. Ask for – and measure – action. OK, you've sent out your message and you may even know they've opened it. But what happens after that?

Include a "call to action" asking for a response in a certain time frame. Whether an online survey or a quick "Test your knowledge" quiz, interacting with your message will help recipients comprehend it.

3. Create a calendar. This seemingly simple step can make a huge difference. A calendar can help organize upcoming campaigns.

Whether on a scheduling app, spreadsheet or even written on an old-school wall calendar, a schedule for writing, editing, publishing and promoting posts can reduce stress and keep you on track.

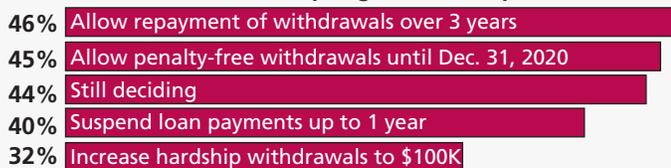
You can also use a content calendar to help inspire monthly themes (e.g., Heart Disease Awareness) to keep your people engaged with benefits year round.

Info: tinyurl.com/commstips604

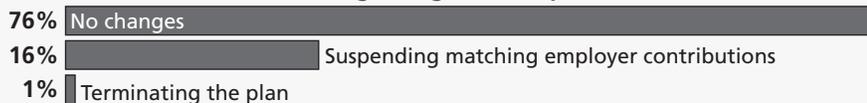
How's COVID-19 affected your 401(k) plan?

Employers making 401(k) plan changes due to COVID-19

Adopting CARES Act provisions



Making changes to the plan



Source: Plan Sponsor Council of America

Perhaps because a 401(k) match is such a useful recruiting and retention tool, employers need to think through any plan changes very carefully.

WHAT WORKED FOR OTHER COMPANIES

Our readers come from a broad range of companies, both large and small. In this regular section, three of them share success stories you can adapt to fit your needs.

1 **Returning staff back to work safely in stages**

As our staff returns to the office after “stay home” orders, we want everyone to be safe and healthy as we continue doing work for the people of Missouri.

That’s why we put guidelines in place as we began our first phase of asking some people to return to work. Those who have offices returned first, keeping their office doors closed. We have encouraged – but not required – employees to wear a mask, per CDC guidelines.

The number of employees in cubicles has been limited to comply with physical distancing, with some working from home. We’re working to rotate some employees in and out of areas where distancing isn’t possible. The next phase of getting back to work will bring most of our employees back into the office, while a smaller number will continue to work remotely.

Changes in the workplace

We’ve made other changes in the workplace: The lunchroom has been rearranged for tables to

be 6 feet apart with only one chair; the water fountains and the ice/water machine will remain off for sanitary reasons; and the building will remain closed to the public.

I have been proud of our employees keeping positive attitudes about the situation. Even though most of our state’s business has been heavily limited, our office will continue to move forward safely and do everything we can to ensure Missouri can get back on track.

(Jay Ashcroft, Secretary of State, State of Missouri, Jefferson City, MO)

**REAL
PROBLEMS
REAL
SOLUTIONS**

2 **Offering mental health training to employees**

Even though Life Time is one of many fitness businesses that has shut down the vast majority of its operations during the pandemic, we’re continuing to cover employee health benefits, including 100% of premiums.

One of our departments still working is Life Time Mind, which focuses on strengthening mental health. This service is usually offered to employees who utilize the benefits program in our corporate office and those in leadership roles.

But, given this current environment, we made a commitment to offer it to all of our benefits-covered, furloughed employees, too. The reason is because employees need it now more than ever.

One-on-one sessions

We’re including one-on-one sessions with Life Time Mind coaches. Some of the mental resiliency tips include: mind/body grounding exercises to de-stress, relax the body and focus the mind; thought-shifting exercises to help control inner

conversations and steady one’s mental state; and solution-focused exercises that help one focus on the positive and feel more in control.

Mental resiliency is about adopting a mindset that helps us make it through difficult times. But it also helps us bounce back after difficult times are over. Remember, this too shall pass. It just might take a bit of a workout – with the mind and body – to make it through healthy.

(Jen Elmquist, Director, Life Time Mind, Minneapolis, MN)

3 **Prioritizing employee well-being is key now**

The pandemic has shown how critical it is to embrace our humanity, be understanding and be caring, and that holds true for companies too. Our pre-existing financial, medical and mental health benefits were well-designed to help employees through this crisis.

Expanded benefits

We further expanded benefits to include additional services, like free

telemedicine consults that are tailored to this specific crisis. Some other employee benefits include:

- all employees making \$100,000 or less received a \$1,200 tax-free financial assistance payment
- 100% coverage for testing and associate visits related to COVID-19, plus immediate paid medical leave for any employee diagnosed with the virus
- expanded childcare support: 30 uses of emergency care for daycare/elder care disruptions
- access to free mental health

professionals by phone or text

- free financial planning support
- 100% coverage for virtual doctor visits, and
- paid caregiver leave.

We’ve been driven by what’s right. We’ll do whatever we can to support the well-being of our employees. Everything we do is through the lens of care and support. And there’s no better time to let that shine than now.

(Kathie Patterson, Chief Human Resources Officer, Ally Financial, Detroit)

RETURN TO WORK

Child care: A must-have benefit now?

As employers make plans to reopen and bring their remote workforce back after the pandemic, one thing seems clear: Employers' child care troubles are far from over, as schools remain closed and day care centers have been forced to close or shut down completely.

This will leave parents scrambling to find affordable child care services. A "child care crisis" is coming and "employers will need to address it," says Shadiah Sigala, CEO, Kinside.

Before COVID-19:

- 43% of female employees quit their jobs after giving birth, according to the Maven Clinic, and
- 45% of parents miss eight days of work a year due to child care issues, according to a Child Care Aware report.

Fewer day care centers

"These losses will skyrocket post-COVID-19," insists Sigala, because of:

- less day care options due to closings and/or lost workers
- social distancing requirements, causing employers to stagger work schedules and parents unable to find compatible day care, and

- pay cuts and furloughs that'll make affordable care difficult to find.

Post-pandemic – with no schools, possibly no summer camps and fewer open day care centers – working parents will have fewer options. "Employers who are ahead of the game will have a clear advantage," says Sigala.

Firms that pay directly for child care can claim 10% to 25% of the cost – up to \$150,000 – each year, according to the IRS. The ROI on providing child care is "more than 30 times on an annual basis from the impact of recruiting, retention and productivity," says Charles Bonello, CEO of child care provider *Vivvi.co*.

Here's how employers can make child care work for their firm:

1. Get subsidies. Firms of any size can receive robust subsidies from the federal government and some states.

2. Offer flexible spending accounts. When parents use pre-tax dependent care FSAs (DCFSAs), they keep 30% more of their own money to pay for day care and preschool. Employers might offer to fund the DCFSAs with up to \$5,000 tax-free to keep employees working post COVID-19.

WHAT BENEFITS EXECS SAID

Will you provide masks and gloves to returning workers?

45% Yes, to all

31% Yes, to some

22% No, will allow workers to bring their own

2% Yes, to those who want them

Source: Challenger, Gray & Christmas

Employers need to be cautious about maintaining safe working conditions. Besides PPE, most firms (89%) are providing hand sanitizer and bleach wipes, while more than half (59%) are limiting visitors.

(Each issue of WNB&C contains a current survey to give benefits officers insight into what their peers nationwide are thinking and doing.)

3. Embrace flexible work options. "Employers will need to be more flexible in their approaches to adapt to the changing needs and concerns of their workers," says Allison Velez, chief people officer, Paladina Health.

4. Offer backup care. A sick kid can upend all kinds of work schedules. There are a host of companies offering emergency day care, including KinderCare, Bright Horizons and The Babysitting Company, which works with companies of all sizes.

Info: tinyurl.com/childcare604

SHARPEN YOUR JUDGMENT – THE DECISION

(See case on Page 2.)

Yes, the company won. A judge said the employee misinterpreted the company's policy on sick leave accrual and was terminated for cause.

Lawyers for the employee argued she should've had enough sick time available because it had already started accruing at the beginning of the pay period when she requested leave.

However, the company said those hours weren't available to workers until the next payday, when they appeared on their pay stubs. Employees couldn't use the sick time when a new pay period started. If they tried to do so, that time would be considered an "unexplained absence." That's why she was terminated.

The judge agreed. The employer's policy was clear, and

there was no evidence the company made errors tracking her accrued time. Her case had no merit.

Analysis: Ensure employees know your policies

More states and localities are passing their own sick time laws with different rules and regs about how that time should be accrued and used. It's important to ensure your policies meet those guidelines for compliance, and it's also important employees understand how their sick time is accrued.

If accrued vacation/sick hours are listed on employee pay stubs, it's best to include a note that the balances are accurate as of the end of the pay period specified in the paycheck. It's also helpful to offer time-off requests through an employee portal, so they can see how their balances change in real time.

Cite: *Lowes v. Baldwin*, No. 2:18-cv-537, U.S. D.C. S.D. Ohio, Eastern Division, 12/30/19. Dramatized for effect.

Combining a cutting-edge work culture with traditional benefits

■ Flat hierarchies, social fun mixed with family leave

Different is good. To drive that point home for the team at our design firm, we created a 38-page manual.

The manual talks about everything but our 401(k), how to access the internal server or what you need to do to set up your email account.

Instead, we talk about our culture and what it takes to thrive here.

No permanent freelance

After the initial recruiting process, new hires are interviewed by the people who will actually be working with them to help make sure we're hiring for the right team and the right reasons.

We avoid hierarchy. Instead, we work to have mentors and collaborators, not commanders. And unlike many other agencies, we don't do permanent freelance, or "permalence."

Everyone here is a full-time employee and we have great benefits. As our CEO says, "If you don't give people the comfort level to settle in, you're not building much of a foundation."

There is a flip side. No one is micromanaging, so employees are responsible for figuring out what they need to be doing.

Change is our only constant

We tell our team, "If you don't like something, change it."

It can be tempting to say "It would be nice if someone would organize the (server, kitchen, furniture, etc.)." Here, we are each that someone.

Every awesome thing you see in our offices and studios is like that because someone decided to put together a plan to get it done.

That goes for anything. Seriously.

We used to have a giant wall running through the middle of the shop. It blocked all the beautiful light from outside.

A few folks put together a proposal to tear down the wall, and weeks later, we did. Let there be light.

'Start a ritual'

Every tradition here was started by one of our colleagues, not dreamed up by a boss or an outside benefits "expert."

And there are a ton of them:

Whiskey Club, foosball tournaments, karaoke, Coney Island, street dice, ski trips, game nights, show and tell and Bagel Fridays, to name a few. Each one exists because someone just decided to do it. We tell everyone here, "Start your own ritual."

Family values

It's important to us that everyone is enjoying their job, but we also work hard to provide excellent traditional benefits.

For example, we are a proud signatory to the Pledge Parental Leave, a movement for employers in the creative industries to provide meaningful, paid parental benefits.

In addition to what's required by FMLA, full-time primary care parents are eligible for up to 12 weeks of leave at base pay.

And secondary caregivers are eligible for up to four weeks of parental leave at base pay.

While on paid parental leave, the company covers 100% of health insurance premiums, and employees remain eligible for salary increases and bonuses.

(Trishna Shah, Talent & Culture, Big Spaceship, Brooklyn, NY)

Case Study:

WHAT WORKED, WHAT DIDN'T

TEST YOUR KNOWLEDGE

■ The CARES Act impacted health reimbursements: The new rules

A provision in the CARES Act changes reimbursements from health savings accounts (HSAs), flexible spending accounts (FSAs) and health reimbursement accounts (HRAs). Do you know what's changed?

Test your knowledge: Decide whether the following statements are *True* or *False*. Then check your responses against the answers below.

1. Many over-the-counter (OTC) items, like menstrual care products, now qualify as medical expenses that can be purchased with FSAs, HSAs and HRAs.
2. The eligible item expansion is only in effect until the government declares the coronavirus emergency contained.
3. If employees' cards are denied, they must submit receipts for reimbursement.

ANSWERS

- Answers to the quiz**
1. True. FSA, HSA and HRA funds can now be used for cold medications, antihistamines, antacids, anti-inflammatory, and other non-prescription items. Menstrual products, including tampons, pads, liners, cups and similar items are reimbursable for the first time.
 2. False. The CARES Act is a permanent change to the list of eligible items purchased with FSA, HSA and HRA funds anytime after Dec. 31, 2019.
 3. True. It may take 6-8 weeks for providers to make system changes. If employees try to buy OTC products using a plan card, it may be declined. They can buy listed items using another form of payment and submit expenses for reimbursement until retail systems are updated.
[Info: tinylurl.com/CARESACT604](mailto:tinylurl.com/CARESACT604)

Health insurers offer grace periods to help employees

Check with your health insurer. Most are making changes to the way they determine benefits eligibility in order to extend coverage to employees affected by the COVID-19 pandemic.

In response to layoffs and furloughs, 42% of insurance carriers are choosing to automatically continue coverage for all employees for a specified period of time, according to insurance association LIMRA.

Nearly all insurers are offering grace periods of 60 days to workers unable to pay their premiums due to the coronavirus; and 40% say they'll collect the back premium through payroll deductions at a later time.

Info: tinyurl.com/LIMRA604

Free wellness program to help employees cope

Here's how employers can nudge their employees to better health and wellness, even while they're still working remotely: Wellness provider WellRight is offering a free 90-day program to employers.

The program is available online and includes digital reminders to participate in activities, like "Take a 20-minute walk" or "Take a virtual break with a co-worker." Live coaching is also available.

Wellness programs can set workers up to "hit the ground running once everyone returns to the office," says Tad Michell, CEO, WellRight.

Info: tinyurl.com/WellRight604

COVID-19 task force: Will offer guidance for firms

As firms guide their employees back to work, they'll get extra help. The National Safety Council (NSC) has put together a new task force to offer plenty of guidance and best practices.

The Safe Actions for Employee Returns (SAFER) task force (tinyurl.com/SAFER604) is comprised of a diverse group of

companies, government agencies and safety organizations.

"It's so important that we get this right because how we navigate bringing employees back to work safely will in part guide how we get to the other side of this pandemic," says Lorraine Martin, president, NSC.

Info: tinyurl.com/NSCtask604

Paycheck loans, round 2: Employers, better hurry

Since the feds replenished the Paycheck Protection Program (PPP) with \$320 billion, under the CARES ACT, many more small employers can request loans. But you need to act fast before money runs out again or the PPP ends on June 30, 2020.

If you weren't able to obtain a loan during the first round of Small Business Administration (SBA) funds, which were depleted in weeks, here's a tip from *Shark Tank*'s Mark Cuban: Apply to multiple banks. You can have "multiple applications. You just can't take multiple loans," he says.

The PPP funds are forgivable loans (tinyurl.com/SBA604) if an employer uses the proceeds to cover payroll and some employee benefits and maintains the same number of employees.

Info: tinyurl.com/PPP604

DOL: New fluctuating workweek rule coming soon

Some good news for employers at a time when they need it: The DOL's new fluctuating workweek (FWW) reg, giving firms more flexibility when compensating workers with inconsistent schedules, is awaiting approval from the White House.

The new FWW rule targets FLSA's method of calculating overtime pay. Employers would have the option to pay certain workers whose hours vary week-to-week at half their regular rates for overtime.

Presently, employees receive 1.5 times their base rate for overtime.

Info: tinyurl.com/FWW604

HOT WEBSITES

■ Help for your unemployed

With so many people out of work, the *DoNotPay* app knows how to circumvent jammed phone lines to state unemployment offices to help laid off workers get their claims processed quicker. And it's free.

Click: tinyurl.com/donotpay604

■ Remote playbook

Toptal, the world's largest fully remote company, shares insights and best practices with all employers in a free "Suddenly Remote Playbook."

Click: tinyurl.com/remot604

■ State-by-state mask orders

To stay compliant with your state COVID-19 mask requirements and recommendations for the workplace, check the comprehensive listing on law firm Littler Mendelson's website.

Click: tinyurl.com/masks604

If you have a benefits-related question, email it to Lynn Cavanaugh at: lcavanaugh@hrmorning.com

LIGHTER SIDE

■ Back to 'The Office'? New remote show in the works

You might remember the put-upon HR rep Toby Flenderson on the long-running TV show *The Office* (that's still streaming on Netflix).

Now that so many employees are working from home, Paul Lieberstein, who played Toby, got inspired to create a sort of remote *Office* show that'll hopefully bring some laughs to those stuck at home.

It's like *The Office* without the office, says Lieberstein.

The new comedy's set around a boss who, in an effort to ensure his staff's connectedness and productivity, orders them to virtually interact and work face-to-face *all day, every day*.

Hopefully most real bosses won't make such a ridiculous request.

Click: tinyurl.com/theoffice604