

June 15, 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.

COVID-19 lawsuits: 4 areas to watch as you reopen, rehire

■ Navigating laws on leave, discrimination, testing

Employee lawsuits have already been filed over the coronavirus, as employers find themselves trying to navigate the re-entry of their employees back to the workplace, while staying compliant with state and federal laws. For example:

- An employee sued a Dallas real estate firm after being fired for refusing to work on site.
- A Kroger employee sued her employer, alleging it failed to comply with the Families First Coronavirus Response Act, allowing her 14 days to self-isolate.
- An Eastern Airlines worker was fired days after requesting leave

to care for her son while schools were closed – one of the first such lawsuits filed under FFCRA.

These lawsuits are a sign of things employers need to watch for in the coming weeks and months, as the workplace is a whole different landscape now.

There's a host of new laws for employers to comply with, plus a workforce that's hesitant to return to a workplace that's potentially unsafe.

Social distancing protocols

Some employees will be hesitant to return to work for safety concerns

(Please turn to COVID-19 ... Page 2)

CORONAVIRUS REGS

DOL: New FFCRA guidance on child care, temp workers

As employers comply with the requirements under the Families First Coronavirus Response Act, the DOL issued new guidelines on May 12 (tinyurl.com/FFCRA605), giving firms guidance on how to implement them.

New paid leave rules

- **COVID-19 reporting:** An employer may only require an employee, who's requesting paid sick leave to seek a coronavirus diagnosis, to provide symptoms and the date of the test or doctor's appointment.
- **Failure to provide leave:** If the DOL receives a complaint of an employee who's refused leave, their employer must pay the

entire amount due, which is the employee's regular rate.

- **Contract workers:** An employee who works for a temp agency but is placed at a business with fewer than 500 workers is eligible for FFCRA leave if that business fits the DOL's definition of a joint employer.
- **Closed day care:** If a day care's closed for a reason unrelated to COVID-19 (e.g., summer break), that parent's ineligible for leave.
- **Unable to telework:** If an employee can no longer work remotely due to childcare issues and requests paid leave, an employer can ask them to provide a qualifying reason.

Info: tinyurl.com/DOL605

COVID-19 ...

(continued from Page 1)

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.

“Employers should be vocal and conspicuous about the policies and practices implemented, with signs explaining it all,” advises Seyfarth Shaw employment attorney Brett Barlett.

ADA discrimination laws

Employees who have disabilities and serious medical conditions are still entitled to ADA accommodations. “If you have an employee who raises a specific medical reason, that request should be evaluated,” says Dykema attorney Switzer Steinfield.

Employers should also accommodate employees who request remote work or time off due to underlying health reasons that could put them at greater risk of infection.

While the Age Discrimination in Employment Act (ADEA) law doesn’t have a reasonable accommodation component like the ADA does, employers are encouraged “to be flexible in response to leave requests” from older employees who are more at risk, says Potomac Law Group attorney Isaac Mamaysky.

Extended FMLA leave

Some employees may qualify for extended time to work remotely under the emergency FMLA leave, part of the FFCRA.

Any employee with a “qualifying need” is eligible if they’re unable to work or telework because they have to care for a child whose school or place of care has been closed, or their child care provider is unavailable due to the coronavirus.

However, as more day cares open heading into the summer months, employees wouldn’t qualify for leave to take care of children, said MetLife VP Dan Iskra. “They’d be expected to make arrangements for childcare, just as they would for normal summer vacations,” he said.

COVID-19 testing, screening

The EEOC just updated its guidance ([tinyurl.com/EEOC605](https://www.eeoc.gov/eeoc/policydocs/20200605-guidance-covid-19)), explaining employers may screen workers for COVID-19 before allowing them to enter the workplace: “An individual with the virus will pose a direct threat to the health of others,” states the EEOC.

Firms can also lawfully ask workers if they have the coronavirus and take workers’ temperatures, as long as they establish a consistent process for the procedure, says the EEOC.

Although the feds haven’t yet given firms immunity from coronavirus-related lawsuits, a new relief bill – the HEROES Act – may include a waiver to protect them from liability from employees who contract the disease on the job.

Info: [tinyurl.com/return605](https://www.eeoc.gov/eeoc/policydocs/20200605)

SHARPEN YOUR BENEFITS JUDGMENT

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.

■ Her per diems weren’t counted as wages: FLSA violation?

“I need to talk to you about the per diems we give employees for travel,” said Benefits Manager Betty Murphy to Payroll Manager Jessica Samuels, who was sitting in her office.

“Since most of our employees travel long distances to our job sites, we’re paying them all per diems,” said Jessica.

Blanket per diem policy

“Yes, that’s fine for the long-distance employees. However, for the few local employees who aren’t traveling over 50 miles to get to the job site, those per diems need to be treated as regular wages.

“Maureen Thomas, who’s local, is saying her per diems weren’t included as part of her wages, which matters when she works overtime,” said Betty.

“Yes, it’s been difficult keeping up with employees’ residences, since some stay in temporary housing or hotels. Others forget to tell us when they’ve moved, since they’re working off-site. That’s why we made a blanket per diem policy since it applies to most employees,” said Jessica.

The company was in the process of revamping their per diem policies when Maureen and other local co-workers took their employer to court over the per diem payments. They alleged they should’ve been treated as wages all along and included in overtime calculations as well.

Betty’s company decided to fight the lawsuit. Did it win?

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

HR MORNING'S
What's New in **BENEFITS & COMPENSATION**

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DOL: Extends COBRA deadlines, giving laid-off workers more time to sign up

As health insurers give laid-off or furloughed employees a grace period to pay COBRA premiums, the DOL has now extended the deadline for employees to sign up for coverage until at least Aug. 28, 2020.

On May 4, 2020, the DOL and the IRS jointly announced a new final rule ([tinyurl.com/COBRA605](https://www.tinyurl.com/COBRA605)) “to assist employers and employees in the process of maintaining employer-sponsored group health plan coverage,” said Brian Gilmore, VP, ABD Insurance & Financial Services.

Typically, terminated or laid-off employees have 60 days to elect COBRA coverage. But the new rule extends the deadline to beyond the “Outbreak Period” – which the feds define as March 1, 2020 – to 60 days after the end of the declared coronavirus national emergency, now set for June 29, 2020. This makes the new deadline Aug. 28, 2020.

Premium payment extended

The new rule also extends the deadline for premium payments. COBRA enrollees normally have

45 days from their COBRA election to make the first premium payment. However, the new rule extends the initial premium payment deadline beyond the Outbreak Period, that is, until 60 days after the national emergency ends.

Any COBRA premiums due during the Outbreak Period – March, April and May – will not be considered delinquent until 30 days after the end of the Outbreak Period. However, all missed premiums would be due at once.

Employers can charge employees 100% of the COBRA premium, plus an additional 2% administrative fee.

During the pandemic, some employers are choosing to pay for the cost of COBRA coverage for employees who were furloughed or had their hours cut. It’s also possible COBRA subsidies for employees may be included in the next federal coronavirus relief bill.

No extension was granted for the 14-day deadline for employers to issue COBRA notices.

Info: [tinyurl.com/DOLIRS605](https://www.tinyurl.com/DOLIRS605)

\$ 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.

■ Hair salon chain cut paychecks, adding up to a \$4.25M loss

An operator of hair salons in 15 states and Washington, D.C., didn’t give thousands of workers a final paycheck when it closed 750 locations due to the pandemic.

What happened: Creative Hairdressers closed 750 shops operating under the Hair Cuttery, Bubbles The Color Salon, Salon Cielo and Salon Plaza brands, as the pandemic intensified in March.

The company filed for bankruptcy and was sold. By shorting workers their final wages, the company violated minimum wage laws.

Result: The U.S. Bankruptcy Court for the District of Maryland ordered Creative Hairdressers to pay \$1,149,965 in back wages to more than 7,500 employees plus \$3.1 million in state minimum wages, 401(k), bonuses and tax payments.

Info: [tinyurl.com/haircut605](https://www.tinyurl.com/haircut605)

■ Healthcare firm misclassified workers, owes \$4.7M in OT

A health management company misclassified “care management employees” as exempt from overtime requirements.

What happened: Nashville-based NaviHealth used various titles (care coordinator, care manager and coordinator) to refer to the positions held by care management employees. The firm paid them a flat salary, despite their primary duties of inputting data and scheduling medical care, which didn’t qualify them as exempt employees.

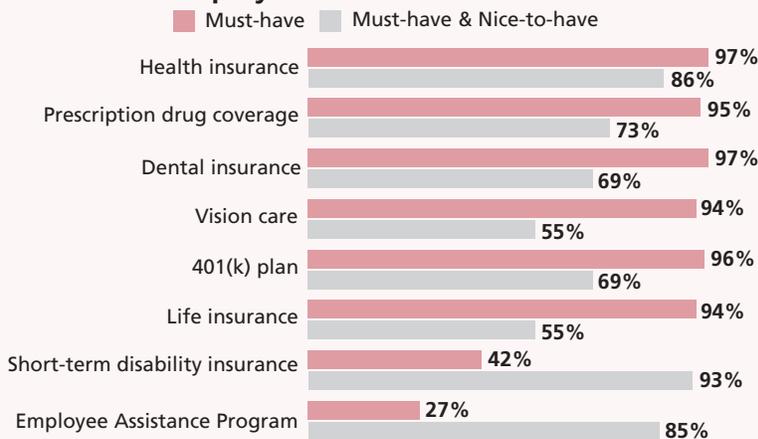
The company failed to pay them overtime for regularly working more than 40 hours a week.

Result: NaviHealth will pay 168 employees \$4.69 million in back pay and damages.

Info: [tinyurl.com/navihealth605](https://www.tinyurl.com/navihealth605)

Does your benefits package help employees feel secure?

What do employees consider must-have benefits?



Source: MetLife

Benefits that help alleviate financial burdens can make employees feel more secure, less stressed – something that’s especially valuable in uncertain times.

Paycheck Protection cash: Track wages, benefits to ensure loan forgiveness

As many small employers prepare forgiveness requests for their Paycheck Protection Program (PPP) loans, bankers are pushing the Treasury Department to make requirements easier to meet.

So far, hundreds of thousands of small employers have taken out the SBA loans from the program, which ends on June 30, 2020.

The loan proceeds are to be used to cover payroll, as well as employee benefits. The forgivable loans get reduced if an employer decreases its full-time employee headcount for the first eight-week period beginning on the date of the loan and cuts salaries of employees making under \$100,000 by more than 25%.

Many employers are realizing how burdensome it can be to get the loan forgiven. A huge stumbling block is a requirement that employers allocate 75% of the loan to cover payroll costs, when they're having trouble just staying afloat.

The Independent Community Bankers of America has asked the feds to reduce the payroll spend to 50% to

allow employers to use the remainder on overhead costs. Although Treasury Secretary Steven Mnuchin has the authority to change the rules, he said, "The objective here is to put people back to work."

Until the rules change, firms will need to ensure PPP funds go to:

- salary, wages, commissions – up to \$100,000 for each employee
- benefits, including paid leave, severance pay, insurance premiums and retirement benefits, and
- state and local taxes.

Forgiveness guidance

Some employers are having difficulties bringing back the same number of full-time equivalent employees pre-pandemic, as employees, who are making more on unemployment, refuse to return.

On May 6, the SBA issued favorable guidance for employers (tinyurl.com/SBA605) on this issue, allowing that these employees won't be counted against the small employer.

Info: tinyurl.com/PPP605

Getting your email messages heard above all the noise

Out of the 576 billion emails employees receive every year, those regarding benefits, compensation and perks exceed all other categories, according to research firm IDC.

So the good news is benefits teams are doing a great job of keeping the communications flow moving.

The bad news? The majority of those emails are either never read or, if they're opened, don't result in the actions you're looking for.

IDC identifies three major negative results that come out of those unread messages:

- disconnects – efforts are poorly coordinated and implemented
- increased employee frustration, and
- reduced employee performance due to unclear or conflicting expectations.

Make an impact

Many of your messages may be calls to action, whether that's enrolling in a wellness program or ranking proposed benefit options. Here's how to get your emails to land:

First, explain what you need. If you want employees to take action, make sure that's made clear right up front. Even seasoned benefits pros often forget to make it clear that recipients should do something specific after reading a message.

Create a theme. Break up your communication with a series of related messages that have a common theme, rather than one long one. It'll capture more interest.

For example, a series of emails about wellness could start with a general introduction to available programs. Then intersperse more detailed descriptions of exercise or healthy eating benefits, along with co-workers' real-life success stories.

Info: tinyurl.com/getheard605

What are your employees' concerns about returning?

Back to the office: Employees weigh in What should your company change?



Source: Robert Half

As firms reassess priorities to improve the workplace, they'll need to make some timely changes to reassure employees their health and safety is a priority.

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 **Front-line workers get bonus during pandemic**

To show our gratitude during this historic time, we're giving a front-line appreciation bonus to all our part-time and full-time store employees.

We made a more than \$15 million commitment to employees by giving them a 10% bonus on all hours worked during the pandemic.

We're also offering new benefits to our more than 80,000 employees in response to the COVID-19 outbreak.

The first benefit is job protective leave for those who either test positive

for COVID-19 and/or are required to self-quarantine. This benefit will provide job protection for two weeks and applies to all employees, no matter their length of service.

In addition, full-time employees enrolled in short-term disability will receive a minimum of two weeks of paid time off, should they become ill.

Waiving co-pays

Another benefit we implemented allows employees affordable access to telehealth services, including mental health. We're waiving co-pays for all full-time

employees who utilize the 24-hour virtual medical service, and we're allowing part-time workers to use the service for a minimal fee.

Our workers are our most valuable asset, and we must do everything we can to support them and their families during this critical time. We hope these new benefits will help lighten the load for our employees who are working round the clock to serve our customers

(Randy Edeker, Chairman of the Board, CEO and President, Hy-Vee Inc., West Des Moines, IA)

**REAL
PROBLEMS
REAL
SOLUTIONS**

and pay off one of their biggest financial burdens, providing much needed debt and stress relief.

More than 10% of our employees have registered for receipt of the monthly benefit.

We believe benefits should take care of the whole person. By offering benefits that help our employees be successful, we're cultivating a culture of care that both our employees and our healthcare clients benefit from.

(Jason Anderson, CEO, VRI, Franklin, OH)

2 **Helping employees with student debt, retirement**

Many of our employees have invested in themselves through further education, but the burden of that student loan debt has prevented them from preparing for retirement.

So, we expanded our benefits package to include student loan repayment. It's rooted in both the feedback from our employees and our desire to set them up for career success and through retirement.

We teamed up with *Tuition.io* to

offer our 300 employees a student loan repayment benefit. The program's set up so they can pay down their loans while saving for retirement.

To be eligible, employees must be participating in our 401(k) program, which we match up to 4%. Once they contribute to their 401(k), we match it and also pay \$50 toward their student debt each month.

Unique approach

This unique approach encourages employees to save for retirement

3 **Tech firm is close to 50% gender balance**

Two years ago, our cybersecurity team was 28% women. In an industry where 10%-15% of staff are women, we're now close to 50% women because of a few simple practices.

Engaging the hiring managers, with support from upper management, is critical. They're the front line. They have the most visibility into problems and the ability to effect change.

We recognized that recruiters have to accept the candidates that apply.

So, our task became more subtle: *How do we get a wider variety of people to apply?* Improving the job description. We experimented with looking for subtle, gender-coded language to alter.

Looking outside our industry

We also looked outside our industry. Our cybersecurity team, like many, has positions that look more like "librarian" or "journalist."

Rather than hiring deep security experts, we hired actual librarians and journalists. Those are shrinking career fields, so targeting those folks has

given us access to new populations.

We also recruit from the Akamai Technical Academy, our paid six-month training program that recruits talent that may not come from a STEM background but have the aptitude to get into tech. It produces more candidates who are women, minorities and veterans.

All these proactive steps have led to our team now having close to 50% women. That's great progress.

(Andy Ellis, Chief Security Officer, Akamai Technologies, Cambridge, MA)

RETURN TO WORK

Recalling furloughed, laid-off workers

While employers move toward reopening their offices, those forced to cut staff will need to begin the process of recalling or rehiring employees.

If employers received a federal Paycheck Protection Program loan, there's more of an incentive to restore staff to pre-pandemic levels by June 30, 2020 in order to maximize loan forgiveness.

Recalling furloughed employees

Asking furloughed workers to return to work often starts with a recall letter (see Paycor template at tinyurl.com/letter605) at least a week or more in advance of their return to work, including a date by which the employee must respond to the letter.

Terms of employment. The letter will replace any previous terms of employment, so be as comprehensive as possible, including salary, hours, supervisor, etc. and if any job duties have changed.

Benefits. Employees are still entitled to benefits while on furlough, but employers need to let them know any impact of the furlough on vacation, sick leave and other benefits.

Drugs tests. Generally, it's not

necessary to update pre-hire testing after a furlough, unless those jobs are subject to mandatory testing.

Refusal to return. If a furloughed employee refuses a recall, an employer needs to carefully evaluate if the refusal is reasonable.

Since the CARES Act included a \$600 boost to weekly unemployment checks through July 31, 2020, "workers are telling their bosses they'd rather be unemployed than return to their jobs," said Sean Kennedy, Executive VP, National Restaurant Association.

However, an employer can report these employees to the state's unemployment office. To protect themselves from a lawsuit, employers might consider noting actions they'd take in a recall letter to employees.

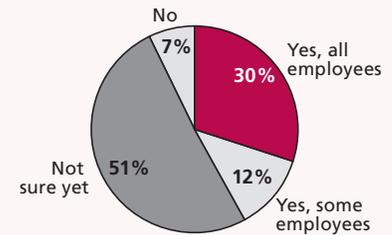
Rehiring laid-off employees

Rehiring a laid-off employee may make ramping back up easier, but there are some things to consider before hiring back laid-off employees.

Draft a hire-back policy. If an employer is hiring back more than a few employees, writing a policy and listing criteria can help avoid lawsuits from disgruntled employees not

WHAT BENEFITS EXECS SAID

Coronavirus wage freezes Are your employees affected?



Source: Mercer

As four in 10 firms put salary freezes in place, most employees will stay put for now. But cutbacks can take their toll on employees over the long term, especially if layoffs leave survivors with a lot more work.

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

offered their jobs back.

Be consistent. Consider carefully who to rehire. For instance, if an older employee and a recent graduate were both laid off, only rehiring the younger employee could open the company up to a wrongful termination lawsuit citing age discrimination.

Check with managers. It's possible bosses made promises to bring back certain employees when things pick up, which could be considered a contractual obligation.

Info: tinyurl.com/layoff605

SHARPEN YOUR JUDGMENT – THE DECISION

(See case on Page 2.)

No, the company lost.

The court decided the company must pay back its workers overtime pay since the per diems weren't included as wages when calculating their overtime rates.

The company argued that it wasn't aware which employees were local and which weren't, so it gave everyone the same per diem payment each pay period.

However, employees showed proof they provided their addresses to the company at their time of hire, so the employer should've been able to track which employees were within 50 miles of the job site.

The court recognized the difficulty the company had in determining whether an employee's address was a "permanent address or just a [hotel or temporary]

address for the duration of the project." It also said that "willfulness was lacking," so it set a two-year statute of limitations on claims.

Analysis: Pay per diems separately

In most cases, per diems aren't counted as wages for employees who travel often.

However, per diems should be treated as wages if employees aren't being reimbursed for travel or business expenses they've incurred, which means the payments should be included when calculating the regular rate for overtime pay.

To keep confusion at bay, it may be easier to pay per diems separately from workers' normal paychecks or provide the funds on prepaid cards. It may also be easier to give workers per diems in advance of traveling.

Cite: *Stone v. Troy Construction, LLC*, No. 18-1825, U.S. Crt. of App., 3rd Circ., 8/20/19. Dramatized for effect.

Unlimited vacation time is just one way our benefits reflect our culture

■ Our benefits strategy is driven by our core values

We base our vacation policies on trust and don't track how much time our employees take off.

For some companies, moving toward unlimited vacation time is a way to reduce the burden of tracking time off and rolling over unused vacation from year to year.

And that's a big part of the benefit of having an unlimited vacation policy in the first place – we don't have to waste time on administrative tracking of PTO.

That lets us use our time on more strategic people initiatives. Besides, we've found that hours worked don't usually correlate with performance for knowledge workers.

Powerful tool

For most of our employees, the unlimited vacation policy is less about spending weeks at the beach and more about managing their lives more effectively.

Usually, our people are taking an afternoon off to see their kid in a school play. Or someone might be taking care of a family member with a chronic illness.

The flexibility of unlimited PTO lets them stop worrying about using up all their vacation time so they can get their loved one to regular doctor's appointments.

In our experience, people are simply more committed to their jobs when they don't feel "nickel and dimed" with limited, closely tracked time off.

That's especially true when that time off means they don't have to choose between work and taking care of themselves or fulfilling their other obligations in life.

But, while unlimited PTO is certainly a powerful tool for attracting and retaining talent, it's just as

important as a reflection of our overall company culture.

Culture is more than perks

A lot of companies, maybe too many, conflate culture with perks. If your "culture" hinges on cold brew coffee, free lunch and a ping pong table, you're in big trouble when the company down the street matches these things and rolls out free dry cleaning to boot.

We believe strongly that it's important to design company culture with the same focus and discipline as you do the products you bring to market. And like your products, just offering the same thing as the competition isn't going to cut it.

When you haven't done the work to define a company's culture, you end up relying on a collection of perks to try to stand out from the competition.

Over the long term, it isn't enough to keep those stars on board. And you're constantly keeping track of what your competitors are offering and scrambling to keep up.

Benefits that reflect our values

Instead, we ask, "What benefits do people really value?" We not only provide full health, vision and dental, we also make generous contributions toward health deductibles, commuting costs and retirement and, of course, unlimited PTO.

By starting from a well-defined culture, we have a guidepost for evolving our benefits strategy.

Instead of flashy but empty perks, our benefits reflect our core values and attract the right people to our team.

(Emma Brudner, Director of People Operations, Lola.com, Boston)

Case Study:

WHAT WORKED, WHAT DIDN'T

TEST YOUR KNOWLEDGE

■ As offices stay idle, be careful about cutting hours, wages

The coronavirus crisis has forced employers to reduce employees' pay and/or hours worked, however, it's critical to follow FLSA provisions to stay out of legal trouble.

Do you know what is and isn't allowed?

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

1. An employer can reduce an exempt employee's salary due to a slowdown in business.
2. A salaried exempt employee can volunteer to take time off of work due to lack of work.
3. Even if you're having trouble meeting payroll, you must pay non-exempt workers all regular *and* OT wages on the regular payday.

ANSWERS

- Info: tinyurl.com/slwopw605
- each state you operate in. rules vary, so check time limits for practicable after the period. State Then you must pay OT as soon as OT until after the regular period. day unless you can't determine on the regularly scheduled pay wages and any overtime are due
1. *False.* If an exempt employee is ready, willing and able to work, deductions may not be made for time when work isn't available. Except for certain limited exceptions, salary deductions will result in loss of the exemption.
 2. *True.* If an exempt employee volunteers to take off due to lack of work, you can deduct salary for one or more full days. The employee's decision to take a pay cut rather than use PTO must be completely voluntary.
 3. *False.* Non-exempt employees' wages and any overtime are due on the regularly scheduled pay day unless you can't determine OT until after the regular period. Then you must pay OT as soon as practicable after the period. State rules vary, so check time limits for each state you operate in.
- Answers to the quiz

New coronavirus relief bill for non-emergency FMLA

The latest coronavirus relief bill – the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act – would lower the bar for FMLA eligibility and expand paid leave.

For employees who need time off because of school and day care closures, the bill would provide two weeks of paid leave at full pay and 12 weeks of paid FMLA leave at two-thirds of regular pay. Employers would be responsible for funding the leave with tax credits available.

The bill would also extend the additional \$600 a week in enhanced unemployment benefits, which are set to expire in July, until January 2021.

While the bill's expected to be voted down by the Republican Senate, it'll most likely resurface again in June.

Info: tinyurl.com/HEROES605

New job platform: Hire people in virtually no time

With social distancing making in-person hiring difficult, employers can speed up the process by hosting a virtual hiring event.

Social platform Jobcase has launched these events to allow employers to interact directly with candidates within a few days' time.

Jobcase can provide online registration with screener questions, video presentation capabilities, chat tools and a social media platform.

Info: tinyurl.com/jobcase605

Feds relax HIPAA privacy rules for telehealth access

As more telehealth options continue to expand, the feds have loosened the HIPAA privacy rules to ensure people with chronic conditions continue to get care during the pandemic.

The Department of Health and Human Services (HHS), which is responsible for HIPAA compliance,

has waived the rules to allow doctors to use newer video apps, such as Zoom, without the normally required regulatory business agreement.

In addition, HHS won't impose penalties for disclosure of protected patient information. The new ruling's in effect until the pandemic ends.

Info: tinyurl.com/HIPAA605

Firm, temp agency sued for firing pregnant workers

Here's another clear message to firms why pregnancy accommodations have to be taken seriously: The EEOC has sued a Phoenix employer and its temp agency, alleging it fired workers because of their pregnancies.

Human Capital Management placed two pregnant women with LogistiCare Solutions as customer service reps. But a week into training, they were fired because LogistiCare "assumed they would not be able to comply with its attendance policy," the suit said.

This case is a reminder for all firms to ensure they don't discriminate against pregnant workers and to check state laws, since many have regs granting pregnant workers rights.

Info: tinyurl.com/pregnant605

EEOC: Firms have extra time to submit 2019 pay data

Good news: Because of the coronavirus, the EEOC will delay last year's pay data collection until March 2021. However, that will include calendar years 2019 and 2020.

The EEO-1 Component 1 pay data, which employers report by race, ethnicity, gender and job category, is generally due by May 31.

Component 2 collection, which includes additional data the EEOC needs to help root out pay discrimination, was already suspended. The EEOC's expected to release an update on Component 2 collection in September 2020.

Info: tinyurl.com/EEO605

HOT WEBSITES

■ HR coronavirus podcast

On its new podcast HR Trends, benefits brand Unum is offering firms coronavirus guidance on the new paid sick leave, FMLA leave regs and return-to-work best practices.

Click: tinyurl.com/Unum605

■ Free wellness hub

During the pandemic, help your employees work out, manage stress and sleep better with Virgin Pulse's well-being portal – full of free health and wellness tips and tools.

Click: tinyurl.com/wellness605

■ Guide to mental health apps

To help employers assess the latest mental health apps and what they offer (coaching, therapy, etc.), download the Northeast Business Group on Health's free guide.

Click: tinyurl.com/mental605

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

LIGHTER SIDE

■ Remote worker files complaint against feline 'co-worker'

"This letter serves to formally document your failure to comply with household regulations ...," wrote newly remote worker Andrew Stych in his HR complaint about Penelope, his feline "co-worker."

You see, the cat's been causing "general mayhem" (shutting off the power strip, stepping on the keyboard, etc.) ever since he and his wife Sheila have both been on lockdown during the pandemic.

Andrew presented the letter to Sheila, the appointed "household supervisor," who was thoroughly amused. Then he posted it on Facebook, where it's gone viral. But no word on whether the cat got the memo about making "an immediate and permanent alteration to your workplace habits."

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