



## Sheakley HR: COVID-19 FAQ

As your HR Partner we thought it would be helpful for us to put together a list of common questions that we are receiving from our clients. We hope that you find this information helpful and it eases your mind. We understand that as additional information arises the answers to the below questions may change. We are actively watching/listening to the news daily and will provide updates as quickly as possible. Please do not hesitate to reach out to your Sheakley HR Representative should you have additional questions or concerns.

1. If I have to lay-off my employees, what will happen to their benefits?
  - a. In the event that you have a mass lay-off or a reduction in force due to COVID-19 there are a couple of different ways to handle your benefits.
    - i. You can keep you employees active and cover the cost of the premium during the lay-off/reduction in force. When employees return to work, we can collect the missed premiums from the employees which will pay back the employer.
    - ii. Employees can be terminated and offered COBRA coverage. Employees would then be responsible for 100% of the benefit premiums plus an administrative fee.
      1. Please note: These options look a little different depending on whether or not you have your own benefit plan or utilize Sheakley's plan. Contact your Sheakley HR Rep for additional information.
2. What if employees are having a difficult time coping with COVID-19 and are unsure how to handle/who to talk to about it?
  - a. Employers that utilize the Sheakley PEO benefit plan and employees who are enrolled in the medical plan can utilize the Care 24 service. Care 24 can be utilized for:
    - i. Stress and anxiety
    - ii. Relationship worries
    - iii. Coping with grief and loss
    - iv. Prevention
    - v. Self-care information
    - vi. Assistance with finding a doctor
  - b. For employers that are on their own benefits, you can contract your broker to determine if your medical plan offers an Employee Assistance Program. They will be able to provide literature on the program for your employees.
3. If I have to complete shut down operations or lay people off, are they eligible for unemployment?
  - a. Yes. If the organization shuts down or has to lay people off due to COVID-19 employees will be eligible for unemployment.
  - b. In the state of Ohio, there is a mass layoff number that employees can provide when filing their claim with the Ohio Department of Job and Family Services. This layoff number is: 2000180. Sheakley HR is working on gathering additional information for clients operating in other states.
  - c. The weekly benefit amount available to employees will vary based on their average weekly wage and the amount of allowable dependents the employee has. There are tools available at [odjfs.gov](http://odjfs.gov) to help with these calculations:

- i. [https://unemployment.ohio.gov/PDF/Benefits\\_Estimator.pdf](https://unemployment.ohio.gov/PDF/Benefits_Estimator.pdf)
- ii. <https://unemployment.ohio.gov/PDF/HowOhioUCBenefitsAreCalculated.pdf>

4. Is there a cap on the weekly benefit amount available to employees?
  - a. Yes, the maximum amount that an employee can earn per week is \$647. This amount is based on their average weekly wage and the amount of allowable dependents the employee has.
5. Will employees filing for unemployment affect my state unemployment rate next year?
  - a. Employees who are filing for unemployment are being paid out of a mutual fund, not your specific unemployment account. Your rate should not be affected for 2021.
6. If I am terminating someone for cause, do I need to let Sheakley HR know?
  - a. Yes, please let us know. Without having the information needed to contest the unemployment claim, it will be allowed. If you are terminating an employee for cause, please contact your Sheakley HR Rep.
7. Will my Sheakley HR Representative be available for onsite visits?
  - a. Unfortunately No. In an effort to keep our team healthy and safe we are postponing client visits. We will be available to our clients via phone and email.
8. Should my clients be traveling locally or domestically for work?
  - a. In this moment, best practice would be to limit travel as much as possible. You will want to communicate with customers and vendors to determine if they are allowing visitors into their facility. You also have to confirm the comfort level of the employee. Are they willing to travel?
9. What if I have an employee who is refusing to come to work because of COVID-19?
  - a. At this time, best practice would be not to force your employees to come to work if they are feeling uncomfortable. Forcing employees to come to work could violate the General Duty Clause under OSHA. This clause states that employers must provide a safe and healthy workforce for their employees.
  - b. You can require these employees to use available PTO and Vacation time. Once their time off runs out, they will be unpaid.
10. What if I, as an employer do not feel comfortable having certain individuals report to work? Can I make them stay home?
  - a. Yes, IF you plan on compensating them for their time at home. As an employer, you cannot force an employee to stay home. You can advise that they work from home, but you must be fair and consistent with you workforce.
11. Are salary employees eligible for Unemployment Benefits?
  - a. Yes. Salary employees who are taken off of work due to a layoff/reduction in force are eligible for unemployment benefits.
  - b. If salary employees are working from home, they should be compensated their regular wages.

- c. If a salary employee is working from home, but less than their regular full-time schedule, they can collect unemployment to supplement their income.
12. What if an hourly associate has another job that they can work, are they still eligible for unemployment?
- a. Yes, they would be able to apply for unemployment to supplement their pay from your organization.
13. There is a lot of information in the media regarding the Families First Coronavirus Response Act and the ability for full-time employees to be granted additional sick leave. How does this affect me? Should I allow employees to use sick time now?
- a. There are a lot of unknowns with this Act and how it will affect employers. The bill has not yet been enacted and is changing on a daily basis.
  - b. Right now, I would encourage your employees to use any available sick and vacation time. In the event that the bill passes, we can work with our clients on how to track/pay back any time off used related to COVID-19.
14. If an employee who is considered high risk by the CDC is worried about their health and safety, should I accommodate them and let them work from home?
- a. Yes. If this individual is able to work from home an accommodation should be made. At this time, it is advisable that all employees who fall into the high risk category (heart disease, lung disease, diabetes, employees over 65) work from home. If these high risk employees do not have the ability to work from home, they can use any paid time off available or take the time unpaid.
15. Can I send employees home if they are choosing not to self-quarantine? Can I make them sign a contract that they will self-quarantine after working hours?
- a. No. You cannot require employees to self-quarantine outside of business hours and you cannot require them to sign a contract related to COVID-19.
16. Can I check employee's temperature before they enter the building?
- a. Ohio Governor, Mike DeWine released a statement on Wednesday, March 18, 2020 that employers who are continuing to have employees work in the office should be checking employee's temperatures. In the event that the CDC, state, or local health authority proclaims a pandemic checking temperatures is allowed. Employers checking their employee's temperatures may be considered a "medical exam" under the EEOC. The EEOC defines medical exams as an exam that is being performed by a medical professional. Checking an employee's temperature leads to a medical diagnosis which could then lead to discrimination lawsuits under the ADA and HIPAA violations. There is no clear evidence that shows a court would support an employer if a discrimination claim was filed by an employee.
17. What if I have employees who receive live checks? If Sheakley is ordered to shut down, will they be paid?
- a. Sheakley has created a Continuity Plan which will allow for us to print and mail checks on a limited basis. It is recommended that any employee who is receiving a live obtain a bank account or sign up for a Sheakley Pay Card. Direct deposit is the only way that Sheakley can guarantee payment in the event of a shut down.