

August 5, 2020

In an effort to keep you updated during the COVID-19 pandemic, we are providing you with updates on the latest developments. Please do not hesitate to reach out to your Sheakley HR team member should you have additional questions or concerns.

DHS Extends I-9 Flexibility

In June, the Department of Homeland Security and the U.S Immigration and Customs Enforcement announced an extension of the flexibility in complying with requirements related to Form I-9 due to COVID-19. Employers will not be required to review the employee's identity and employment authorization documents in person. However, employers must inspect the Section 2 documents remotely (e.g., over video link, fax or email, etc.) and obtain, inspect, and retain copies of the documents, within three business days for purposes of completing Section 2. Employers also should enter "COVID-19" as the reason for the physical inspection delay in the Section 2. This temporary guidance was set to expire July 19. Because of ongoing precautions related to COVID-19, DHS has extended this policy for an additional 30 days, until August 19, 2020.

Please note, this provision only applies to employers and workplaces that are currently operating remotely.

DOL Issues Return-to-Work Guidance Under FFCRA

The DOL issued additional guidance on FFCRA return to work issues. Specifically, time that employees were furloughed does not count against FFCRA or FLMA leave. So, if an employee was eligible for extended FMLA leave, and used 4 weeks of leave before being furloughed, he is entitled to the remaining 8 weeks of leave (if needed) when he returns to work.

Further, employees returning to work after paid FFCRA leave are entitled to be restored to their same or equivalent position, but employers are permitted to bring employees back to work in a position requiring less interaction with co-workers, or require them to telework. Employers may also require employees to test negative for COVID-19 before returning to work, so long as they do so in compliance with DOL, EEOC, and other requirements.

And, where an employer that furloughed employees due to a quarantine order, but now is looking to reopen, may not extend an employee's furlough because he would need to take FFCRA leave if called back to work.

FFCRA Paperwork Requirement

If you have an employee that is in need of FFCRA leave, please contact your HR Account Manager. By contacting your HR Account Manager we can advise you on the proper leave type and pay code to use as well as discuss the necessary forms needed to designate the leave.

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CDC Return-to-Work Guidance Updated

The Center for Disease Control revised its guidance to recommend a symptom-based strategy for ending home isolation for persons with confirmed or suspected Covid-19. Under this strategy, persons may discontinue isolation and return to work if all three of the following conditions have been met: at least 10 days have passed since symptoms first appeared; at least 24 hours have passed since last fever without the use of fever-reducing medications; and all COVID-related symptoms have improved.

CDC previously required people to wait 72 hours since their last fever, and changed the focus from improvement of just respiratory symptoms to improvement of all COVID-related symptoms.

COVID Phishing Scams Targeting PEOs

Yesterday, NAPEO was notified of a novel phishing scam that has been affecting PEOs. Under this scheme, fake Google advertisements were created to mimic a specific PEOs ads and appeared when any variation of the PEOs name was searched. These phony ads redirected anyone who clicked on them to a phony log-in page for the payroll software. The unaware victims had their personal information captured, including usernames and passwords. The PEO is working with Google to have the fraudulent ads removed.

We would like to assure you that Sheakley was NOT affected by this, but we have seen an uptick in phishing attempts since COVID began. We enabled our multi-factor authentication (MFA) back in 2019 which adds an extra layer of protection to our clients and their employees. With MFA enabled, when a user signs in to PrismHR, they are prompted for their username and password (first factor), as well as an authentication code from their PrismHR MFA device (second factor). Users will go through the MFA process every 90 days.