

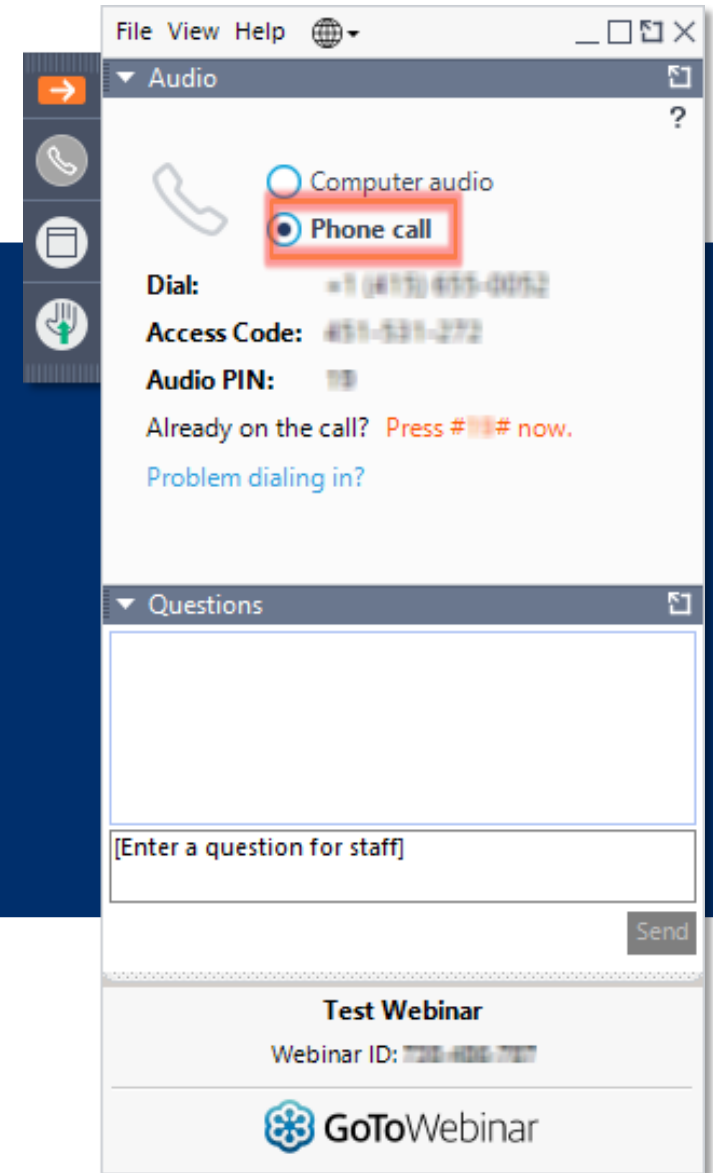


COVID-19 Challenges for Employers: How to Navigate the Ever-Changing Landscape

Wednesday,
March 25, 2020

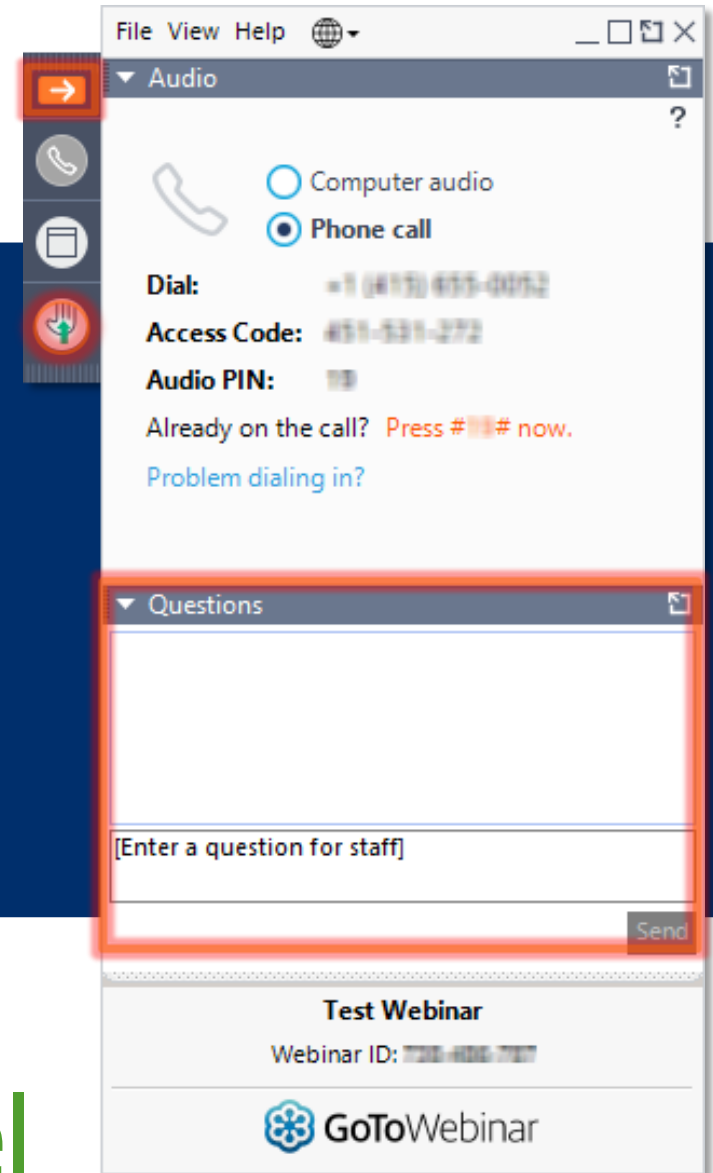
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Audio Instructions

- Grab Tab
- Handouts
- Questions



Attendee Control Panel

Objectives

- Review Families First Coronavirus Response Act (FFCRA)
- Discuss new management challenges created by COVID-19
- Review OH, KY, IN unemployment policy changes
- Review health plan considerations



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Meet the Speakers

Labor & Employment



COVID-19: Unemployment

- OH/KY/IN expanded to cover COVID -19 job loss
- State by state nuances
 - Waiver of waiting periods
 - Asymptomatic employees who self-quarantine are NOT eligible

Families First Coronavirus Response Act (FFCRA)

Effective Date:	April 1, 2020
Covered Employers:	Private employers with fewer than 500 employees
Employer Notice:	Each covered employer must post in a conspicuous place on its premises a notice of FFCRA requirements.
Tax Credits:	Covered employers qualify for dollar-for-dollar reimbursement through tax credits for all qualifying wages paid under the FFCRA.
Prohibitions:	Employers may not discharge, discipline, or otherwise discriminate against any employee who takes paid sick leave under the FFCRA and files a complaint or institutes a proceeding under or related to the FFCRA.

FFCRA – What It Means For Employees

- Two weeks (up to 80 hours) of paid sick time (regular rate) where the employee is unable to work because the employee is quarantined
- Two weeks (up to 80 hours) of paid sick time (two-thirds regular rate) because the employee is unable to work because of a need to care for an individual subject to quarantine
 - Child under 18 whose school or child care is unavailable
 - Small businesses under 50 employees may receive an exemption (DOL to issue April 2020)

FFCRA – What it means for Employees

Employees who have been employed for 30 days

- Up to an additional 10 weeks of paid family leave
- Two-thirds the employee's regular rate of pay
 - Employee is unable to work due to need for leave to care for a child whose school or child care provider is closed
 - Unavailable for reasons related to COVID-19.

FFCRA – Are We Covered?

- 500 Employees
- Integrated Employer Test
 - (i) Common management
 - (ii) Interrelation between operations
 - (iii) Centralized control of labor relations
 - (iv) Degree of common ownership/financial control

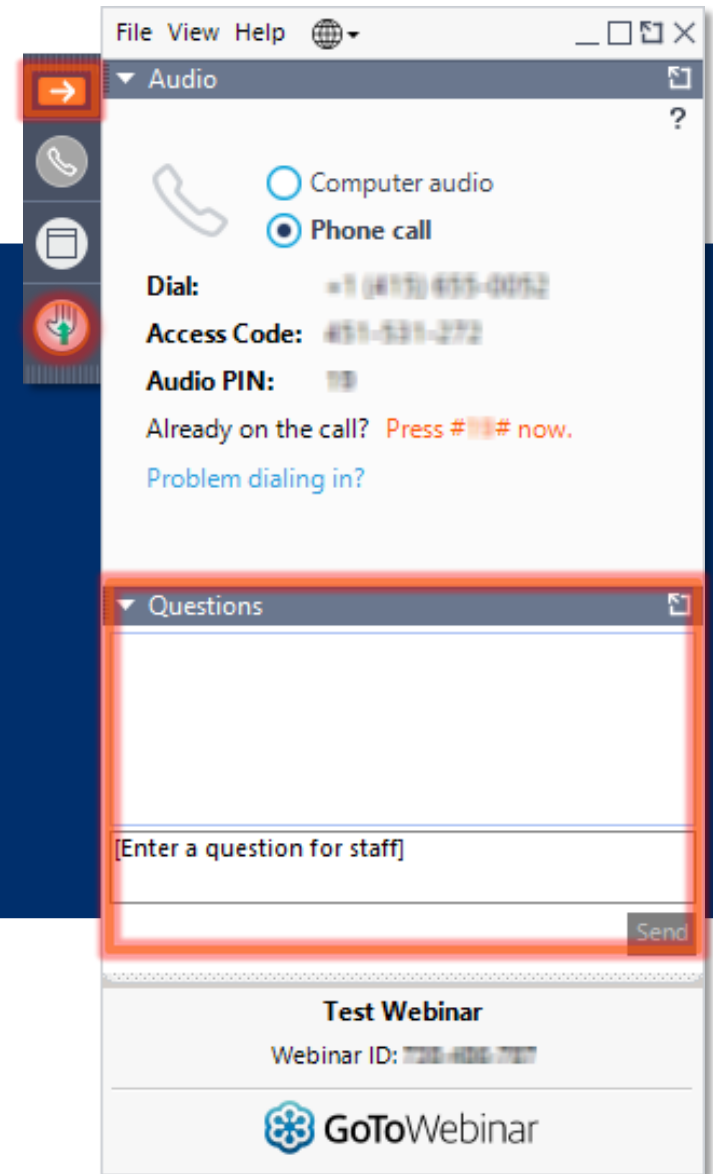
Employer Responses to COVID-19

- Telework
- Shutdown
- Furlough
- Rolling Furloughs
- Compensation Reductions
- Compensation Deferral
- Other

COVID-19: Things to Consider

- Wage & Hour Issues
 - Non-Exempt employees
 - Exempt employees
- OSHA Reporting
- Social Media

Please type your message/question in the window pane of the attendee control panel.



Questions?

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Health Plan Eligibility

- Employees below 30 hours generally are not eligible.
- Fully Insured Plan - Ohio Department of Insurance has special guidance.
- Self Insured Plan – Review plan language BUT consider stop loss insurance if making changes.
- Consider COBRA and ACA questions.

Covering COVID-19 Testing

- Under the FFCRA, both all group health plans must provide COVID-19 testing without cost sharing.
- HDHP can provide medical care services and items purchased related to testing and treatment of COVID-19 *prior to* satisfying the minimum deductible.

Changing Cafeteria Plan Elections

- Section 125 regulations provide limited reasons to change benefit elections.
- There may be reasons that would allow an employee to make election changes.
- Remember, you must follow the terms of your plan!

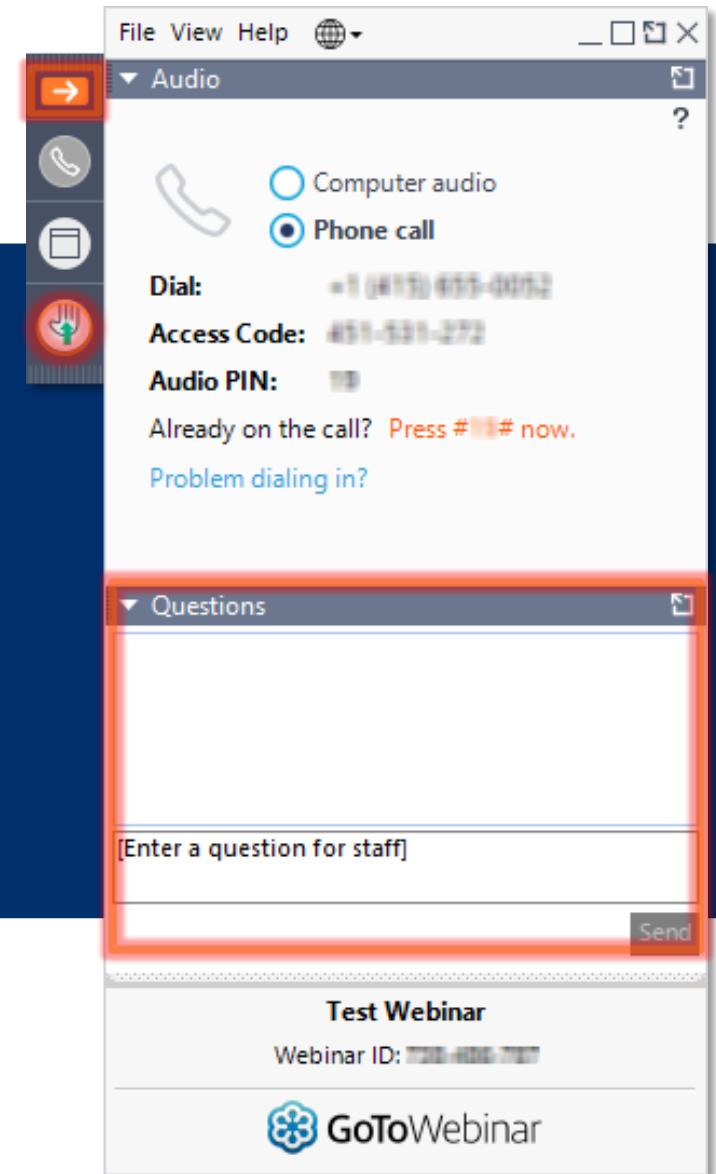
Retirement Plan Questions

- Participant requests for distribution and loans
- Repayment of current loans
- Future of employer contributions – be careful with safe harbor plans
- Be aware of a partial termination
- Follow the terms of your plans!

Executive Compensation – Section 409A

- Can executives agree to reduce their salary and be paid later?
- Be careful of Section 409A and terms of deferred compensation plan.
- Deferred compensation payments due in 2020 should still be made – there is no current relief for delaying a payment.

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Questions?



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THANK YOU