



McCloskey Partners, LLC

COVID-19

In an unprecedented time
Employers need to deploy their
Business Continuity Plans

3.16.2020, Souderton, PA

It's the Monday after our schools have closed, due to threat of COVID-19 spreading.

Many of us are working from home trying to think one step ahead so that our employees and our businesses are able to sustain during this unprecedented time.

We are getting calls from clients in many different states asking what they should do as they are developing their business continuity plans.

Below are a few things you can do now to plan for tomorrow. As this pandemic continues to unfold, we will stay in touch with all of you.

1) **Employee Communication:** Send out an **Employee Communication** giving your staff direction as to what their role is in helping to prevent the spread of COVID-19.

Suggested drafted language is below.

If you or someone in your household is Sick:

Stay home if you are sick: *If you are not feeling well, follow the Company's standard call out policy. [WE RECOMMEND THAT THE COMPANY INCLUDE A COPY OF THE CALL OUT POLICY]*

- *Employees out sick for three (3) or more days, are required to provide a release note from their treating healthcare provider on their return to work (RTW)*
- *The RTW note must state that the employee is fit for duty. Employees out for three (3) or more days are not eligible to return until the RTW note is submitted.*

Examples of sicknesses that should prevent an employee from reporting to work: *It is critical that employees do not report to work while they are experiencing respiratory symptoms such as fever, cough, shortness of breath, sore throat, runny or stuffy nose, body aches, headaches, chills or fatigue. Currently the Centers for Disease Control and Prevention recommends that employees remain at home until at least 24 hours after they are free of fever (100 degrees) or signs of a fever without the use of a fever-reducing medication.*

Stay home if someone in your household is sick: *If you are not able to come to work because someone in your household is sick, the standard call out procedure should apply.*

Employees that report to work sick: *Employees who report to work sick will be sent home in accordance with the above health guidelines. These guidelines were established by the Centers for Disease Control and Prevention.*

Employees that report that they or someone they have been around has communicated that they may have come in contact or been exposed to someone that has a confirmed case of CORVID-19 will be asked to leave the facility, as per CDC guidelines.

Your role in the prevention of the spread of COVID-19

- *The CDC is recommending social distancing as much as possible; at this point CDC is defining social distancing as 6 feet*
- *Thorough hand washing is essential. The CDC issued this link regarding hand washing. <https://www.youtube.com/watch?v=eZw4Ga3jg3E&feature=youtu.be>*
- *Wash frequently with warm soapy water for at least 20 seconds*
- *Cover your mouth with tissues whenever you sneeze and throw away the tissue in the trash*
- *Try to avoid coming in contact with people who are aware are sick with respiratory symptoms*
- *Clean surfaces that you touch often and continue to repeat the cleaning process as frequently as possible. (Examples: office door knobs, workstations, telephones, keyboards, your personal cellular phones etc.*

What the Company is doing to help prevent the spread of COVID-19

- *In an effort to reduce the number of employees working at the same time at the facility, we have asked staff that can work from home to work from home.*
- *When possible, we are staggering when staff that are essential to work at the office are actually expected at the office. This should allow for social distancing.*
- *When staff are at the office, we ask that the CDC recommended social distancing be honored and staff not be less than 6 feet from each other when having to be in the same work area.*
- *Employees should be mind-full of their work areas and only work in their work area and not be in other employee's work areas if not required to complete their job duties.*
- *The company has purchased alcohol-based hand sanitizes and made them available in many places throughout our facility*
- *Cleaning sprays and wipes can also be found in many places around our facility*
- *All company travel has been put on hold unless further notice*
- *We have asked staff to use telephone and video conferencing instead of face -to-face meetings as much as possible during this outbreak*
- *Minimize close person-to-person contact, as much as you can based on the requirements of your position, such as shaking hands*
- *We have cancelled all travel and meetings that include more than XXX number of employees will be done via Webinar/ Conference call*
- *We have cancelled all outside training and no visitors are able to come to into our facility.*

Some other things to consider as leadership is discussing business continuity plans.

2) **Leadership discussion about continuing to pay hourly staff:** Leadership will want to have a plan in place if the company will continue paying employees for a period of time.

- *Some of our clients are treating the first few days, of any closures, like they would if they closed for Inclement Weather. And then after the first few days, they are reducing the amount paid to the employee. So instead of paying 100% of the hourly employee's hourly rate, they are paying a percentage of the hourly rate for a period of time before they are requiring the employee to use their available PTO hours.*
- *Some companies are requiring hourly staff to use their available time off and then take any time off unpaid.*
- *Some companies are allowing employees to go into the negative.*

Some of our clients are allowing staff, during periods that they are not able to report to work because they are either sick or the company has asked them not to come into the office, to use all available 2020 PTO hours and then go into the negative for 2021 hours. **SUGGESTION:** If you allow staff to go into the negative, ask them to

sign off on a document that if they resign or opt to not return to the company, that the amount of hours "loaned" to them will be reduced in their final payroll. (Before you actually reduce any final pays we recommend you contact us or speak with your employment attorney to ensure you are in FLSA compliance)

Paying staff "extra" if they report to the office/ facility while other employees are asked to stay home: Some companies, that are asking staff to stay home this week, are notifying staff they will be paid their full wages for the week. AND if they ask specific employees to report to work this week, in addition to the 40 hours they are being paid as "COVID-19 Compensation," they are paying the employee for the actual hours worked.

Example: The employee would receive 40 hours of pay due to the closure of the office for COVID-19. AND they would receive compensation for the hours they actually come into the office this week and work. While paying the employee the "extra" hours is not required, many companies are doing it as a way to get essential staff to report to the office to work during periods when other staff are asked to stay home.

3) Essential personnel vs. Non-Essential: if you have not already notified employees which roles are essential/ non-essential, you will want to do that as soon as you can. When notifying staff if they are essential/ non-essential, you will want to set clear expectations if you require them to work/ not work. This goes for staff in all FLSA classifications. If you have exempt employees that you do not deem as essential, you will want to set clear expectations with them if you expect them to work or not work. If an exempt employee works even 10 minutes in a work-week, you are required to continue paying them their auto pay. Check with legal counsel if you have exempt employees that you do not deem as essential if you do not need them to work during periods of slow downs / closures in the operation.

4) Work From Home (WFH): At this point, most of our clients have notified all staff that can work home to start working from home. However, we are finding that many companies have not rolled out WFH policies. Contact us if you need a drafted Work From Home Policy.

5) Emergency Contact Sheet: Now is the time to ask all employees to update their emergency contacts. If employees can do this through the portal via the payroll system, we recommend that you send out a reminder and instructions so staff can log into the portal and update their contacts.

6) Emergency Updates to Employees: It feels like every hour, really every minute of the hour, we are getting more and more updates on COVID-19. That means for employers what they release to their staff today could change tremendously tomorrow.

We are recommending that companies determine now how they will be communicating with their staff. **If we are all faced with an emergent situation, you may not have time to call all of your employees individually.** We are recommending that more defined contingency plans be put in place.

Many companies do not have company emails for each employee. If your company does not provide every employee with a company email, be sure that you have up to date personal email addresses or cell numbers for all staff. **There are many inexpensive or free services available that allow you to send one message to all staff at one time.** Check out Google Suite for options available to your company.

7) Disability (Short Term/ Long Term): We recommend that companies provide a reminder to staff about any waiting period that may apply for any disability income replacement that may be available to staff that become disabled. Additionally, we recommend you include the Broker/ Insurance Company's contact information so employees can contact them directly with questions.

8) Employee Assistance Program (EAP): We recommend that you circulate the EAP contact information so employees with individual questions, about COVID-19 and what it means for them and their households, can contact the EAP and review their questions.

Unsure if your company has an EAP available to staff, check with your supplemental insurance brokers to determine if you have this coverage in place for your staff.

9) Medical Insurance Benefit Overviews: As a way for employees to be reminded about the coverage available for employees that participate on the group insurance plans, we recommend that companies release a copy of the in force Plan Design.

10) Telemedicine Insurance Coverage Overviews: We recommend that companies release a copy of the Telemedicine Insurance Overview. Employees that are feeling sick may be able to treat with a healthcare provider via the Telemedicine portal vs leaving their home. **Last week many insurance carriers announced they are WAIVING the Telemedicine Co-pays. Check with your insurance Broker to obtain a copy of your plan's Telemedicine Overview.**

In the days ahead, as more unfolds with COVID-19, we will be following up with all of you.

For now, stay safe and healthy and let us know if you need anything at all.



The McCloskey Partners, LLC Team. Contact us today at 215-716-3035 x 712 to discuss contingency plans for your business.

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