

7 HR best practices to maintain during COVID-19

Two human resources professionals offer some touchstones for helping employees during this uncertain time.

Once upon a time – before” the normal” became “the new normal” – employers worried about employee wellness, not about COVID-19 killing workers. They worried about pay inequity, not about whether they could pay employees. They worried about employee engagement, not about how they and their employees were going to work remotely while caring for children.

Now they must multi-task an extensive list of to-dos’, some not so positive, such as making decisions about furloughs versus layoffs, halting 401(k) plan matches versus terminating plans – while staying on top of compliance requirements made tricky by changing regulations. And they have to do this while still handling the myriad tasks that used to constitute the core of their profession.

Two human resources professionals who are both assistant general counsel at Engage PEO, Carlos Ledo and Vanessa Matsis-McCready, offer some touchstones for employers in maintaining HR best practices while helping workers navigate this turbulent time.

1. Communicate, communicate, communicate.

Keeping constant communication with your employees is imperative during this time of uncertainty. Share information from reliable sources like the CDC and WHO, company communication plans (cleaning policies, time off, remote work opportunities, safety procedures, etc.) and refresh employees' memories of existing policies. This will help ease employee concerns as well.

—Vanessa Matsis-McCready, assistant general counsel and director of human resources at Engage PEO

Employers should make sure to frequently send employees critical alerts, memos or other essential company communications. All communication to employees and operational changes should be discussed with human resources staff or employment counsel to make sure all internal messaging is clear, concise, adheres to federal/state laws and is distributed in a uniform manner. —Carlos Ledo, assistant general counsel and human resource consultant at Engage PEO

2. Stay on top of current and new leave policies.

If open for business or considered an essential business, companies should honor their current sick and paid time off policies in place. That being said, businesses should still allow employees to take their sick days, paid time off and cash out their paid time off if they choose to resign (if these are company policies already in place).

Companies continuing operations as normal or remotely should follow any new state mandates in place for sick time or family leave due to COVID-19, as well as the new federal rules under the Families First Coronavirus Response Act (FFCRA).

The FFCRA includes the framework to manage paid sick leave and family leave related to COVID-19 – the EPSLA (Emergency Paid Sick Leave Act) and EFMLEA (Emergency Family and Medical Leave Expansion Act).

Given the dynamic nature of the COVID-19 crises, it's more important than ever for businesses to work closely with their human resources team and employment law advisors to make sure they follow the latest compliance rules.

In some state or local jurisdictions, benefits such as extended family leave to employees would be available to the extent they are greater than federal benefits. ___ Carlos Ledo, assistant general counsel and human resource consultant at Engage PEO

3. Know the details of wage and hour considerations.

It is important to be unambiguous with employees that are on leave due to staffing changes or health concerns that they cannot work while on the leave. In some situations, employers may even decide to revoke device access. Employers must keep in mind that performing work during this time will trigger pay even if it is not a substantial amount of work.

Non-exempt employees may not need to be paid. A non-exempt employee who is not performing work will not need to be paid their regular hours in most cases. Some states have report in pay rules that employers should be mindful of, for example employers should not schedule employees for fewer hours than they are required to pay for a report in.

For exempt employees it is more complex. If an exempt employee performs any work during a particular work week, they often need to be paid for that

entire work week, consult with a human resources expert to see if any exceptions may apply. ___Vanessa Matsis-McCready, assistant general counsel and director of human resources at Engage PEO

4. Plan for remote work success.

Many companies are learning to manage a remote workforce for the first time or on a much larger scale, which can be challenging on many levels, not the least of which are technology-related. While the IT group needs to make sure everyone can connect to the office remotely with ease, managers should also focus on “connecting” with their teams. If you have video conferencing tools, use them. Before sending another email, pick up the phone and have a conversation. Check in frequently with your teams in any way that works best for them. Set task-based objectives and closely monitor the quality of work. By showing your team that you are engaged, keeps them more engaged. In any crisis situation, especially in the unprecedented environment we are all in now, managers should help employees to prioritize their workload and provide clear directions. ___Carlos Ledo, assistant general counsel and human resource consultant at Engage PEO

Closely work with your IT department to prepare for company-wide remote access, outline clear security policies for remote work especially if employees are using personal devices and budget for employee technology expenses (Wi-Fi, cell phone usage, etc.). In addition, cross-train employees and make sure these tasks can be performed remotely so essential business functions remain intact. __Vanessa Matsis-McCready, assistant general counsel and director of human resources at Engage PEO

5. Be ready if employees or employee family members are diagnosed with COVID.

If your employee is diagnosed with COVID-19, they should be offered time off under FFCRA if they are subject to a Federal, State, or local COVID-19 quarantine or isolation order; have been advised by a health care provider to self-quarantine for a COVID-19 reason; or are experiencing symptoms of COVID-19 and seeking a medical diagnosis.

If an employee is diagnosed with COVID-19 they may also qualify for leave under the new federal emergency sick time laws and potentially local state law. In addition, if the person has a serious health condition, they may be eligible for time off may under the Family Medical Leave Act (“FMLA”)

and/or as a “reasonable accommodation” under the American’s with Disabilities Act. Employers should note that time off under these federal laws is unpaid but includes job protection, meaning the employee will be able to return to their same or similar position at the expiration of the leave.

If your employee’s family member is diagnosed with COVID-19, be aware that many state and local laws as well as the FFCRA and FMLA have provisions that may allow for time off to care for a family member who is ill. The FFCRA allows for time off if the Employee is unable to work because they need to care for an individual who is either: (a) subject to a Federal, State, or local quarantine or isolation order; or (b) has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.

If a family member is seriously ill they may also be eligible under the FMLA which allows for care when a family member has a serious health condition, perhaps a serious case of COVID-19. ___Vanessa Matsis-McCready, assistant general counsel and director of human resources at Engage PEO

6. Be prepared if employees are impacted by school closures and public health emergencies.

Employers should be prepared to give paid time off to employees in accordance with the law, and unpaid time off if necessary. The FFCRA provides paid time off if the Employee needs to care for their son or daughter if: (a) the child's school or place of care has closed; or (b) the childcare provider is unavailable, due to COVID-19 related reasons. In addition, many state and local governments have earned sick time laws which provide paid time off due to the closure of the employee's place of business by order of a public official due to a public health emergency, or for an employee's need to care for a child whose school or childcare provider has been closed due to the same type of order. ___Vanessa Matsis-McCready, assistant general counsel and director of human resources at Engage PEO

7. Monitor changing laws and be ready to adjust HR policies.

All company HR policies should be closely followed and enforced. However, with many employees working remotely, how these policies are enforced can and should adjusted to meet the needs of employees and the company. Conducting a webinar to update employees on critical policies may be

useful. Making use of virtual workspaces to share new policy forms is also a good idea. Ideally, operational standards should not be compromised, but employers should remember to remain flexible during this time of constant change and uncertainty. ___Carlos Ledo, assistant general counsel and human resource consultant at Engage PEO

Companies should always closely monitor federal, state and local employer laws, but during this time, it is imperative that employers stay on top of the latest guidance as it is changing constantly, including industry-specific rules that may apply.

Vanessa Matsis-McCready, assistant general counsel and director of human resources at Engage PEO

By C.J. Marwitz