

Navigating Employee Layoffs and Unemployment

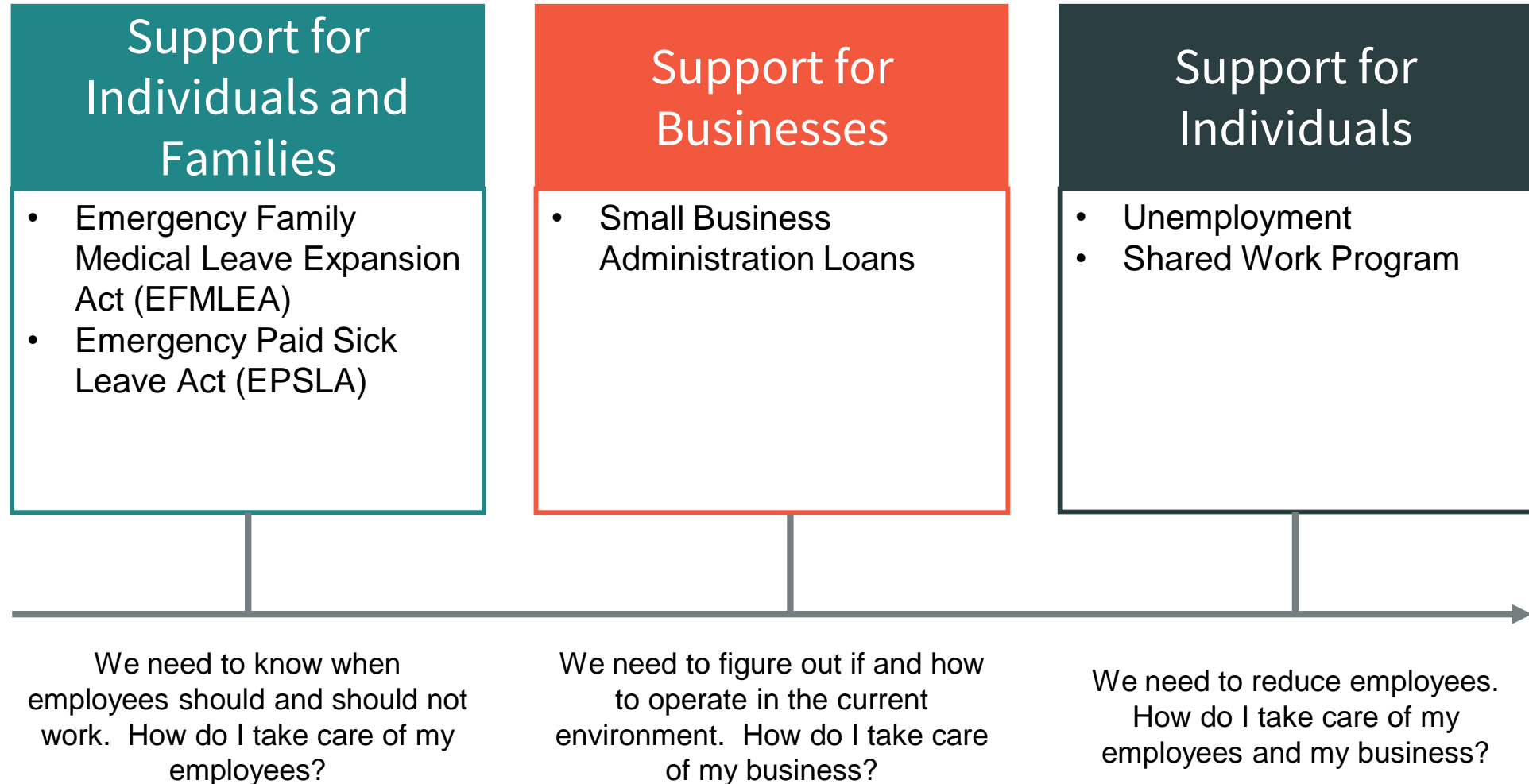


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Requirements and Resources for Businesses



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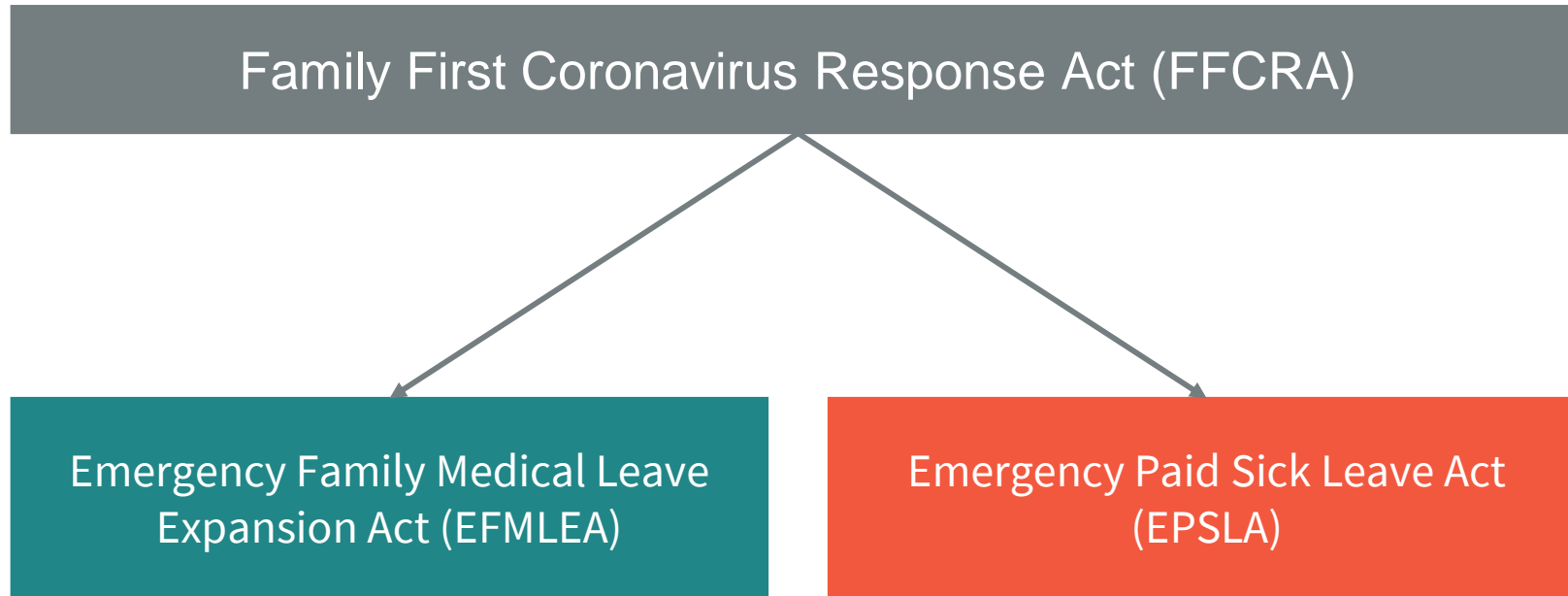
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FFCRA: Family First Coronavirus Response Act



Emergency Family Medical Leave Expansion Act (EFMLEA)

Expands FMLA to include qualifying leave for public health emergency
(childcare and school not available)

Expands Eligibility for Qualifying Leave

- Employed for 30 days.
- Businesses with less than 50 employees.

Defines Payment

- First 10 days unpaid (can require use of accrued vacation or sick time), unless qualify for EPSLA.
- After 10 days, paid 2/3 of employee's usual pay capped at \$200 per day (can be supplemented but not required to take).

Emergency Paid Sick Leave Act (EPSLA)

Eligibility

- Employee is subject to quarantine or isolation;
- Employee advised by health care provider to self quarantine;
- Employee is experiencing symptoms of COVID-19 and seeking medical diagnosis;
- Employee is caring for an individual who is subject to quarantine or quarantine advised by health care advisor;
- Employee is caring for a child if child's school or childcare has been closed.
- Employee is experiencing any other substantially similar conditions specified by the Secretary of Health

Payment

- 2 weeks paid sick leave for those unable to work based on criteria.
- Prorated for part time employees.
- Leave is in addition to paid time off already provided.



EFMLEA and EPSLA

- What businesses or jobs are exempt from EFMLEA and EPSLA? How is that determination made? What do I need to document?
- Do employees have to formally request leave in writing? If so, what information do they need to include?
- My employee is not an essential employee but able to work from home. Their children are home because schools are closed. Can I require my employee to work? Does the employee qualify for leave? Is this considered as EFMLEA and they should use their PTO or is it considered EPSLA and they should use the 80 hours paid?



EPSLA

- I have an employee who is scared to come into work. They live with someone who is considered high risk and are afraid they will bring home COVID-19. Can I require them to come to work? What if they refuse?
- I have an employee who is experiencing symptoms but is not seeking a medical diagnosis or treatment. I don't want them to come in if there is a risk. What should I do? Would this employee be eligible for EPSLA?
- What is the impact if I choose to be more generous than the legal requirement?



Ramping Back Up

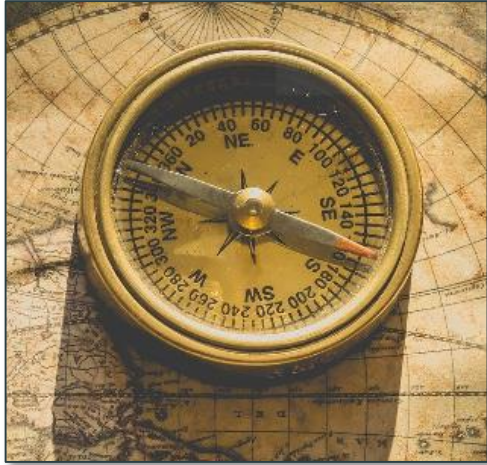
- Do I need to bring back all employees laid off? What if they were poor performers and I don't want to bring them back? Can I “clean” up my team as I bring people back?

Yes, And.....

Legal Requirements
= WHAT

The Actions You Take,
and Words You Use
= HOW

Yes, And.....



Act in accordance
with your values.



Ask questions and
LISTEN.

- Help me understand.....
- What I am hearing you say is.....
- What am I missing?



Use contrasting
statements.

- My intent is NOT.....
- My intent is.....

Resources



PEOPLE SERVICES ABOUT US NEWS & EVENTS Search Site

COVID-19 Resource Center

Visit the Larkin Hoffman COVID-19 Resource Center for information regarding a wide variety of business issues related to the pandemic.

[Explore Here](#)

The screenshot shows a webpage header with navigation links: PEOPLE, SERVICES, ABOUT US (with a dropdown arrow), and NEWS & EVENTS (with a dropdown arrow). There is also a search bar labeled "Search Site" with a magnifying glass icon. The main content area features a large blue 3D virus particle graphic on the left and the text "COVID-19 Resource Center" in orange and blue. Below this is a blue banner with white text: "Visit the Larkin Hoffman COVID-19 Resource Center for information regarding a wide variety of business issues related to the pandemic." and an orange link "Explore Here".

Firm Operations

- [An Update on the Minnesota Governor's Stay at Home Executive Order](#)
- [A Message from Larkin Hoffman President, Paul R. Smith Regarding Our COVID-19 Response](#)

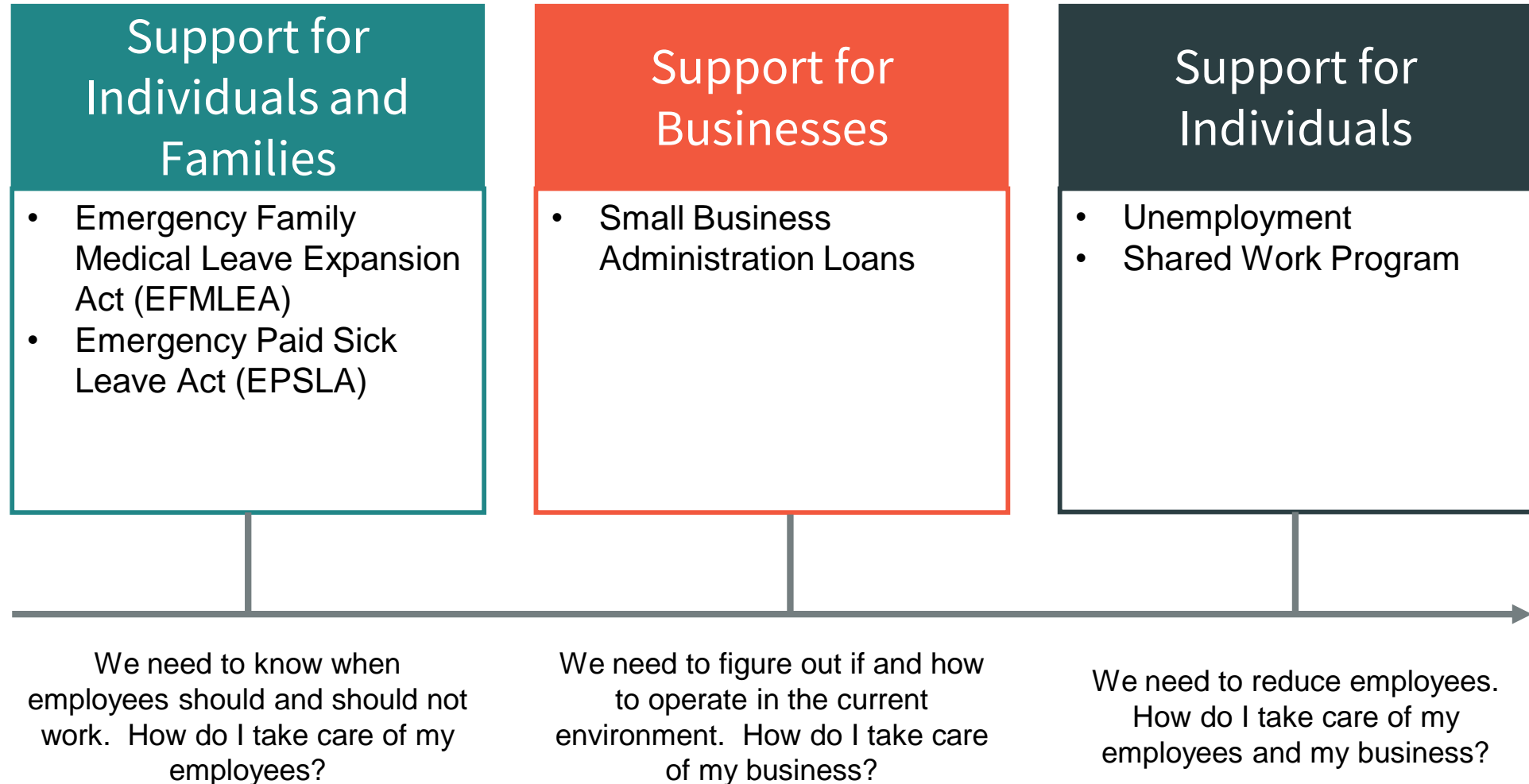
COVID-19 Briefing Podcast Series

- [Bill Griffith and Tim Rye Discuss Land Use and Real Estate Issues Affected by the COVID-19 Crisis](#)

Employment and Remote Workforce

- [COVID-19 Unemployment Compensation Updates 4/10/20](#)
- [DOL Regulations Governing Documentation Requirements for Employees Taking Emergency Paid Sick Leave and Expanded Family and Medical Leave](#)
- [DOL Finally issues "Major" Temporary Rules Under the FFCRA for Small Businesses \(Under 50 Employees\)](#)
- [What the Paycheck Protection Program Offers Nonprofit Organizations and Small Businesses](#)
- [Families First Coronavirus Response Act \("FFCRA"\) Model Notice, New Effective Date and Amnesty](#)
- [Department of Labor Guidance on the Families First Coronavirus Response Act](#)
- [Employer's New Obligations Under the Families First Coronavirus Response Act](#)
- [Unemployment Compensation and COVID-19](#)
- [Coronavirus Guidance for the Employer](#)
- [The New Reality - Employees Working From Home](#)

Requirements and Resources for Businesses





COVID-19 Resources Webinar

April 15, 2020

Kylie Jordan, Business Development

Shared Work Program

The Shared Work program offers an alternative to layoffs for employers facing a temporary downturn in business. The program allows employers to divide available hours of work among a group of employees instead of implementing a full layoff.

These employees may then receive partial unemployment insurance benefits while working reduced hours. The purpose of Shared Work is to avoid a layoff, not to subsidize wages.

Additional requirement: Health and pension benefits for participating employees must continue with the same terms and conditions as before you reduced their hours.

<https://uimn.org/employers/alternative-layoff/>

Unemployment Insurance

Will my UI rate go up due to COVID-19 layoffs?

This December, when we calculate your 2021 UI tax rate, we will make sure you **are not** “charged” for unemployment benefits paid as a result of COVID-19.

When will I get the additional \$600 payment? Do I have to request it separately?

If you are eligible for any unemployment benefit program, you will automatically receive the \$600 additional compensation after you submit your weekly payment request. DEED began paying out this additional amount the week of April 5th.

I do not normally qualify for UI, when is the Pandemic Unemployment Assistance Program opening?

Summary of Program: Congress authorized a new Pandemic Unemployment Assistance program that covers those who do not qualify for regular Unemployment Insurance benefits, such as independent contractors and self-employed people. The program was authorized but must be created by the states, so Minnesota must build out this program before it can be implemented. **More information will be available soon**, however it could be several weeks before payments begin.

Questions?

Many answers are also available here:

[https://mn.gov/deed/newscenter/covid/employers/
employer-faqs/](https://mn.gov/deed/newscenter/covid/employers/employer-faqs/)

DEED seeking suggestions from business on safety measures to implement when “stay at home” is lifted:

[Complete form here](#)

Questions?



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