

FranklyHR

HELPFUL INFORMATION FROM YOUR HR TEAM

.....
Making it easier for you to focus on your business

APRIL 2020

Welcome to FranklyHR!

If you have a question, please reach out to the appropriate contact below.

FrankCrum account questions:

Contact your Account Manager directly
or email ClientExperience@FrankCrum.com

Unemployment questions:

Email UnemploymentClaims@FrankCrum.com

HR questions:

Contact your FrankAdvice HR Consultant directly
or email FrankAdvice@FrankCrum.com

Tax questions:

Email Tax_Group@FrankCrum.com

Risk management questions:

Email SafetyandRisk@FrankCrum.com

You can also find more information and resources for employers on our blog, [FrankBlog](#) for Business Owners.

**This newsletter is for information purposes and not legal advice.*

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Returning to Business During COVID-19

As states and cities start lifting stay at home and shelter in place orders related to COVID-19, employers should have a plan of action for their business. Whether you were an essential employer that remained open or you had to furlough workers and temporarily close your doors, you must acknowledge that the workplace will not be the same as it was pre-pandemic. What should you consider for your plan of action, and what preparations should be made next?

Employers may want to have a phased reopening/return of employees. Here are some areas employers should assess as we enter into the month of May, and the next stage of the pandemic in the United States.

Workplace Safety

First and foremost are safety and health considerations. Employers and employees remain concerned about COVID-19 in the workplace. Good infection-control practices are critical to keeping on-site workers safe as new COVID-19 outbreaks may come and go.

Employers must always be mindful of the General Duty Clause of the federal Occupational Safety and Health Act (OSHA). It requires employers to furnish each employee a workplace that is free from recognized hazards that are causing, or are likely to cause, death or serious physical harm. Although there is no specific OSHA regulation that addresses COVID-19, OSHA has issued [Guidance on Preparing Workplaces for COVID-19](#). Furthermore, OSHA is issuing a series of industry-specific alerts such as this one for the [construction workforce](#). The [CDC](#) has also published guidance for businesses to plan and respond to COVID-19.

Social distancing measures will continue. Individuals should keep 6 feet apart. Conference tools should be utilized over in-person meetings whenever possible. Additional distance options include adding more space between individual workstations, putting up partitions, adding signs with instructions such as where to stand and which way to walk (arrows showing a one-way direction to minimize contact with others),

and staggering breaks and work shifts. Employers that utilized remote work in the last several weeks should realize the benefits of continuing to do so.

In places where social distancing measures are difficult to achieve, the CDC recommends, and several states and municipalities require the use of [cloth face coverings or masks](#). In some cases, employers may be required to provide them. Even if not required, employers may consider bearing the costs of this in the workplace.

The EEOC has also noted that an employer can require an employee to wear protective gear (mask and gloves) and observe infection control procedures such as regular hand washing and social distancing. Employers should follow CDC and OSHA guidelines for protective gear.

Employers are similarly looking at screening employees for COVID-19 as they come into the workplace. The [EEOC](#) has said that employers may ask employees entering the workplace if they have COVID-19 or symptoms associated with COVID-19 (or require self-reporting). Click [here](#) for the latest CDC list of symptoms. Employers may also take employee temperatures. On April 23, 2020, the EEOC updated its [COVID-19 Technical Assistance publication](#) and confirmed that employers may administer COVID-19 tests as part of a screening process before employees enter the workplace during this pandemic without violating the Americans with Disabilities Act (ADA). It is not clear at this time about antibody testing.

An employer will want to contemplate several items before implementing a procedure for the business to conduct the screening of employees when they enter the workplace. For instance, you will want to give prior notice (if in California, follow CCPA requirements), the person conducting the employee screening should be trained and provided with appropriate equipment including PPE, and the information kept confidential. An employer will want to pay non-exempt employees for time spent waiting and being screened. It may be easier to use a third party, or require the employee to affirm their own self-assessment (an employee visits a website or downloads an app) during this pandemic.



Employee Relations

Employees may have continued anxiety and stress for the foreseeable future. In addition to concerns about COVID-19, they may have personal worries such as a spouse out of work, children out of school, and elderly parents on their own. An employee may also have guilt for surviving a layoff when perhaps others lost their jobs at the workplace.

Continue to communicate frequently with your employees. Inform and train them about new and continuing measures for workplace safety during this pandemic. Let them know about the benefits available to them (Employee Assistance Program) and any enhancements that have been made (telemedicine). Show that you care and that you appreciate their efforts for the company's customers. Contemplate how certain company-wide events will need to be handled (no large-gathering company picnic in the near future).

Employee complaints and concerns should be taken seriously. If the individual is afraid to come to the workplace, ask them why. If they are worried about COVID-19, you can communicate the status of the company, additional COVID-19 safety measures you have taken, and your current expectations. Work with the individual and follow established procedures and applicable compliance requirements. Employers should work with employees and show flexibility where they can. If an employee requests an accommodation, follow applicable ADA guidelines, and engage in the interactive process to determine what you may need to do. Prepare managers and supervisors as they are on the front lines responding to employee questions and concerns.

Employers should be up to date with any local, state and federal legislation as it applies to them, and understand various interplay with company policies and procedures; for instance, new expanded state sick leave, [FFCRA](#). Reopening your business after closure can give rise to leave requests under the FFCRA for employees who were previously ineligible due to lack of work.

Generally, returning employees that remained employed do not need to be rehired in the traditional sense. You can just enter the return to work date as a personnel action, and if there are any significant changes to pay or benefits when the employee returns, you should communicate that in writing. A terminated employee who is rehired should follow normal applicant procedures (if they recently left, you could skip the rounds of formal interviews). The individual should sign a new handbook acknowledgment and complete other new hire paperwork. You could complete a new Form I-9, or fill out Section 3 of the employee's original I-9 and attach a new I-9 form to it if the new Form I-9 is an updated version from the original form.

Business Operations

Employers should have developed a recent plan for the COVID-19 business disruption. How has your plan for business continuity during this time worked so far? How did you handle increased absenteeism and service to customers? How did you handle any needed furloughs or layoffs? What has worked well the last several weeks, and what should you tweak? Conduct a postmortem on how your plan has worked to date. Document the reasons for your decisions as well as lessons learned. Make updates to be as prepared as you can for next steps in this crisis.

We have seen programs passed with the goal of providing assistance to American workers, families, and small businesses. Last Friday, President Trump signed the fourth COVID-19 stimulus bill, the Paycheck Protection Program, and Health Care Enhancement Act into law. Additional legislation and initiatives related to COVID-19 are expected.

Employers have been faced with complicated choices when trying to determine the best path forward for their businesses. Employers should continue to monitor for new guidance and requirements with this ongoing extraordinary situation. The organizations that will come out stronger after this crisis will be the ones that take the time to prepare as best they can.

Reach out to your FrankCrum contacts as needed.



Paid Leave Laws in Response to COVID-19

The most momentous paid leave law in response to COVID-19 is the federal [Families First Coronavirus Response Act \(FFCRA\)](#). It took effect on April 1, 2020, and expires on December 31, 2020. It applies to companies with less than 500 employees, providing full-time employees with eligibility for up to 80 hours of paid sick leave. Under the family and medical leave part of the law, employees can take up to 12 weeks of leave.

States have also passed new paid leave legislation in response to this crisis. In [Colorado](#), employers in certain sectors must provide up to four days of sick leave.

In [New York](#)^{*}, any employee who is subject to a mandatory or precautionary state, Department of Health, local board of health, or other government entity order of quarantine or isolation due to COVID-19, is entitled to certain job-protected leave and other benefits. New York has also passed permanent paid sick leave in addition to the leave for COVID-19.

Jurisdictions are also updating their current paid leave benefits due to COVID-19. In [Arizona](#), employees can use earned paid sick time to care for a child whose school has closed, if the employee's place of business is closed by public order due to the public health emergency, and for employee and family member health reasons related to the virus.

California, New Jersey,* and Washington, DC* have expanded the reasons that employees can take leave.

[Michigan](#) employees, ordered to stay home, must be treated as if they are taking sick leave under Michigan's Paid Medical Leave Act. If the employee is required to stay home and does not have any leave time, the leave may be unpaid.

[Oregon](#) expanded the Oregon Family Leave Act by allowing employees to take up to 12 weeks of unpaid sick child leave to care for their child whose school or place of care has been closed due to a statewide public health emergency. The Bureau of Labor and Industries Offices also released [FAQs](#) specific to the coronavirus.

In [Philadelphia, Pennsylvania](#), covered employees can use paid sick leave for COVID-19 issues, including mandated business closures, taking care of children during school or childcare closure, and

quarantine.

[Rhode Island](#) provided a workplace fact sheet reminding workers that they may be eligible for benefits due to COVID-19.

In [Seattle, Washington](#), the city's Paid Sick and Safe Time Ordinance has been updated for COVID-19-related reasons, including quarantine and a family member's school or place of care closing.

Other states offer guidance on COVID-19 for employers. [Massachusetts](#) and [Vermont](#) have published FAQs on employee rights and employer obligations to COVID-19.

[Connecticut](#) posted FAQs for paid sick leave and other absences.

[New Jersey](#)* has a fact sheet for COVID-19 scenarios and available benefits.

In [Nevada](#), the Office of the Nevada Labor Commissioner has issued guidance addressing the use of accrued paid leave if an employee is unable to report to work because of a mandatory government quarantine.

[Oregon](#) expanded the Oregon Family Leave Act by allowing employees to take up to 12 weeks of unpaid sick child leave to care for their child whose school or place of care has been closed, due to a statewide public health emergency. The Bureau of Labor and Industries Offices also released [FAQs](#) specific to the coronavirus.

The [Washington](#) Department of Labor and Industries published [Paid Sick Leave and Coronavirus \(COVID-19\) Common Questions](#).

In [Minnesota](#), the City of Minneapolis Labor Standards Enforcement Division (Division) has posted guidance and FAQs on its [Sick and Safe Time website](#) to explain how the Division interprets its [Sick and Safe Time Ordinance](#) during the current pandemic.

Developments continue to unfold with the coronavirus pandemic. For questions on leave laws, employers should reach out to their FrankAdvice HR Consultant.

*Visit the State Updates section of this newsletter for additional information.



Employment Eligibility Verification
 Department of Homeland Security
 U.S. Citizenship and Immigration Services

USCIS
 Form I-9
 OMB No. 1615-0047
 Expires 10/31/2022

▶ **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Attestation (Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)

Last Name (Family Name)		First Name (Given Name)		Middle Initial	Other Names Used (if any)
Address (Street Number and Name)			Apt. Number	City or Town	State ZIP Code
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number		Employee's E-mail Address		Employee's Telephone Number

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following boxes)

- 1. A citizen of the United States
- 2. A noncitizen national of the United States (See instructions)
- 3. A lawful permanent resident (Alien Registration Number/USCIS Number)

MAY 1st

New Form I-9 Mandatory on May 1st

As noted in previous newsletters, the US Citizenship and Immigration Services (USCIS), which is the part of the Department of Homeland Security (DHS) that oversees US citizenship and immigration, published the new [Form I-9](#) at the end of January. Effective May 1, 2020, employers can only use the new version.

A new Form I-9 is never required for existing employees.

Due to COVID-19, DHS has announced flexibility in I-9 requirements. Review our recent blog, [Changes to E-Verify and I-9 Requirements](#), for further details.

FrankCrum has an I-9 Employment Authorization Expiration Report available for clients on MyFrankCrum (Reports> Advanced Reporting> Employee). The best practice is to connect with the employee at least 90 days before the expiration of work authorization. Be sure to TEST YOUR KNOWLEDGE later in the newsletter regarding re-verification.

USCIS just released a revised [M-274, Handbook for Employers: Guidance for Completing Form I-9](#), with expanded information on properly completing Form I-9, Employment Eligibility Verification.



California and COVID-19

California declared a state of emergency on March 4, 2020, to help the state prepare for the spread of COVID-19. All individuals living in California were ordered to stay home, unless needed to maintain continuity of operation of the federal critical infrastructure sectors, beginning March 19, 2020, until further notice.

California has taken steps to assist employees affected by COVID-19. Also, California provided employers impacted by COVID-19, with an extension for filing state taxes, and suspended the state WARN Act notification period.

Employers must take care to ensure that their response to the coronavirus complies with applicable state and local laws and directives.

Paid Sick Leave

California state law requires private employers of any size to allow eligible employees to use up to 24 hours (or three days) of paid sick leave for their own or a covered family member's health condition. Employees working in certain California cities may have additional paid sick leave protections, such as access to a higher amount of time off. In addition, San Diego allows paid sick leave to be taken, not only if an employee or a family member is sick, but also if an employee's place of business or a child's school or care provider closes due to a public health emergency.

The California Department of Industrial Relations (DIR) has released [FAQs](#) regarding the state paid sick leave law in light of COVID-19.

Similarly, the following cities have released guidance on their paid sick leave laws and COVID-19:

Emeryville

Oakland

San Diego

San Francisco

San Francisco's Mayor London M. Breed announced the Workers and Families First Program, which includes funding for businesses to provide an additional five days of paid sick leave to employees beyond their existing policies. Also, the San Francisco Board of Supervisors adopted an emergency ordinance to temporarily require private employers with 500 or more employees, to provide public health emergency leave during the public health emergency related to COVID-19. It was signed on April 17, 2020, and became effective immediately.

Los Angeles requires employers with 500 or more employees in the city, or 2,000 or more employees in the US, to provide eligible employees with up to 80 hours of supplemental paid sick leave for certain COVID-19-related reasons. The Emergency Order is in effect until two calendar weeks after the expiration of the COVID-19 local emergency period.

The San Jose City Council also approved the COVID-19 Paid Sick Leave Ordinance, which applies to employers with 500 or more employees, to the extent they are not covered by the federal Emergency Paid Sick Leave Act. The ordinance provides eligible employees with up to 80 hours of paid sick leave, and sunsets on December 31, 2020.

Other Leave Rights

Employees in California may also be entitled to unpaid leave if they or a family member contracts the coronavirus, or if their child's school closes due to the coronavirus.

Under the California Family Rights Act (CFRA), employers with 50 or more employees must provide up to 12 weeks of unpaid leave for an employee or a covered family member's serious health condition.

Additionally, California employers with 25 or more employees must provide up to 40 hours of unpaid leave per year (limited to eight hours in a month) for a school or child care provider emergency, which includes the closure or unexpected unavailability of the school or child care provider.

Wage Replacement Benefits

Employees who need to take time off from work due to the coronavirus, because they or a covered family member are sick or in medical quarantine, may be eligible for partial wage replacement benefits under the State Disability Insurance (SDI) program. Employees can collect up to 60-70% of their average weekly earnings per week, depending on income level. Benefits may be collected for up to 52 weeks. There is a one-week waiting period before an employee may collect benefits.

However, Governor Gavin Newsom signed an executive order waiving the waiting period for employees who are eligible for benefits as a result of COVID-19. The waiver applies to the period that began January 24, 2020, through the duration of the emergency.

If an employee needs to care for a seriously ill family member, the state's Family Temporary Disability Insurance program provides up to six weeks of paid family leave (PFL) insurance benefits through the SDI program. There is no waiting period for PFL benefits.

Due to the uncertain and rapidly changing situation surrounding COVID-19, employers may be faced with a minefield of wage-and-hour issues. The CA Department of Industrial Relations (DIR) answers some pay questions related to the coronavirus in their [FAQs](#).

Safety and Health

Cal/OSHA has provided [guidance](#) to help employers comply with safety and health regulations for protecting employees from airborne infectious diseases, such as the coronavirus. An employer may wish to check the California Department of Public Health for additional coronavirus updates and guidance.

Also, be sure to comply with applicable safety and health obligations at the local level. For example, Los Angeles issued a Worker Protection Order covering employees providing nonmedical, essential services (e.g., grocery store, and other retail employees). Among other things, the order calls for a covered business to: provide, at its expense, nonmedical-grade face coverings for its employees; permit employees to wash their hands at least every 30 minutes; and implement social distancing buffers for customers, visitors and employees. The order is in effect until the end of the local emergency period.

WARN and Unemployment

California suspended the 60-day notice requirement under the state's Worker Adjustment and Retraining Notification Act (Cal-WARN Act) for an employer that orders a mass layoff, relocation, or termination caused by COVID-19-related "business circumstances that were not reasonably foreseeable as of the time that notice would have been required." The suspension applies to the period that began March 4, 2020, through the duration of the emergency.

According to the executive order, an employer must still provide the required written notice, giving as much notice as is practicable, and stating the basis for reducing the notification period. Also, written notices provided after March 17 must state: "If you have lost your job or been laid off temporarily, you may be eligible for Unemployment Insurance (UI)."

Employees may be entitled to unemployment insurance (UI) benefits if they are laid off due to a lack of work caused by the coronavirus.

Governor Newsom signed an executive order waiving the one-week waiting period before an employee can collect UI benefits, for employees who are unemployed as a result of COVID-19 and are otherwise eligible for UI benefits. The waiver applies to the period that began January 24, 2020, through the duration of the emergency.

Employers can apply for UI Work Sharing Program if reduced production, services, or other conditions cause them to seek an alternative to layoffs.

Employers planning a closure or major layoffs as a result of the coronavirus can meet with Rapid Response teams to discuss their needs, help avert potential layoffs, and provide immediate on-site services to assist employees facing job losses.

Additional CA Resources:

[CA Employment Development Department Guidance](#)

[CA COVID-19 Resources for Employers and Workers](#)



FrankCrum Coronavirus Resource Center & CARES Act Webinar Recording

COVID-19 has already made an impact on businesses. Federal, state, and local regulations are changing rapidly, yet the long-term implications are still unknown.

At FrankCrum, we're dedicated to providing our clients with accurate, timely insights on COVID-19 that are relevant to their businesses. Although we send out news alerts via email regularly, you can visit the [FrankCrum Coronavirus Resource Center](#) at any time to see our latest publications and archives.

This page is regularly updated to include FrankCrum articles, as well as links to trusted sources, such as the US Chamber of Commerce, U.S. Small Business Administration, and more.

Please bookmark the [FrankCrum Coronavirus Resource Center](#) and visit often.

You may also view our [CARES Act webinar](#), recorded on April 9, where we review tax and benefits updates with the new law.



TEST YOUR KNOWLEDGE!

I-9 Re-verification

Federal law requires all employers to verify employment eligibility to work in the United States when hiring individuals. For example, when you hired Josef a year ago, he provided an Employment Authorization Document (Form I-766) with an expiration date of May 1, 2020.

You met with Josef 90-days ago to remind him that his work authorization was expiring. After meeting with Josef again this week about his expiring Employment Authorization Card (EAD), he informed you that he could not obtain a new EAD with a future expiration date before his current card expires. You know if you fail to properly complete, retain, and/or make available for inspection Form I-9 as required by law, you may face civil monetary penalties for each violation.

How should you handle this issue?

- A.** Let Josef continue to work. It's ok. Once you verify at hire, you really don't have to re-verify documents again.
- B.** Terminate Josef since he does not have a non-expired form of employment eligibility documentation.
- C.** You may accept a List A document, a List C document, or an acceptable receipt under the receipt rule to satisfy Form I-9 re-verification requirements.

See the end of the newsletter for the answer.

STATE UPDATES

CALIFORNIA



Reporting Time Pay

Employees should be paid reporting time pay when they are required to call in before their shift to find out if they have to work that shift. The CA Department of Industrial Relations (DIR) provides further information and additional Q&As regarding the [reporting time pay](#) requirement.

NEW JERSEY



Leave for Bone Marrow and Organ Donors

New Jersey has amended its Temporary Disability Benefits Law (TDB) to provide job-protected leave during “a period of disability” that results from organ or bone marrow donation. The new law takes effect on May 20, 2020. An employer is eligible for a tax credit if it provides a paid leave of absence for organ or bone marrow donation if such time is in addition to any other paid time off granted to the employee. The credit is equal to 25% of the employee’s salary during the time missed from work for up to 30 days for each donation.

Amendments to the mini-WARN Act

New Jersey Governor Murphy signed a law at the end of January that expanded NJ WARN notice requirements to most workers affected by a mass layoff. An employer that has 100 or more employees now must provide at least 90 days’ notice of a mass layoff, termination of operations, or transfer of operations. A mass layoff impacting at least 50 employees at or reporting to an establishment, will trigger NJ WARN. Employers must provide one week of severance pay for each full week of employment. On April 14, 2020, the Governor signed amendments extending the effective date from July 19, 2020 to 90 days after the Governor’s stay at home executive order is terminated. The definition of “mass layoff” has been amended to exclude layoffs that occur due to a “national emergency,” which includes the COVID-19 crisis.

Amendments to Family Leave and Temporary Disability Benefits Laws

New Jersey amended its Family Leave Act at the end of March to expand the reasons employees can use leave to include care for a family member who is sick or being quarantined for reasons relating to COVID-19. On April 14, 2020, it was further amended to allow eligible employees to use family leave to care for a child whose school or daycare is closed because of a public health emergency.

Additionally, New Jersey’s Temporary Disability Insurance Law has been amended to increase eligibility, with expanded definitions of “disability” and “compensable disability” during a state of emergency to include, an illness caused by an epidemic of a communicable disease, a known or suspected exposure, or efforts to prevent the spread of the communicable disease which requires in-home care or treatment of the employee. The definition of “family temporary disability leave” has been expanded to include in-home care or treatment of the family member for the same reasons.

For a period of disability for these new reasons, there is no seven-day waiting period. Wage replacement benefits are provided for up to six weeks – increasing to 12 weeks effective July 1, 2020. Learn more about the [NJ Temporary Disability/Family Leave Insurance Benefits](#).

NEW MEXICO



Pregnancy Protections

Effective May 20, 2020, a covered employer under the New Mexico Human Rights Act (NMHRA) is required to provide a reasonable accommodation for an employee or job applicant arising from pregnancy, childbirth, or a condition related to pregnancy or childbirth unless doing so would create an undue hardship on the employer's business.

However, employers are prohibited from requiring an employee to take paid or unpaid leave if another reasonable accommodation can be provided unless the employee voluntarily requests to be placed on leave, or the employee is placed on leave pursuant to federal law. The law is also amended to clarify that pregnancy, childbirth, or related medical conditions are a protected class under the NMHRA.

Nondisclosure Agreement Limitations

Effective for nondisclosure agreements made on or after May 20, 2020, New Mexico employers are barred from requiring that an employee sign a nondisclosure provision of a settlement agreement relating to a claim of sexual harassment, discrimination, or retaliation in the workplace.

Confidentiality provisions in settlement agreements are permitted under certain circumstances. In such cases, the existence of a confidentiality provision does not prohibit the disclosure of information required for a judicial, administrative, or another governmental proceeding by a subpoena or other provision of law.

NEW YORK



Pre-Employment Testing for Marijuana Prohibited

Starting May 10, 2020, an employer in New York City that requires a prospective employee to submit to testing for the presence of marijuana or tetrahydrocannabinol (or THC, the main psychoactive component of marijuana) in the individual's system as a condition of employment commits an unlawful discriminatory practice.

This law does not apply to applicants for certain positions, including police officers or positions requiring a commercial driver's license or to drug testing that is required by certain laws, regulations, or contracts, including US Department of Transportation regulations.

The New York City Commission on Human Rights invited public comments and held a public hearing on April 16, 2020, regarding exceptions. We will provide an update as further exceptions may apply.

New Permanent Sick Leave

New York has enacted a new law requiring all employers to provide sick leave to their employees. Unlike the temporary provisions for paid sick leave included in an emergency relief bill passed in March, the new sick leave law is permanent and allows small employers to provide unpaid sick leave. The law's leave accrual provision takes effect on September 30, 2020; however, employers are not required to provide sick leave to any employee until January 1, 2021.

Under the new sick leave law:

- Employers with one to four employees and a net income in the prior tax year of less than \$1 million must provide employees up to 40 hours of unpaid leave
- Employers with one to four employees and a net income in the prior tax year of \$1 million or more must provide employees up to 40 hours of paid leave
- Employers with five to 99 employees must provide employees up to 40 hours of paid leave
- Employers with 100 or more employees must provide employees up to 56 hours of paid leave.

Sick leave may be used for:

- A mental or physical illness, injury or health condition of an employee or an employee's family member
- The diagnosis, care or treatment of mental or physical illness, injury or health condition, or need for medical diagnosis or preventive care for an employee or employee's family member
- Absence from work for certain specified reasons related to when an employee or an employee's family member has been the victim of domestic violence, a family offense, sexual offense, stalking, or human trafficking.

Employers are prohibited from discharging, threatening, penalizing, or otherwise discriminating or retaliating against an employee for requesting or using sick leave, or exercising any right under the sick leave law.

Under the law, employees may carry over unused sick leave hours. However, employers may limit the number of hours an employee may use each calendar year to 40 hours for employers of fewer than 100 employees, or 56 hours for employers of 100 or more employees. Employers are not required to pay out unused sick leave when an employee separates from employment.

PENNSYLVANIA



Notice of Unemployment Benefits at Time of Separation or Reduced Hours

Pennsylvania employers are required to provide notice to employees about unemployment compensation benefits at the time of separation from employment or when an employee's work hours are reduced. Under the new Pennsylvania Law (Act 9 of 2020), employees must be advised about the ability to file an unemployment claim in the first week that employment stops or work hours are reduced.

Employers may provide the unemployment form and unemployment handbook guide below to affected employees.

[Unemployment Form](#)

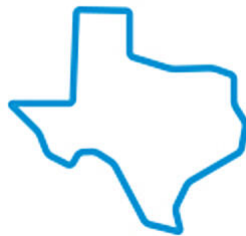
[Unemployment Handbook](#)

Philadelphia Fair Workweek Ordinance

Final regulations state that the ordinance's good-faith estimate requirements will not be enforced until July 1, 2020. Also, in response to the COVID-19 health emergency, the Office of Benefits and Wage Compliance will not be enforcing predictability pay as of April 1, 2020, the effective date of the Fair Workweek law, until further notice. However, employers are still expected to comply with other portions of the law.

The Philadelphia Fair Workweek Ordinance establishes predictable work schedules for certain employees. Covered employers include retail, hospitality, and food-service establishments. For resources, click [here](#).

TEXAS



Dallas Paid Sick Leave Ordinance Temporarily Blocked

Dallas paid sick leave took effect on August 1, 2019 and applies to employers with more than five covered employees. The paid sick leave ordinance has been temporarily blocked pending further litigation. Dallas, Austin, and San Antonio paid sick leave ordinances have now all been enjoined. We will provide updates as warranted.

UTAH



Veterans' Preference

A private employer in Utah may create a veterans' preference policy that provides preference to veterans and their spouses, though it is not required to do so. Effective May 12, 2020, to establish eligibility under a veterans' preference policy, a veteran or their spouse may provide proof of current service in the armed forces in addition to, or instead of a discharge document.

WASHINGTON



Expanded Employment Protections

On April 13, 2020, the Governor issued a [Proclamation 20-46](#) that provides employment protections to high-risk employees (i.e., employees who are over 65 years of age, and people of any age who have certain chronic underlying health conditions). The Proclamation is effective until June 12, 2020, unless extended beyond that date.

In particular, the Proclamation prohibits employers from:

- Failing to utilize all available options for alternative work assignments to protect high-risk employees, if requested, from exposure to the COVID-19 disease, including but not limited to telework, alternative or remote work locations, reassignment, and social distancing measures
- Failing to permit any high-risk employee in a situation where an alternative work arrangement is not feasible to use any available employer granted accrued leave, or unemployment insurance, in any sequence at the discretion of the employee
- Failing to fully maintain all employer-related health insurance benefits until the employee is deemed eligible to return to work, in the event the employee's paid time off exhausts during the period of leave
- Taking adverse employment action against an employee for exercising their rights under the Proclamation that would result in loss of the employee's current employment position by a permanent replacement

Further, the Proclamation protects employees from loss of their position, loss of employment benefits, and retaliation for decisions made regarding whether and how to work for their employer pursuant to this

Proclamation. Also, all public and private employers in Washington State and labor unions representing employees in Washington State, are prohibited from applying or enforcing any employment contract provisions that contradict or otherwise interfere with the above prohibitions and the intent of the Proclamation.

The Proclamation does not prohibit employers from:

- Hiring temporary employees so long as it does not negatively impact the permanent employee's right under this Proclamation to return to their employment position without any negative ramifications to their employment status by the employer
- Requiring an employee who does not report to work under this Proclamation to give up to five days' advance notice to the employer of any decision to report to work or return to work under this Proclamation
- Taking employment action when no work reasonably exists, such as in a circumstance of a reduction in workforce, for a high-risk employee during this Proclamation. However, in the case that no work exists, employers cannot take action that may adversely impact an employee's eligibility for unemployment benefits

Violations of the Proclamation are subject to criminal penalties.

WASHINGTON D.C.



COVID-19 Response Supplemental Emergency Amendment Act of 2020

This Act temporarily expands the District's paid sick leave law. It requires employers with between 50 and 499 employees (except for health care providers) to provide paid "declaration of emergency" leave for any reason authorized under the Families First Coronavirus Response Act (FFCRA). The leave must be in an amount to allow a covered employee to be absent for up to two weeks.

In addition, the Act expands unemployment insurance to cover certain self-employed workers, gig workers, those seeking part-time work, and those who otherwise would not qualify.

The Act became effective when the mayor signed the bill and remains in force until July 9, 2020.

[COVID-19 Response Supplemental Emergency Amendment Act of 2020](#)



TEST YOUR KNOWLEDGE!

The correct answer is C.

An employee with temporary employment authorization that holds an Employment Authorization Document (Form I-766) should apply for a new card at least 90 days before the expiration of his or her current document. If the employee has a Form I-765, Application for Employment Authorization, pending with USCIS, and the application has been pending for 75 days, instruct your employee to call the National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD) about the status of his or her application.

When your employee's current EAD (Form I-766) expires, he or she must be able to present a List A document, a List C document, or an acceptable receipt under the receipt rule to satisfy Form I-9 re-verification requirements.

If an employee presents an acceptable receipt that they have applied for an extension of an employment authorization document but does not have the document at the time of re-verification, the employee should not work until they present a new work authorization documentation. Please note, if the employee is unable to provide acceptable documents (i.e., a List A document, a List C document, or acceptable receipt), the employee is not eligible to work in the United States, and employment should be terminated.

[Completing Form I-9 Section 3 Reverification and Rehires](#)

NOTE: If the version of Form I-9 that you used for the employee's original verification is no longer valid, you must complete Section 3 of the current Form I-9 upon re-verification and attach it to the original Form I-9.

FrankCrum, 100 South Missouri Avenue, Clearwater, FL 33756, United States, 800-277-1620

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