

SpecialAlert

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THE CORONAVIRUS: A POTENTIAL LEAVE AND SICK PAY ISSUE

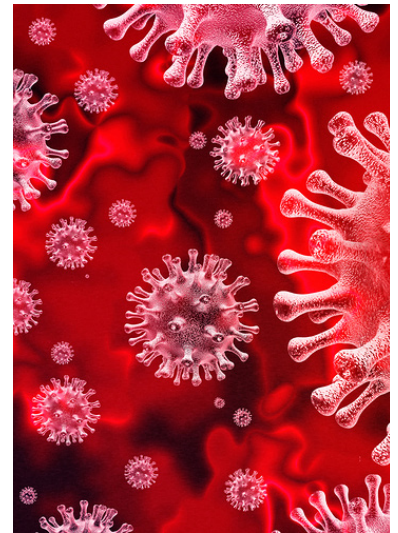
You can't escape news of the coronavirus, officially named COVID-19. Television, print news and social media have devoted significant time and space to its rapid spread throughout the world and its mortality rate. Many employers are concerned about the impact on their business, including their supply chain, their core business functions and their people. Some very large employers have canceled international and even domestic travel within the United States. These employers are also cancelling any significant gathering of employees and clients in an effort to minimize the spread of the virus.

A human resources challenge is emerging from this epidemic. How do you handle employees that are sick or perhaps even quarantined? Does your approach change if the employee likely contracted the virus or was exposed to the virus at work? Employers should be thoughtful about their approach. If employees can work from home, encourage them to do so if they have

any symptoms of the coronavirus. For employees that must go into the office or the plant, employers need to think about how sick pay or paid time off (PTO) might apply to allow these employees to stay home.

Certain industries, located in states where the coronavirus is spreading rapidly, or in which business needs requires frequent travel, are considering a new quarantine PTO benefit. This is helpful for individuals who are placed in quarantine with or without symptoms.

A number of large employers are expecting the coronavirus to affect their workforce, and are changing policies to adapt to employee needs.



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If your organization intends to implement a quarantine PTO policy, consider the following segments of employees as it relates to the coronavirus:

FOR EMPLOYEES WHO HAVE DEFINITELY BEEN EXPOSED TO THE VIRUS IN THE WORKPLACE

- Employees that have been quarantined and show no symptoms of the coronavirus:
 - Employee will qualify for two weeks of quarantine pay upon contacting the employer.
 - If symptom-free after two weeks and released, you should develop a return to work process to make sure the employee is medically cleared to return.
- Employees that have been quarantined and show symptoms of the coronavirus:
 - Employee will qualify for two weeks of quarantine pay upon contacting the employer.
 - The duration of this illness will likely result in a short term disability or worker compensation claim and qualify for FMLA protections.
 - The employer should make a plan to initiate the leave protocol and assist with the short term disability claim. The employee may have limited ability to handle some of the administrative requirements.

- Return-to-work procedures should be followed to make sure the employee is fully recovered.

Make sure to review your disability policy. Most policies, if an individual is quarantined but not diagnosed with the virus, will not be eligible for benefits under the disability plan. Some policies will treat quarantined individuals as disabled if an individual is ordered not to work from a state or local health official because he or she is infected with or is suspected of being infected with a communicable disease.

FOR EMPLOYEES WHO MAY HAVE BEEN EXPOSED TO THE VIRUS OUTSIDE THE WORKPLACE

Decide what policies you may apply in this situation:

- If the employee has symptoms, the employee should stay home and follow your call-in procedures. If the employee is well enough to work from home and is able to do so, decide if your organization will allow work from home in this situation.
- If the employee is diagnosed with the illness, follow the procedures for sick leave, PTO or short term disability benefits. Don't forget that this will likely

qualify as a serious health condition under FMLA.

- Again, return-to-work procedures should be followed to make sure the employee is fully recovered.

Employers should decide if they want to extend quarantine PTO to those not exposed through the workplace.

If your organization may be at risk for coronavirus in the workplace, make sure you have carefully considered how you will:

- Encourage employees to work from home if possible when they are sick. Many large employers on the west coast are implementing mandatory work from home policies for employees that can, to limit potential spread. If not, encourage employees with symptoms to use sick time or PTO.
- Think about how you may handle quarantined employees if they have been exposed to the virus or are diagnosed with the virus.



Employers should also think through how they may handle pay issues stemming from virus-related challenges. For example, how will you handle an employee who calls in and is afraid to come to work. They aren't ill but perhaps you have a confirmed case in your workforce or there is confirmed

case in their neighborhood and they fear exposure. Consider how you will handle requests for time off if a child's school is closed and the employee does not have alternative day care arrangements. Finally, if virus spread prompts the shutdown of public transportation, how will your organization handle employees with transportation challenges.

These situations will put a burden on employers, who need employees at work but health issues or circumstances may make this difficult. Most employees can't afford to forgo pay, even if they are concerned about their health. Some employers are applying the same flexibility that they apply when there is a natural disaster, in certain areas where there are a number confirmed coronavirus cases. Employers should not be caught off guard and will want to discuss how they intend to handle these situations, balancing employer and employee needs.

The next few months will be telling on how the coronavirus spreads across the U.S. Many large employers have canceled all employee travel for two months and are limiting or canceling large gatherings. Hopefully business policies, government interventions and personal hygiene management will limit the spread of the coronavirus. MMA



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