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COVID – 19 Update

How to Navigate Employer Resources

April 8, 2020

Legislation Working Together



What do they mean? 





Colorado Health Emergency Leave with Pay

**March 11, 2020 through at least 4/10/20
and no later than July 9, 2020**

Only Certain Industries

- Leisure and Hospitality
- Food Services
- Child Care
- Education
- Home Health Care
- Nursing Homes
- Community Living Facilities

4 Days of Paid Sick Leave

- After all other leave is exhausted
- With flu-like symptoms
- Being tested for COVID-19 (leave terminates if test is negative)
- Paid at regular rate of pay based on average hours worked prior

KEY POINTS



Families First Coronavirus Response Act

April 1, 2020 through December 31, 2020

Basic Information

- Less than 500 employees
- Working at least 30 days
- Healthcare/1st Responders maybe excluded
- To care for a child <18 due to closure of school or child care due to a public health emergency
- Up to 12 weeks of job-related leave

Compensation

- Paid after the first two weeks (2/3 wage – ave/hrs.
- \$200 per day and \$10K cap
- Reinstatement of position unless <25 employees, job no longer exists (must contact employee with new position within a year)
- Keep records of all requests for four years

FMLA Expansion

Basic Information

- Less than 500 employees
- Anyone hired
- Healthcare/1st Responders maybe excluded
- FT employees - up to 80 hours of paid sick leave
- PT employees - prorated based on average hours in a typical two-week period

Capped Compensation

- Compensation is capped at \$511/day and \$5,110 total for reasons 1, 2, and 3 described above
- Compensation is capped at \$200/day and \$2,000 total for reasons 4, 5, and 6 described above

Emergency Paid Sick Leave

Compensation Specifics

- Quarantined/isolated (federal, state, or local) at full pay
- Advised by a health care provider to self-quarantine (due to concerns related to COVID-19) at full pay
- Experiencing symptoms of COVID-19 and seeking a medical diagnosis at full pay
- Caring for an individual (immediate family member, roommate, etc.) doing #1 or #2 at 2/3 pay
- Caring for a child whose school or place of care is closed due to COVID-19 at 2/3 pay
- Experiencing any other substantially similar condition at 2/3 pay

Emergency Paid Sick Leave

Payroll Credits

- Each \$ credit for amounts paid towards the employer's portion of Social Security taxes
- Refund is possible for amounts that exceed what is available as a credit.
- Limits on what can be claimed mirror the caps for what must be paid

Miscellaneous

- Does not preempt Colorado HELP
- Cannot require employees to use other leave first
- Does not carry over after December 31, 2020
- Must post model notice with other labor posters

Emergency Paid Sick Leave



Coronavirus Aid, Relief, and Economic Security Act

March 27, 2020

Basic Information

- Adds \$600/week for up to 4 months through July 31, 2020
- Extends from 26 weeks to 39 weeks through December 31, 2020
- One week waiting period is waived.
- Does not add to the employer's premiums or costs

Unemployment Enhancements

Extended Individuals

January 27, 2020 through December 31, 2020

- Possibly file mid-April
- Self-employed workers
- Independent contractors
- Those without sufficient work history; and
- Exhausted their regular unemployment benefits and extended federal benefits (traditional employees may apply for PUA after all of their other unemployment benefit options have expired)

Unemployment Enhancements

Qualifications

- Diagnosed with COVID-19 or experiencing symptoms and seeking a medical diagnosis;
- A household member was diagnosed with COVID-19
- Providing care for a family member or household member diagnosed with COVID-19
- Primary caregiver for a child or dependent in their household, unable to attend school or another facility that is closed as a direct result of COVID-19 and that school or such facility care is required for the individual to be able to work;
- They are unable to reach their workplace because of a quarantine imposed as a direct result of COVID-19

Unemployment Enhancements

Qualifications

- Unable to reach their workplace because a health care provider has advised them to self-quarantine because of COVID-19 related concerns;
- Scheduled to begin employment and lost a job or are unable to reach the job as a direct result of COVID-19
- Become the breadwinner/major support for household because the head of household died as a direct result of COVID-19
- Quit their job as a direct result of COVID-19
- Workplace is closed as a direct result of COVID-19
- Meet any additional criteria established by the Secretary of the Department of Labor for unemployment assistance

Unemployment Enhancements

Basic Information

- Applications started April 3, 2020
- 8-week period
- Purpose is to ease the burden of unemployment expenses
- Cannot be in conjunction with unemployment
- Up to \$100K per employee

Purposes

- Used primarily for payroll expenses but also may be used for:
 - Mortgage interest
 - Rent
 - Utility costs
- Possible forgiveness:
- FTE and wages maintained
- Funds used to cover payroll costs first

Payroll Protection Program

References

Colorado HELP

https://www.colorado.gov/pacific/sites/default/files/Colorado%20HELP%20Rules%207%20CCR%201103-10%20%28Temp%29_0.pdf

FFCRA

<https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

<https://www.irs.gov/coronavirus-tax-relief-and-economic-impact-payments>

CARES Act

<https://www.sbc.senate.gov/public/index.cfm/guide-to-the-cares-act>

<https://home.treasury.gov/policy-issues/top-priorities/cares-act>



Thank You!

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