



This week's top three COVID questions relate to fears around coming to work, Emergency Paid Sick Leave (EPSL) administration and exempt employees taking Expanded Family and Medical Leave Act (EFMLA) leave intermittently.

These last two newsletters are intended to help you manage day-to-day issues regarding Covid. We are also offering our 90-page management guide and we're now introducing four, one-hour workshops to support you as well.

Please join us for our monthly COVID chats on the second Tuesday of the month (except this month) at 2:00! The workshops will be one hour and will cover a variety of HR issues that have come to light in the year of COVID.

Our first COVID presentation will be next week on September 15 at 2:00 for a discussion on CDC updates and the Families First Coronavirus Response Act (FFCRA), including the ins and outs of administering Emergency Paid Sick Leave (EPSL) and Expanded Family and Medical Leave Act (EFMLA) correctly to benefit both employees and employers (gotta get those tax credits!). We will spend the first 30 minutes presenting key points and the second half of the hour will be dedicated to answering all of your COVID related questions.

Price: \$39 dollars each session or \$100 for all four sessions. **All Silver, Gold and Platinum package clients can attend for free.**

Upcoming dates:

Tuesday, 9/15

Tuesday, 10/13

Tuesday, 11/10

Tuesday, 12/8

If you can't make a session, we will be recording them and you will be able to purchase a link to listen at your convenience. The advantage to "being in the room" is the ability to ask questions in real-time.

Please email joy@nextlevelstrategies if you're interested in attending!

1. My employee is scared to come to work for fear of exposure to COVID-19 because they are immunocompromised. Can I fire them? Can they go on unemployment or disability?

Employers should listen to concerned employees and carefully communicate the measures and protocols implemented in an effort to keep staff safe and healthy. It may be appropriate to engage in the reasonable accommodation process, which is an interactive process to determine if certain accommodations would allow the employee to perform their job. When accommodations are not feasible, those who are considered to be part of a vulnerable population due to a medical condition may qualify for unemployment benefits. In some cases, employees with medical conditions that preclude them from working may also be eligible for state disability. Ultimately, an employee can be terminated for refusing to return to work but employers should be cautious about moving straight to termination without engaging with the employee to determine their reasons for not wanting to return.

2. A staff member informed us that they think they might have been exposed to COVID-19 and they would like to take EPSL. We sent them the request form, but they didn't complete it and are not responding to our attempts at communication. Do we still have to pay them EPSL? Can we ask for test results before paying EPSL? Can we require a note from their doctor?

Yes, they are still entitled to EPSL and the employer is obligated to grant the leave and pay accordingly, even without the Request Form. However, the Request Form contains the documentation required to process the payroll tax credits, so there is still an interest in obtaining the form from the employee. Employers may request that the employee get tested and share their results, but it cannot be required. A doctor's note cannot be required to take leave or for the employee to return to work.

3. How do you pay an exempt employee who wants to take EFMLA intermittently?

The most straight forward way to manage the pay for an exempt employee taking leave intermittently is to convert them to an hourly, non-exempt employee for the duration of the leave. This makes tracking work hours and leave hours clear and it allows the employer to pay for work time without making deductions to an exempt employee's salary. It is important to remember that when classified as non-exempt, the employee needs to comply with wage and hour laws, including overtime and meal and rest periods. At the conclusion of the EFMLA leave, the employee can be reclassified to the exempt status that they previously held.

assist with planning, paperwork, messaging and more. If you need our help, please call us at 415.876-NEXT.

[Forward this email](#)

STAY CONNECTED

