

## MM – COVID-19 and the Workplace – Reminders and Updates

As the COVID-19 pandemic continues, we wanted to remind you of some important compliance regulations that made headlines a few months ago but may have fallen off your radar as well as some recent updates to previous guidance.

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**Families First Coronavirus Relief Act (FFCRA) paid time off** went into effect on April 1, 2020, and is still in effect until at least December 31, 2020. While many employees have already used at least some of this paid time off, if an employee has not taken their full allotment, they are still entitled to this mandated benefit. Additionally, this paid time off must be used before any other paid time off benefit (vacation, sick, personal) is exhausted.

Employees are only entitled to 2 weeks of FFCRA paid sick time so, if they have used their 2 weeks of paid sick time already, they are not entitled to additional FFCRA sick time even if they have another qualifying event.

However, as school re-openings are in question, employees who have taken sick time are still entitled to take the 10 weeks of extended FMLA if they now need it.

To ensure compliance confirm all employees have access to the FFCRA poster and have the employee submit a request and documentation so you can claim the credit on your payroll taxes.

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In March, the DHS offered employers **flexibility for completing section 2 on form I-9 for new hires working remotely**. Originally set to expire July 19<sup>th</sup>, the DHS recently extended this allowance an additional 30 days.

To meet Form I-9 documentation requirements while remote:

Within 3 days of start date:

- Complete Section 2 by viewing employment eligibility documents electronically (video, fax, or email);
- Enter “COVID-19” as reason for delay of physical inspection; and
- Retain copies of viewed documents

Within 3 days of returning to the office or upon expiration of this rule, whichever comes first:

- Physically inspect employment eligibility documents; and
- Note “documents physically examined” with the date of inspection in the Section 2 additional information field

This exception is only for employers hiring remotely; those that are hiring employees to work in-person must follow regular I-9 regulations.

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On July 20, 2020, the Center for Disease Control (CDC) issued **new guidelines for when a non-healthcare worker can return to work after either displaying symptoms of COVID or having tested positive for the**

**virus.** These new guidelines are symptom-based, meaning that the duration of quarantine relates to the severity of the symptoms, replacing earlier guidelines that were time/testing based.

The new guidelines eliminate the requirement to produce a negative COVID test at the end of one's convalescence but rather the duration an individual must wait to return is based on the onset of symptoms and severity of symptoms. The new guidelines create two separate return-to-work scenarios:

For those with mild to moderate symptoms and for those who test positive for COVID but are otherwise asymptomatic, individuals may return to work after they have:

- Waited 10 days from onset of symptoms or tested positive for COVID
- Have lasted 24 hours without a fever without use of fever reducer, and
- Have improved symptoms, whatever they are (not just respiratory condition)

Employees with severe symptoms must have:

- Waited 20 days from onset of symptoms or positive COVID test
- Have lasted 24 hours without a fever without use of fever reducer
- Have improved symptoms, whatever they are (not just respiratory condition)

Returning employees are no longer required to take a negative COVID test unless their symptoms are severe and they have underlying health conditions that would require it.

To review the new guidelines, visit: <https://www.cdc.gov/coronavirus/2019-ncov/hcp/disposition-in-home-patients.html>.

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As **employees return to the workplace after traveling for vacation** during the continuing COVID-19 pandemic, employers are faced with decisions on how to maintain a healthy and safe workplace as employees return from potentially high-risk situations. In order to keep other employees healthy, employers can implement some precautionary measures to mitigate some of the risks. These, as with all policies and processes, must be applied consistently and should be reviewed with the employee before he or she takes the time off so they are aware of the expectations.

Here are three common scenarios for minimizing risk of exposure after an employee not showing symptoms of COVID-19 returns from a high-risk area:

1. Require employee to self-quarantine for 14 days after returning:
  - Currently required by some states, counties, and cities.
  - Follow CDC recommendations for employee to stay self-quarantined at home for 14 days from last exposure and monitor for symptoms during the 2-14-day COVID-19 incubation period.
  - If no symptoms after 14 days, the employee can return to work.
  - Time may be unpaid or paid under FFCRA or employee's paid time off (if available), but state-mandated leave probably will not apply.
2. Require employee to get tested:
  - Per CDC guidelines, this would have to occur several days after possible exposure so cannot be done right away for more effective results.

- Lack of readily-available, reliable testing and long delays in getting results may make this option impractical.
  - Only a snapshot for that day; could have COVID-19 but not showing on test.
  - Could still get at some future time so not protection from future infection.
3. Require strict adherence to safety precautions to help mitigate the risks of your employees transmitting or being exposed to COVID-19 at the workplace, especially for first 14 days after return:
- Enforce social distancing, wearing masks, hand washing and sanitizing, cleaning, and disinfecting, etc.
  - Screen employee daily for fever and other symptoms.
  - Require they report immediately if they begin to feel unwell and send them home.

When possible, allowing the employee to work from home while self-quarantining or waiting for test results will probably benefit both employer and employee.

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If you have any questions about any of these or other issues related to COVID-19, please reach out to Affinity HR Group so we can help you research local requirements and assess your options.

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Paige McAllister is a contributor for Affinity HR Group, Inc., AOCA's affiliated human resources partner. Affinity HR Group specializes in providing human resources assistance to associations such as AOCA and their member companies. To learn more, visit [www.affinityHRgroup.com](http://www.affinityHRgroup.com).