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# **Manufacturers' COVID-19 Webinar**

## **Reopening Checklist and UC Mitigation Strategies**

*May 7<sup>th</sup>, 2020*



[www.mascpa.org](http://www.mascpa.org)  
(717) 843-3891

# Mfgs. COVID-19 Update

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## Speakers Panel

- Vicki Krotzer, PHR, SHRM-CP, HR Consultant – *The Manufacturers' Association*
- Becky Stauffer, SPHR, SHRM-SCP, HR Consultant – *The Manufacturers' Association*
- John C. Porter, Esq.– *Griffith, Lerman, Lutz & Scheib*

**Moderator:** Tom Palisin, Executive Director



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## Today's Agenda

- I. Reopening Checklist
- II. Mitigating Financial Risk from PA UC Claims
  - I. Q&A HR Issues and Hot Topics

# Returning to Work: Post COVID-19 Checklist

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## Phase One Strategies:

- ✓ *Assign a COVID-19 Team*
- ✓ *Set up Social Distancing Procedures*
- ✓ *Safety Precautions*
- ✓ *Develop a Plan for Exposure*



**Presenter:** *Vicki Krotzer - Mfgs' Assoc. HR Consultant,*  
**MAXIMUM Business Consulting, LLC**

# Returning to Work: Post COVID-19 Checklist

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## Assign a COVID-19 Team

- ✓ Document Core Processes and Actions Taken
- ✓ Communication (signage/posters)
- ✓ Identify PPE Providers/Vendors and order needed supplies



# Returning to Work: Post COVID-19 Checklist

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## Set up Social Distancing Procedures

- ✓ Schedules (“soft” or phased return to work)
- ✓ Common Areas
- ✓ Maintain a Virtual Workforce
- ✓ Possibly rotate furloughed employees to ease back into new set-up
- ✓ Possibly add additional shift (non-traditional / different days)
- ✓ Visitor Restrictions/Health Declarations



# Returning to Work: Post COVID-19 Checklist

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## Safety Precautions

- ✓ Order Personal Protective Equipment (PPE)/Supplies, hand washing stations/breaks
- ✓ Temperature Checks
- ✓ Cleaning Schedule (employees or contracted)

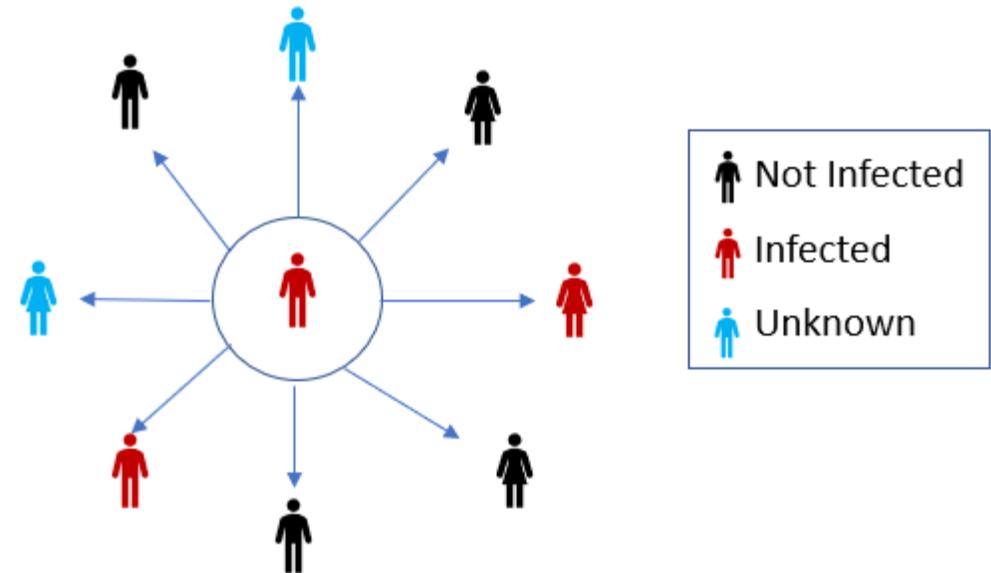


# Returning to Work: Post COVID-19 Checklist

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## Develop a Plan for Exposure

- ✓ Tracking Exposure: develop a tools/spreadsheet to track sick employees (train supervisors!)
- ✓ Exposure Communication: Follow CDC guidelines and quarantine anyone who has been exposed



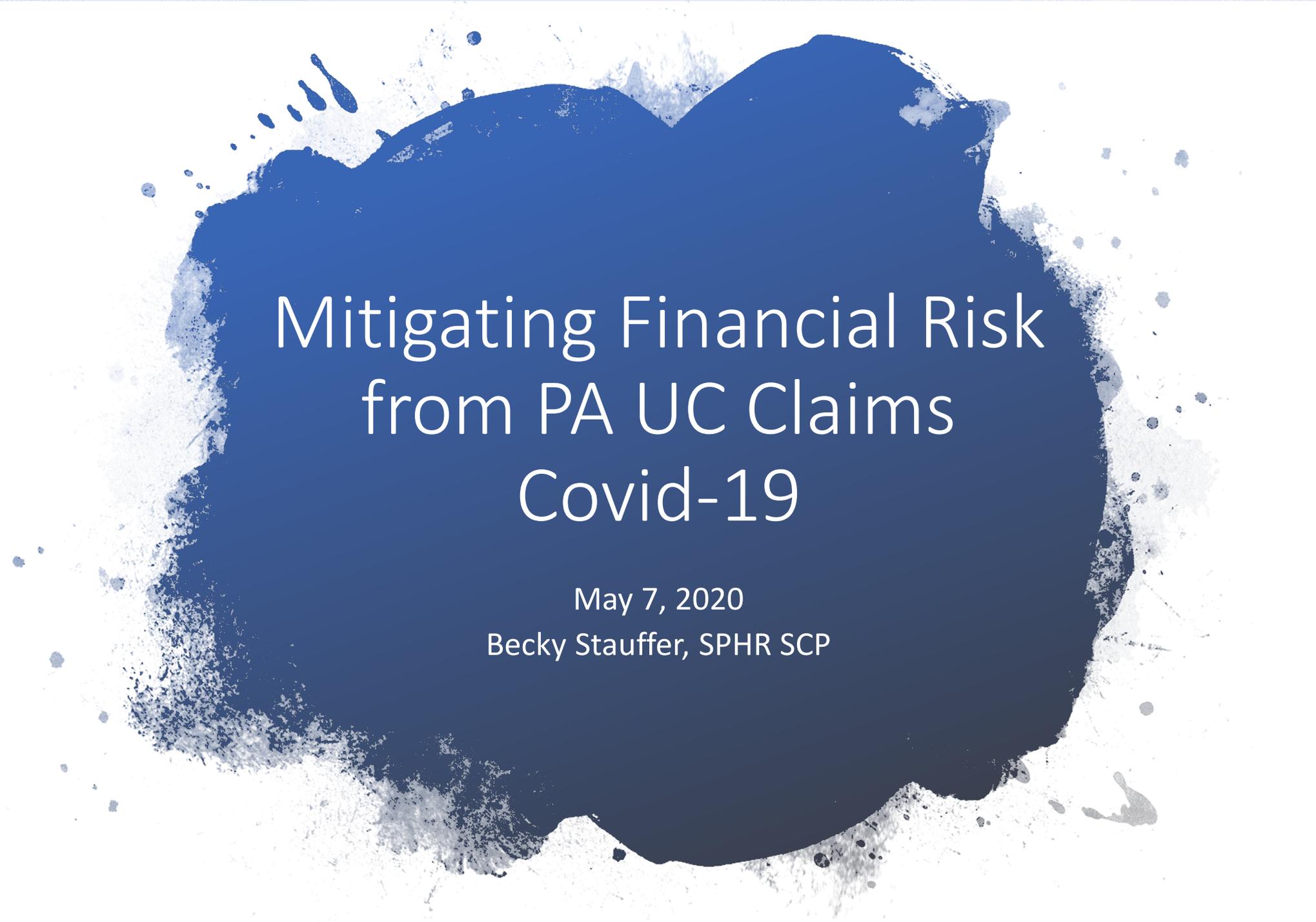
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## Questions?

- Resources: <http://www.mascpa.org/covid-19/>
- Association Member Hotline: [hr@mascpa.org](mailto:hr@mascpa.org)





# Mitigating Financial Risk from PA UC Claims Covid-19

May 7, 2020

Becky Stauffer, SPHR SCP

# Goals

- Remove any appropriate Covid-19 UC costs from the employer loss experience, so it will not effect future premium costs.
- Ensure unemployment costs are shifted away from the business to Federal and State programs.
- Shut off UC to employees who are able to work and work is available, ensuring they will not be incentivized to stay home, when work is available.



## My employer offered me my job back, but I would make more staying on Unemployment. Can I do this?

[Click here to read more.](#)

No. If you are offered work by your employer and refuse to accept it, without good cause, you may no longer be eligible for UC. Determining whether there was good cause for a refusal of work is driven by the facts of each claimant's circumstances. During the current COVID-19 pandemic, if an employee refuses to return to work because they are at high risk of complications from the virus and their employer cannot make reasonable accommodations for them, or if they were being asked to return to work at reduced hours that result in them earning less than they did before the pandemic, UC staff would review those specific reasons and make determinations based on the facts of their individual cases.

If you do return to work at reduced hours, and this results in a reduced weekly income compared to your weekly income prior to filing for UC, you may be eligible for partial UC plus the \$600 FPUC per week.

<https://www.uc.pa.gov/COVID-19/Pages/UC-COVID19-FAQs.aspx>

Employees are notified they must return to work at time of “Filing a Biweekly Claim”

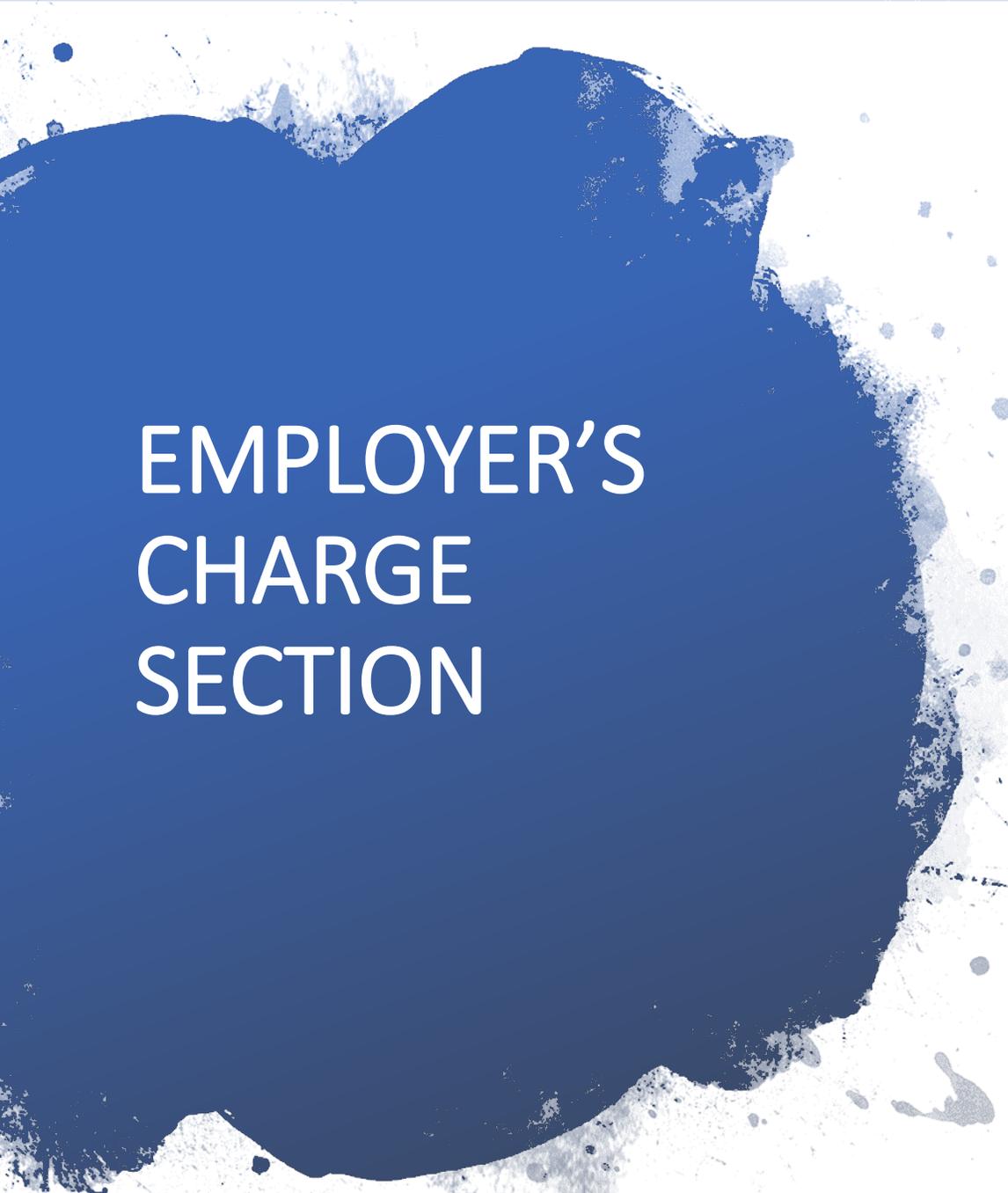
- **For those impacted by COVID-19, if you are offered work by your employer and refuse to accept it, without good cause, you may no longer be eligible for UC. Learn more in the "My employer offered me my job back, but I would make more staying on Unemployment. Can I do this?" FAQ on our [UC Benefits FAQ page](#).**

# RELIEF FROM CHARGES

- Business is asserting it should not be penalized or charged Unemployment Compensation costs.

## 6 Reasons Relief can be granted under Section 302.1(a) of the PA UC Law

- Left work for the employer without good cause attributable to the employment,
- Was discharged by the employer for willful misconduct,
- Was separated from the employer for reasons that involve fault on the part of the claimant,
- Was discharged by the employer for failure to submit and/or pass a drug or alcohol test conducted pursuant to an established substance abuse policy,
- Is still working for the employer in a part-time job that is continuing without material change or,
- Was separated from the employer due to a cessation of business of 18 months or less caused by a disaster.



# EMPLOYER'S CHARGE SECTION

- Calls and correspondence related to relief from charges and account charges should be directed to the Employer's Charge Information Line: **717-787-4677**.
- The Employer's Charge Section can respond to your specific information requests about:
  - Benefit charges/credits to reserve account contained on Form UC-640, Monthly Notice of Compensation Charged.
  - Benefit charges filed with the Department via Form UC-44FR, Request for Relief from Charges, or filed by letter.
  - Credits to reserve account due to a subsequent approval of **relief from charges** or a claimant's ineligibility for UC and subsequent overpayment.
  - **Time limits** for filing a request for relief from charges or an appeal to a relief from charges determination.

# Covid-19- a “Natural Disaster”

- “If an individual’s unemployment is directly caused by a major natural disaster declared by the President pursuant to section 102(1) of the Disaster Relief Act of 1970 (P.L. 91-606) and such individual would have been eligible for disaster unemployment assistance as provided in section 240 of that act with respect to such unemployment but for the receipt of unemployment compensation, the employer may request relief from charges and may receive such relief to a maximum of the **eight weeks** immediately following the President’s declaration of emergency.”



Does this take the place of an appeal?

- No, A request for relief from charges is different from an appeal regarding a claimant's eligibility and must be filed separately.

# 15-Day Window for Relief

- The employer has a 15-day window from the start of the first determination to respond.
- Late filing mat still be accepted, but the “relief” is not retroactive.

# UC-44FR

- Relief from  
Charges  
Form:

# No UC-44FR?

To: Employer Services Section  
Mail to: PO Box 67504 Harrisburg PA 17106  
Fax: 717-772-0398

**REQUEST FOR RELIEF FROM CHARGES  
(in Lieu of UC-44FR)**

Employer Name:

PA UC Account Number:

Employer Address:

Claimants Name:

Claimants Social Security Number:

Claimants Last Day of Work:

Reason for the Claimant's Separation:

Section 302.1(a) of the PA UC Law provides that employers may request relief from certain benefit charges. Upon receipt of a timely request, the Department of Labor & Industry can grant relief from charges for UC benefits that are paid to a claimant who **(check all that apply)**

- 1) left work for the employer without good cause attributable to the employment,
- 2) was discharged by the employer for willful misconduct,
- 3) was separated from the employer for reasons that involve fault on the part of the claimant,
- 4) was discharged by the employer for failure to submit and/or pass a drug or alcohol test conducted pursuant to an established substance abuse policy,
- 5) is still working for the employer in a part-time job that is continuing without material change or,
- 6) was separated from the employer due to a cessation of business of 18 months or less caused by a disaster.

\_\_\_\_\_  
Signature of the employer/Authorized representative

\_\_\_\_\_  
Title

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Date

**Attach Supporting Documentation  
Retain a copy for your Records**

**MAIL OR FAX FORM (SEE ABOVE)**

**COVID 19? Provide the following information for a disaster:** The specific disaster situation, The date that the disaster occurred, where the disaster occurred (to indicate whether or not it affected the employer's place of business), A brief description of the disaster which forced the suspension of business activity, and When the business is expected to reopen.

# No UC-44FR? Plan B:

- There are two ways to request relief from charges:
- Complete the applicable sections on the reverse of Form UC-44FR, providing ALL requested information, including:
  - The claimant's name and social security number
  - Employer's name and UC account number
  - The last day the claimant worked
  - Detailed separation information or information about the claimant's part-time employment, with supporting documentation
  - Name and contact information of the person completing the form
- **You may also request relief from charges by letter. Your correspondence must include all the above information in order to be processed as a request for relief.**
- You may mail or fax a request for relief from charges to the department. If you use Form UC-44FR and send it by fax, both sides of the form must be faxed. Whether you use the form or a letter, include the claimant's name and social security number and the employer's name and UC account number on all faxed pages.

To request disaster-related relief from charges, an employer should include the following information in a letter along with the completed Form UC-44FR

The specific disaster situation,

The date that the disaster occurred,

Where the disaster occurred (to indicate whether or not it affected the employer's place of business),

A brief description of the disaster which forced the suspension of business activity, and

When the business is expected to reopen.

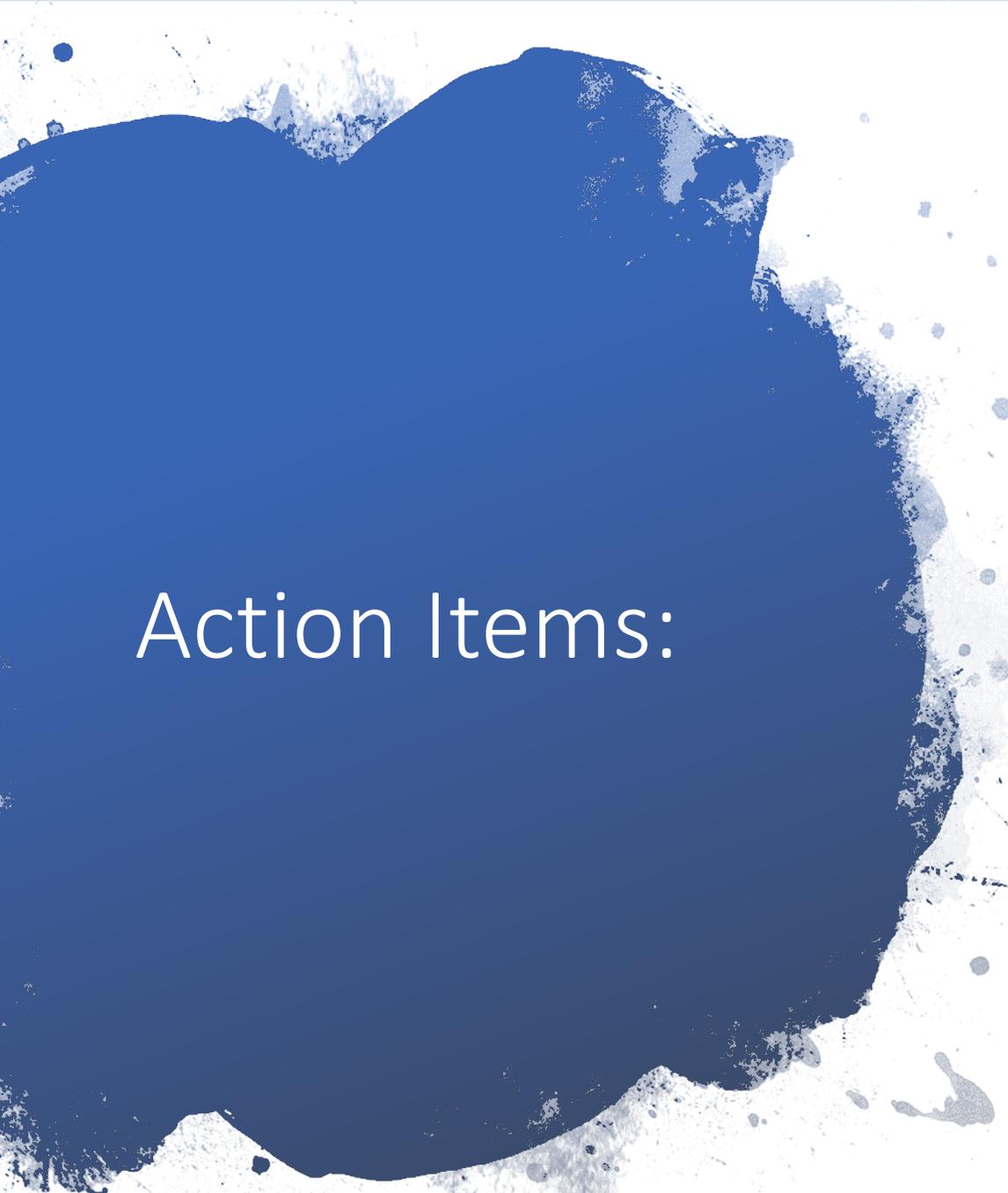
# Requests for relief can be mailed or faxed to:

- Employer Services Section  
P.O. Box 67504  
Harrisburg, PA 17106-7504  
Fax: 717-772-0398 or 717-346-0456



# For more information:

- <https://www.uc.pa.gov/faq/Employer/Pages/Relief-from-Charges-FAQS.aspx>



## Action Items:

- Dispute claims by
  - filing UC-44FR or
  - sending necessary information in writing
- Write Covid-19 on all UC responses.
- Review your Monthly UC-640s and dispute any charges.

GOT AN HR QUESTION?  
**HR@MASCPA.ORG**

Connect to Becky:



<https://www.linkedin.com/in/becky-c-stauffer-mpa-sphr-scp-6156712/>



BeckystaufferMPA@outlook.com



**Becky C. Stauffer MPA, SPHR, SCP**

I advise businesses on HR Risk Management and Strategy | W...



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## HR Q&A

**Q1:** Most of our shop feel unsafe wearing mask while working because of the following:

1. Impedes their vision
2. Hard to breath with them on all day
3. And cause an unsafe condition for the operation of equipment

We have them working within their own areas which is much greater than 6' but do pass each other or have to help each other from time to time.

**A:** The PA Department of Health explains, “an employee does not need to wear a mask if it impedes their vision, if they have a medical condition, or would create an unsafe condition in which to operate equipment or execute a task.”

Link: [PA Department of Health FAQs Health Safety Order.](#)

If they are helping someone, they should don their mask unless it creates a safety concern. If they know they are going to pass someone, they should don their mask. They should keep the mask on their person at all times.

– John C. Porter, Esquire



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## HR Q&A

**Q2:** How does Unemployment Compensation and the Family First Coronavirus Response Act (FFCRA) application change for the workforce when the school year ends and summer begins? i.e. some day cares and summer camps are only going to be accepting limited numbers of children.

**A:** The FFCRA is in effect through the end of the year. If a parent needs to stay home, and cannot telework, to care for a child whose “place of care has been closed” or whose “child care provider is unavailable” then they are eligible for the two weeks of paid sick leave. This is paid at 2/3 the regular rate with a cap of \$200/day and \$2,000 in the aggregate.

1. What is a “place of care”? : A “place of care” is a physical location in which care is provided for your child. The physical location does not have to be solely dedicated to such care. Examples include day care facilities, preschools, before and after school care programs, schools, homes, summer camps, summer enrichment programs, and respite care programs.

2. Who is my “child care provider”? : A “child care provider” is someone who cares for your child. This includes individuals paid to provide child care, like nannies, au pairs, and babysitters. It also includes individuals who provide child care at no cost and without a license on a regular basis, for example, grandparents, aunts, uncles, or neighbors.

Link: <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions#67>

It is my opinion, that if the summer camp has limited enrollment or has decreased the weeks it is open, then it is “closed” as to your child. However, there is more than one summer camp in Central Pennsylvania. Employees should be encouraged to search for other “place of care” options. – John C. Porter, Esquire



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**Q3:** We are a small manufacturer and when our workforce returns, having not used any vacation time, how do I get them to use their vacation in an orderly fashion? We could have a situation when we are in our busy time, and employees have excess vacation they will all want to take the remainder of their vacation. Is it as simple as changing our policy to say you can't use more than 1 week during our busy time?

**A:** An employer can provide restrictions of vacation availability for their employees to address this scenario. Employers should update their policy manual and communicate clearly with the employees to explain the situation and the business need.



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**Q4:** An employer is making employees sign a document stating that he is not liable if were to test positive for covid and could not submit a workers comp claim. Which means he wouldn't have to pay for any time missed. Is this legal? Employees are being told that if they don't sign, they will be terminated. They have already been working since May 1st, but just notified today.

**A:** Employees have the right to file a Workers' Comp claim any time they feel they have contracted COVID-19 through exposure at work. Whether the Workers' Comp carrier accepts or declines the claim is for the insurance carrier to determine. I believe an employer who says they will terminate an individual's employment if they exercise their right to file a claim would be illegal. Here is the link to PA WC addressing COVID-19 <https://www.uc.pa.gov/COVID-19/Pages/WC-COVID-FAQs.aspx>



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**Q5:** So if an employee is called back to work and they give HR a doctor's note stating they cannot return yet, you just keep them on UC?

**A:** If you are recalling your employee from UC and have a job available for the employee in question, they should return to work. Since they have a doctor's note and it is related to COVID-19 they could be eligible for the Family First Coronavirus Response Act (FFCRA) which provides two weeks of sick leave and/or FMLA for 10-12 weeks. If they are off beyond what is provided the FFCRA, they could use their sick time, vacation, possibly this is Short Term Disability. The employer can require an updated excuse after they have explained that their employer is providing PPE or accommodating the medical issue.



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**Q6:** Is there additional guidance on the forgiveness of the PPP Loan?

**A:** Please refer to the US Department of Treasury FAQs for the PPP Loans – the guidance was last updated on May 6th. Please note that borrowers, upon applying for a PPP loan certified in good faith as to their eligibility and need for the funds. Those borrowers will likely be required to make subsequent certifications and present back-up documentation to the government regarding their initial eligibility and need for the loan, along with representations about, among other things, ongoing compliance with the loan requirements.

US Treasury Department: <https://home.treasury.gov/system/files/136/Paycheck-Protection-Program-Frequently-Asked-Questions.pdf>

Summary of PPP loan good faith certification: <https://www.lexology.com/library/detail.aspx?g=617b8452-c37d-4c75-8b13-b09f5661e428>



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