EMPLOYMENT CONSIDERATIONS DURING COVID-19

CAROLINE VALENTINE, SPHR, SHRM-SCP

April 21, 2020
TODAY’S DISCUSSION POINTS

1. Support Employee Productivity
2. Governor’s Re-Opening Directives
3. Furlough and Work Share Programs
4. Reduced Wage and Salary Options
5. Q&A Discussion
SUPPORT EMPLOYEE PRODUCTIVITY

1. Implement virtual meeting practices and ensure employee adhere to agreements
2. Allow flexibility to structure own workday schedule for maximum productivity
3. Provide access to information to get job done
4. Communicate on regular basis, not just when there is an issue
5. Create feedback loop, listen and react to concerns and kudos from your team (we all need some good news right now!)
RE-OPENING DIRECTIONS FROM GOVERNOR’S OFFICE

• Must be trained on environmental cleaning and disinfection, hand hygiene, and respiratory etiquette.
• Must be screened before coming into the business for:
  – new or worsening cough; shortness of breath; sore throat; loss of taste or smell;
  – feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
  – known close contact with a person who is lab-confirmed to have COVID-19
  – Any employee who meets any of these criteria should be sent home.
RE-OPENING DIRECTIONS FROM GOVERNOR’S OFFICE

- Upon entering the business, employees must wash or sanitize hands.
- All employees must wear face coverings.
- Employees must maintain at least 6 feet separation from one another.
- Staggered breaks
- Staggered schedule
REDUCED SCHEDULE OPTIONS

• Reduced **hours** options for **non-exempt**
• Determination on position not by employee
• Shared work plan option with TWC is similar to standard unemployment with 2 major exceptions:
  – Waiting period waived
  – Employers must maintain benefits during reduced hours

• Eligibility requirements on TWC website
  • [https://www.twc.texas.gov/businesses/shared-work](https://www.twc.texas.gov/businesses/shared-work)
• Individual letters/memos to employees
• Keep communication lines open
REDUCED SCHEDULE OPTIONS

- Reduced **hours** option for **exempt employees**
- Exempt employees compensated on salary basis
- *Predetermined amount regardless of the quality or quantity of work performed*
- Compensated for the entire workweek if the employee performs any work during the workweek
- Implement one week on and one week off so that unpaid furlough maintains FLSA exempt status
- Ensure exempt employees are not asked to work and/or don’t work during furlough periods
REDUCED SALARY OPTIONS

• Reduced salary options for exempt employees
• With recent updates to minimum salary, exempt employees must generally be compensated at a rate not less than $684 per week to be exempt
• If a salary reduction and change in job duties are both present, review duties to ensure continues to meet FLSA duties requirement, otherwise exemption is lost
• Example, manager who is now performing work of individual contributor role 50% of time
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