

Survive And Advance

Are Your Labor Practices and Coverage Helping You Survive And Advance As Coronavirus Brings “New Normal”

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The “new normal” in business is the majority of employees working remote for the foreseeable future. This said, people will eventually return to the office. Both scenarios are important to consider now as organizations need to address change(s) in exposure for Employment Practices Liability. Timing is important as coverages may become more restrictive. Additionally, it is important to keep current with state and federal compliance and human resources practices. Below are key items to review to be sure you are staying up to date.

1. Wage & Hour Procedures

- Internal policies should address how employee hours are tracked to avoid wage and hour claims
- Employees may be working more hours with the office now in the home – need to have employer based tracking
- Need to review Health Insurance eligibility and COBRA triggers based on how you are managing layoffs, furloughs, and reduced hours
- Review Fair Labor Standards Act with your Labor Attorney based on your situation
- Keep track of employees if furloughed - improperly managed can lead to large claims
- State and local laws may apply for non-essential workers if shelter in place is in order

2. Families First Coronavirus Response Act (FFCRA) link [HERE](#)

- Creates a new set of responsibilities and exposures for employers
- Coverage for FMLA and FFCRA needs to be reviewed

3. Discrimination and American with Disabilities (ADA) issues:

- Terminating employees with proper process to avoid wrongful termination discriminatory claims
- Accommodations need to be reviewed under ADA
- Keeping the workplace safe, managing employee fears, maintaining productivity, and not discriminating are difficult balances

4. When you bring employees back:
 - Have an OSHA compliant process
 - Consider answering questions on employee fear of return
 - Review Employers Liability coverage in case of a suit against employer for mis-management of the work environment
5. Has your company had or anticipate further layoffs or furlough?
 - Considering obtaining legal counsel and following the WARN Act link [HERE](#)

Consult an attorney to review other HR policies. If you don't have an attorney, you can engage GreenTree Risk Management should you need additional help. GreenTree Risk Management contact information is below:

- **Attorney Michael Dunn:** Office: (860) 430-3260 Email: mdunn@greentreeriskmgt.com
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Smith Brothers Insurance also gives clients access to ThinkHR. ThinkHR is a large, ongoing, and updated data base of labor compliance and human resources information for both federal and state by state information. Answers to most of your questions can be searched quickly or you can call the call center. You can also attend webinars on critical regulations. This link describes more fully the services available - <https://www.thinkhr.com/>.

In our purpose of Helping Others, we are here to help your business survive during these difficult times and advance out the other end stronger. More information on Coronavirus/ COVID-19 can be found [HERE](#) on our Smith Brothers Survive and Advance page. If you have any questions or would like to discuss this information further, please contact your Smith Brothers risk advisor.