



CRISIS MANAGEMENT FOR COVID19: Kick-Starting Business After the Shut Down

*Presented by:
Hanna Resource Group and
Morris & Morris, PSC*

INTRODUCTIONS



**Lyle S. Hanna SPHR,
SHRM-SCP**
*President and CEO
Hanna Resource Group*



James M. Morris, Esq.
*Juris Doctor, MPA
Morris & Morris, P.S.C*



Andy Barr
Congressman



Allison Pettrey SHRM-CP
*Manager HR Outsourcing
Hanna Resource Group*

WHAT WE'LL COVER

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Update from
Congressman
Andy Barr

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Loans
and Guidance
for Employers

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Updates
from KY HR
Leaders

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Considerations
for a Return to
Work Plan



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Update from Congressman Andy Barr



Questions & Answers





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Regulatory and Legal Update

On April 16, 2020, OSHA issued two directives: “Discretion in Enforcement” and Manufacturing Industry Workforce Guidance

Director Memorandum acknowledges that “some employers may face difficulties complying with OSHA standards due to the ongoing health emergency

- Still requires a “good faith attempt to meet the applicable requirements as soon as possible”
- Violations may not be cited, but “Abatement Deferred” actions will trigger monitoring inspections after the pandemic ends

COVID-19 Guidance for the Manufacturing Industry Workforce

- Basically reiterates CDC recommendations, applying to Manufacturing Facilities

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PPP and EIDG/EIDL Update

On April 15, 2020, the SBA announced that it was no longer accepting applications for EIDL/EIDG requests, and that all monies available under the PPP had already been allocated

As of today's date, Congress has not yet moved to increase funding from the original \$350B to \$600B.

However, banking institutions are continuing to process the PPP loan requests in the event that Congress increases the funding available

On April 17, 2020, the EEOC provided an updated Q&A related to the COVID-19 Pandemic

The EEOC has cautioned employers that the EEO laws, including ADA and Rehabilitation Act, continue to apply during the pandemic, but they do not prevent employers from following the CDC Guidelines.

Disability Related Inquiries and Medical Examinations

- During a pandemic only, employers may inquire of symptoms directly tied to COVID-19
- Employers must maintain all information about employee illness as a confidential medical record
- Inquiries are not required to be limited to only the EEOC's examples of symptoms
- Body temperature is a medical examination, but CDC overrides EEO compliance during a pandemic
- CDC overrides EEO compliance, so an employer can require an employee to go/remain at home
- An employer can require a return to work notification from a physician

Confidentiality of Medical Information and Hiring and Onboarding of Employees

Confidentiality of Medical Information

- COVID-19 medical information, including temperature, self-identification, and COVID-19 related inquiries, must be maintained in a medical file separate from the employee's personnel file
- An employer may disclose the name of an employee testing positive for COVID-19 to a PHA
- An Independent Contractor or Staffing Agency may notify an employer of a positive COVID-19 result

Hiring and Onboarding

- Employers may screen applicants for symptoms of COVID-19, and may conduct a post-offer, pre-employment temperature scan
- An offer of employment may be withdrawn or delayed, if an applicant has COVID-19 symptoms, if the applicant cannot work or there is a need to have them start immediately, based upon CDC Guidance
- An employer may not postpone an employee's start date, or withdraw a job offer due to health risk factors

Reasonable Accommodations

- EEOC provided guidance for protecting employees, such as one-way aisles; plexiglass, tables, or other barriers to ensure minimum distances between customers and coworkers per CDC Guidance
- Employers must continue to accommodate mental illness/disorders, and may ask questions to determine whether a condition constitutes a disability, discuss reasonable accommodations, and request documentation
- Employees already receiving accommodations are entitled to additional accommodations absent hardship
- Reasonable accommodations apply to teleworking or remote working, and ADA inquiries can be made
- Temporary accommodations can be provided during the pandemic, instead of in-depth permanent actions
- COVID-19 can be a factor in determining an undue hardship (e.g., expense, delivery,

Telework Provides Substantial Risk for Employers

- As discussed previously, although someone is working from home, the Employer is still responsible
- OSHA requires a safe and healthy environment – even during Telework
 - Provide a computer, necessary equipment (if not too burdensome), and a safe location
 - Require work to be performed only in that location, reducing risk of injury or harm
- Data Security Issues
 - Use of an employee's home increases risks associated with data breaches
 - Issue appropriate policies and procedures for the safekeeping/retention of HIPAA/PCI
 - Verify a safe and secure VPN/Computer Access/Install employer-provided security software on all devices
 - Require more secure password access
 - *Turn off Siri/Alexa during any in-person, telephonic, or video business meetings*
 - Prohibit use of public Wi-Fi for laptops, tablets and cell phones
 - Advise employees on avoiding phishing scams

Questions & Answers





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Updates from KY HR Leaders



Patrick J Smith-MSBC, PHR, SHRM-CP
Human Resources Manager
Chair, KY SHRM
Stoll Keenon Ogden PLLC



Considerations

- Checklist/procedure for return of company assets
- Return/security of confidential and business owned documents
- Staff returning based on key individuals, practice groups or departments. Allows social distancing set ups in office settings
- PPE: Having supplies of gloves, masks, sanitizers, wipes
- Protocol to clean & sanitize work areas on a regular basis
- Protocol on client visits or contacts
- Medical testing: temperature checking
- Staff currently work remotely: Childcare conflicts, Healthcare concerns

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Updates from KY
HR Leaders: Smith



Quarantine Protocol:

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Updates from KY
HR Leaders: Smith

- Employees experience flu like symptoms
- Employees with definitive exposure to coronavirus
- Employees exposed to those living in same households
- Employees known to have travelled to hot spots (as defined at that time)
- Impact/adjustments to existing Paid Leave policies



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Updates from KY HR Leaders



Leslie Jarvis
Corporate Human
Resources Director
Forcht Group of Kentucky



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Updates from KY
HR Leaders: Jarvis

How management chooses to respond to this pandemic will influence the company's brand moving forward.



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Updates from KY
HR Leaders: Jarvis

The Physical Workspace

- **6 feet apart is the new norm**
- **The breakroom**
- **Shared equipment, copier, fax machine, etc.**



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Updates from KY
HR Leaders: Jarvis

Words from an Introvert

- "I don't like to brag but I've been avoiding people since way before the coronavirus."



The New Management Style

- Should I rethink my thoughts on working remotely?
- Do I have policies that appropriately address the new workplace?
- How will employee engagement look to my team?
- Do I have the necessary skills to manage this team moving forward?

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Updates from KY
HR Leaders: Jarvis



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Updates from KY
HR Leaders: Jarvis

My Employees

- Are their concerns legitimate?
- Do they have the skills and equipment to continue working remotely?
- How will engagement and pay change?

Questions & Answers





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BUSINESS AFTER COVID-19

**When it's time to reopen and
return your employees to
work, will you be ready?**

Ten Considerations for a Return to Work Plan

- Communication to Employees
- Policy for handling current and new COVID-19 cases
- Internal testing for COVID-19
- Contact Tracking/Tracing
- Phased return of employees

Ten Considerations for a Return to Work Plan

- Preparing the workplace for distancing
- PPE determination/allocation
- Travel Policy
- PTO Considerations
- Rebuilding Connections

Questions & Answers





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Morris & Morris, PSC