FocusHRO: Carrier Coverages, Unemployment Rules, & Employer Documentation

HR Specialist Linda Hostetter and FocusHRO Founder & CEO Sam Boore will talk about concerns that are on your mind right now. Topics addressed will include Unemployment Compensation and the Federal CARES Act, employee benefits in a time of furloughs and layoffs, and documentation requirements under the Families First Coronavirus Response Act (FFCRA).

FocusHRO is a PACCA shared services business partner

Before we begin

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CARRIER COVERAGES, UNEMPLOYMENT RULES, AND EMPLOYER DOCUMENTATION

Linda Hostetter and Sam Boore
This webinar, as well as the information and opinions provided herein, are not intended as a substitute for proper legal advice. The host, the panel members and their respective employers, cannot be held responsible for errors, omissions, or changes to the law.

Please seek legal counsel for specific advice for your specific situation.

UNEMPLOYMENT BENEFITS

Your employees may be eligible for UC Benefits if:

- You temporarily close or go out of business because of COVID-19
- You reduce employee hours because of COVID-19
- You have told your employees not to report to work because you feel employees might get or spread COVID-19
- Your employees have been told to quarantine or self-isolate, or live/work in a county under government-recommended mitigation efforts
Signed into law March 27, 2020, the Act provides enhanced Unemployment Compensation (UC) benefits and Pandemic Unemployment Assistance (PUA) for Pennsylvanians.

**Pandemic Unemployment Compensation (FPUC) - Additional Benefits**
An additional $600 per week, on top of regular benefits, to all UC recipients

**Pandemic Emergency Unemployment Compensation (PEUC) - For UC Benefit Exhaustees**
An additional 13 weeks of UC benefits, beyond the regular 26 weeks already provided, for a total of 39 weeks of coverage.

The waiting week and proof of employment search has been waived under this act as well.
Information on what happens if your employee refuses to report to work, the UC-1921W Refusal form and more information available at www.FocusHRO.com/PACCA

With much of the country in a lock down due to COVID19, many of you have concerns regarding your employee benefit programs. This can be caused from reduction in hours, terminations, furloughs and laying off employees.
Plan documents do not usually differentiate between an employee who is terminated versus one who is laid off versus one who is furloughed. For benefits purposes, eligibility is generally described as an active full-time employee or an employee who works at least a minimum number of hours per week (e.g., 30). If an employee is under protected leave, such as FMLA, benefits continue during leave.

This means that any employee who is not meeting the hours requirement or is not actively at work (work from home is considered actively at work) based on being terminated, furloughed, or laid off—even temporarily—will generally have their benefits terminated and receive an offering of COBRA, state continuation, or no offer of continuation depending on the employer’s size and state in which they are located.

It is important to work with your carrier to determine if it’s relevant to whether leave is paid or unpaid, and to determine how long benefits may continue during a furlough or layoff. It is also important to determine if the carrier will allow coverage to continue as long as premiums continue to be paid, during a public health emergency.
A reduction in hours, which includes a temporary lay-off and furlough, is considered a COBRA qualifying event if it results in a loss of coverage. If an employer has fewer than 20 employees, state continuation law ("mini-COBRA") may apply. The IRS COBRA regulations provide that a reduction in hours for a qualifying employee occurs when there is a decrease in hours an employee is required to work or actually works, and is not accompanied by an immediate termination of employment.

If a group health plan eligibility depends on number of hours worked in a given period (such as 30 hours per week) and the employee is not working or has not worked those hours, it is considered a reduction in hours.

If there is no difference in the plan documents for furloughed, laid-off, or terminated employees and the carrier will not grant a concession, then a reduction in hours or no longer working is a qualifying event and employees should be terminated from the group health plan.

We understand this can be hardship and difficult decision to make during a public health emergency.
WHAT TO DO

Our carriers have been very generous and have given their clients grace periods in which your employees’ coverage can continue without having to elect COBRA coverage at a very high cost. This time frame varies from carrier to carrier. If you would like to discuss your individual carrier’s regulations, please contact us directly.

WHAT TO DO

We would also like to inform you that the carriers are providing Telemedicine for their members to utilize. This is available even if their plan did not previously offer it. It is at a low to no cost for your employees. Please encourage your employees to utilize this benefit.
Advice on how to help employees continue to pay premiums, information for specific carriers, and more available at http://www.FocusHRO.com/PACCA

The new FFCRA regulations require employees to provide notice to their employers about their need to take either paid sick leave or expanded family and medical leave for reasons related to COVID-19, also known as coronavirus, and the notice must include the following information:

- Employee’s name
- Date(s) for which leave is requested;
- Qualifying reason for the leave; and
- Oral or written statement that the employee is unable to work because of the qualified reason.
- Additional information specific to the qualifying reason for leave.

The new regulation requires employers to keep the documentation for four years, regardless of whether the employee was granted leave or not.
Businesses are required to display an FFCRA poster by the Department of Labor.

A sample request form for extended FMLA, the required FFCRA Poster, and more information on the Families First Coronavirus Response Act and more available at http://www.FocusHRO.com/PACCA
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