Employment Policies Affected by COVID-19

Workplace Mitigation

* PTO
* Wage & Hour
* FMLA
* Benefits

Crisis Management Team

Families First COVID-19 Response Act (Effective April 2, 2020 – December 31, 2020)

**The Emergency Paid Sick Leave Act**

* Coverage: applies to all employees of private employers with fewer than 500 employees.
* Small business exception: Stay tuned.
* Employers must provide up to 80 hours of paid sick leave to employees who cannot work (or telework) for COVID-19 reasons.
* The cash amount of paid leave depends on the specific COVID-19 reason for which the employee is taking the leave.
* Relation to employers pre-existing leave policy.
* Notice requirement: must post notice within workplace.

**The Emergency Family Medical Leave Expansion Act**

* Coverage applies to private employers with fewer than 500 employees, and employees who have worked at least 30 days.
* Small business exception: Stay tuned.
* Amends pre-existing FMLA: adds new COVID-19 basis for family leave and creates different rules for those seeking leave on this new basis.
* Employers must now provide up to 12 weeks of job-protected leave (with continuing health coverage) for employees who need to leave to care for child whose school or childcare is closed because of COVID-19.
* First 10 days of leave are unpaid.
* Remaining leave is paid at two-thirds of employee’s normal pay rate, with dollar amount caps.
* Employee’s return to work after emergency family leave.

Potential HR Issues

* New Leave Laws under the Families First Corona Response Act
* Family and Medical Leave Act (FMLA)
* Worker Adjustment and Retraining Notification Act (WARN)
* Americans with Disabilities (ADA)
* Obtaining and Protecting Employee Health Information
* EEOC has provided guidance here

Workplace Messaging

* Safety of employees is top priority
* Discuss Guidelines for safety
* Train and review employee policies on sick/leave pay, etc.
* OSHA

For a complete packet of useful information that was put together by Cotney Construction Law, you can email Trent Cotney (tcotney@cotneycl.com) or Ben Briggs (bbriggs@cotneycl.com).

For Federal OSHA guidance visit: https://www.osha.gov/Publications/OSHA3990.pdf

Common Sense Safety

* Toolbox talks on COVID-19 – proper hygiene and protection.
* Sterilize common working surfaces, including equipment, trucks and tools.
* Job Site Protection Plans – plan provided to customers regarding measures taken by you to stop Coronavirus.
* Train superintendents and crew leaders on signs of illness. Pull sick workers and send home immediately.
* Test for fevers prior to start of work.

Job Site Safety

* Except for emergencies, restrict job site trailer access.
* All job site meetings are virtual – Teams, Google Hangouts, CompanyCam
* If anyone on the job site appears ill, they are sent home immediately.
* Ensure your workforce arrives with all appropriate PPE and water. Limit loaning of PPE and water due to safety and supply shortages (not to mention OSHA issues).
* Daily reporting – switch to virtual only. Text a photo or use other program to convey info.
* Meetings over 10 people – use virtual meetings (Zoom, Teams, etc.) to maintain minimum distance rule
* Discontinue in person safety training – go to virtual.
* Sanitize and clean worksite.

Key Contract Provisions

* Force Majeure/Act of God
* Project Suspension/Delay
* Terminations for Convenience
* Price Acceleration Provisions
* Frustration of Purpose/Impossibility of Performance

Scaling Your Business to Economic Conditions

* Cash Flow

COVID-19 created economic conditions requiring a sustainable capital reserve

Proper budgeting and forecasting

 KPI analysis at all locations

 Routine monthly reporting with updated P&L and balance sheets is the norm, but weekly is
 recommended now.

 Year end forecasting for cash flow

Access to credit – short term credit, credit lines, angel investors, venture capitalists

* Standardized Processes

Institute SOPs for all aspects of your operation – crisis management, AR, AP, estimating/sales, field operations, legal, HR and safety.

Utilize software to assist in tracking.

Focus on issues with employment

 Employee manual updates including ongoing training.

Ensure that contracts are reviewed by ownership – not just by estimators/sales.

Update your safety manuals to reflect current conditions.

* Evaluate Your Team

Define the roles of HR, COO, CFO/Controller, Production and Service Managers

Manage Your Managers

Lead Your Team

* Supply Train Logistics

Job site logistics is essential – do not overstock your projects

Reach out to your top vendor manufacturer partners

Negotiate favorable terms with your suppliers – extended terms will be key during recovery phase

* Development and Competitive Advantage

We are going to come out of this, and the economy can rebound quickly – be proactive and prepared

Get your company prepared now:

 Use virtual training for cross training vital positions

 Set time aside to video training work field workforce

 Use social media to release valuable information about your company

 Take advantage of technology to better position yourself for now and the future

 Remember core values

 SWOT analysis – look for differentiators

 Competitor reporting

 Integration of old guard with new employees

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