

**Iowa Credit Union League**  
**Virtual Roundtable | Human Resources Update**  
**April 17, 2020**  
**1:30 – 2:30 p.m.**

**PolicyWorks Update | PolicyWorks Compliance Consultant Anthony Cooper**

- ☐ Small Business Administration (SBA) is currently out of funding for the Paycheck Protection Program (PPP).
- ☐ Stimulus Checks
  - There is currently not conclusive guidance
  - There could be a reputational risk if credit unions offset the funds

**Human Resources Update | Jo Ellen Whitney, Davis Brown Law Firm**

- ☐ [New Iowa COVID-19 information site](#)
- ☐ Iowa Workforce Development (IWD)
  - Will be charging back to employer accounts
  - There is a new level within the trust fund, and if it goes below that, employer accounts will be charged back
    - As of last week, the level was \$180 million away
    - When the trust account hits \$950 million, they will be charging back to employers
    - Last week, \$35 million was paid in unemployment claims
- ☐ New Occupational Safety and Health Administration (OSHA) Guidelines
  - [New guidelines on how to deal with COVID-19 in the workplace](#)
    - This may not apply to credit unions as credit unions are considered a low risk industry
    - This may be more applicable to credit unions in Iowa's Region 6 as scrutiny is heightened.
- ☐ Q: What are limitations in Iowa's Region 6?
  - A: Closing lobbies and limited hours are fine. Heightened employee screenings include temperature checks, possibly twice per day. Make sure that screening documentation is treated as employee health records and kept confidential. Keep records for two years. Paperwork can be kept with FMLA paperwork or as an aggregate list.
- ☐ Q: Are there Families First Coronavirus Response Act (FFCRA) exemption forms for employers with less than 50 employees?
  - The Department of Labor (DOL) has not created the form yet. [Here is the DOL's guidance.](#)

*Information in this document was shared on April 17, 2020.*

*The conversation facilitated by the Iowa Credit Union League and partners should not be constructed as legal services, legal advice, or in any way establishing an attorney-client relationship.*

- Q: How do we keep hourly employees paid?
  - A: If the credit union is closing doors, then that qualifies as a temporary layoff and employees can file for unemployment compensation. Otherwise, have them use paid time off (PTO). Look into the Emergency Family Medical Leave Act (EFMLA) and Emergency Paid Sick Leave (EPSL) guidelines under the Families First Coronavirus Response Act (FFCRA).
- Q: Can you layoff a Family Medical Leave Act (FMLA) employee so that they can receive unemployment benefits?
  - Not normally. Be very careful with this.
- Q: An employee is currently using paid time off (PTO) to stay home and is not working remotely. What options does this employee have when PTO runs out?
  - A: If the employee has an underlying condition and is worried about getting sick, Emergency Family Medical Leave Act (EFMLA) and Emergency Paid Sick Leave (EPSL) do not qualify, as the employee is not actually sick. Instead, this is a disability accommodation issue under the Americans with Disabilities Act (ADA) or ADA Amendments Act (ADAAA). If the employee has a medical certification stating that they should not work, then unemployment compensation is treated as a COVID-19 claim. The employee can apply, and Iowa Workforce Development (IWD) will make the payment decision.
- Q: What are the Emergency Family Medical Leave Act (EFMLA) and Emergency Paid Sick Leave (EPSL) payment guidelines for exempt employees?
  - A: EPSL is 2/3 pay. EFMLA has the same rules as FMLA, so even if an employee is exempt, then wages can be deducted in increments as small as 15 minutes.
- Q: Recommendations on bringing staff back to work when employees are worried?
  - A: If there is no medical certification but do not want to return to work, employees will have a hard time getting paid. Give transition time and be transparent with employees.
- Q: Do gloves and masks need to be supplied for staff?
  - A: Credit unions are a low risk industry. Mandatory providing of gloves and masks is not required, however it may be a nice benefit for employees.
- Q: If someone tests positive for COVID-19, do you have to close the branch?
  - A: It is recommended that the branch be closed for 14 days and be cleaned. If that is not possible, have it deep cleaned overnight. Look closely into providing masks and creating additional social distancing practices.
- Q: Are employers in Region 6 required to do temperature checks?
  - A: Temperature checks are highly recommended. Though, credit unions are a low risk industry, so they are not legally required. If conducting checks, utilize a temple thermometer – not an oral one.
- Q: An employee calls in due to fever and then goes to the doctor. The doctor gives employee a note that says they can return to work, but it does not say that it was due to fever. The credit union has a rule that employees should not return to work until they have been

*Information in this document was shared on April 17, 2020.*

*The conversation facilitated by the Iowa Credit Union League and partners should not be constructed as legal services, legal advice, or in any way establishing an attorney-client relationship.*

without a fever for 72 hours. Should the credit union still stick to the rule of thumb that employees must be fever free for 72 hours?

- A: Stick to the 72-hour fever free rule, the Centers for Disease Control (CDC) recommends this. If the note rules out COVID-19, though, then you can go with the 24-hour rule. If the note does not specify, then stick to the 72-hour rule.
- Q: If an employee is having trouble being at work because of a childcare situation and has intermittent time off, what options are available?
  - A: This may be Emergency Family Medical Leave Act (EFMLA). The policy is treated broadly and is used for situations when childcare and schools are closed.
- Q: Should employers lay off employees so that they can earn more through unemployment than through EFMLA
  - A: No, that is considered fraud.
- Q: Can employees take advantage of the voluntary shared work program if their hours have been cut?
  - A: This requires a lot of paperwork and scheduling. There must be at least five employees within an employee grouping, and the credit union would be looking at 20%-50% reductions. Employees would get the ability to continue insurance. Normally, there would be a lesser account charge, but right now there are no charges.
- Q: Recommendations for recognizing employees who are working hard?
  - A: Remember that if you give gift cards, they are taxable. Non-taxable gifts could include the purchase of an app subscription.

**REMINDER: Send resources you're willing to share with other credit unions and credit union questions to [covid@iowacreditunions.com](mailto:covid@iowacreditunions.com).**

*Information in this document was shared on April 17, 2020.*

*The conversation facilitated by the Iowa Credit Union League and partners should not be constructed as legal services, legal advice, or in any way establishing an attorney-client relationship.*