

# It Benefits You Your Employee Benefits Newsletter

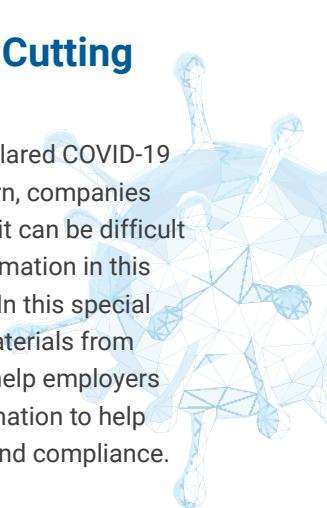
APRIL 2020

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## SPECIAL EDITION: COVID-19 Cutting Through the Clutter

On March 11, the World Health Organization declared COVID-19 to be a worldwide pandemic. Everywhere you turn, companies are pushing out information on this subject and it can be difficult for employers to determine what is reliable information in this confusing (and yes, scary) time for our country. In this special edition newsletter, we have compiled a list of materials from governmental agencies and other resources to help employers cut through the clutter of articles and find information to help answer their questions about employee safety and compliance.



## An Update from McGriff's President and CEO

You're a valued member of the McGriff family and nothing is more important to us than the health and safety of our clients, partners and teammates.

As the Coronavirus (COVID-19) continues to impact the United States, we want to make sure you know that we are closely monitoring and preparing for any potential interruption to our business operations so we can continue to provide you with the high level of personalized service you have come to expect from McGriff. We want to assure you that we are prepared to continue handling your insurance, risk management and employee benefits needs now and moving forward. We have been, and will continue to be,

incredibly committed to preparing for and dealing with this situation. [Click here](#) to view this full message and see the action steps we are taking.

The McGriff Executive Leadership and business readiness teams are monitoring the situation and are in close contact with health authorities, including the Centers for Disease Control and Prevention (CDC), to ensure we're acting on the latest guidance and information.

We're committed to keeping you informed through this rapidly changing situation. Please do not hesitate to contact us if we can be of assistance with any of your insurance needs.

For your convenience, we have created a page on our website where we will share advisories and other resources from our various subject matter experts. Visit [McGriffInsurance.com](https://www.mcgriffinsurance.com) and click the COVID-19 banner. We will be updating this page often as information is rapidly changing.

For the latest information about COVID-19, please visit [cdc.gov](https://www.cdc.gov), your local health department website, or the other resource sites outlined in this newsletter.

Sincerely,

Rick Ulmer  
President & CEO, McGriff



# Resource Roundup:

## CDC, OSHA, EEOC, and HHS Materials

### CDC MATERIALS

In response to the COVID-19 outbreak, the U.S. Centers for Disease Control and Prevention (CDC) has issued:

- [Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease](#), which provides recommended workplace strategies for employers and guidance on how to decrease COVID-19 spread, information on how to respond to outbreaks, and additional resources; and
- [Public Health Response to the Coronavirus Disease 2019 Outbreak](#), which provides a chronological timeline and summary of the virus, cases reported in the United States, and the agency's public health response to the illness.

The CDC has also created the following posters for download. Feel free to print and post these at your worksite!

- What you need to know ([English](#), [Spanish](#), [Chinese](#))
- What to do if you are sick ([English](#), [Spanish](#), [Chinese](#))
- Stop the spread of germs ([English](#), [Spanish](#), [Chinese](#))
- Symptoms of coronavirus ([English](#), [Spanish](#))

### OSHA MATERIALS

The U.S. Occupational Safety and Health Administration (OSHA) has created a COVID-19 website for workers and employers that addresses the disease and provides guidance and other resources for preventing exposure to and infection with the virus.

Topics covered include:

- [Background](#)
- [Hazard Recognition](#)
- [Medical Information](#)
- [Standards](#)
- [Control and Prevention](#)
- [Additional Resources](#)

### EEOC MATERIALS

While not specifically related to COVID-19, the U.S. Equal Employment Opportunity Commission (EEOC) has previously issued guidance entitled [Pandemic Preparedness in the Workplace and the Americans with Disabilities Act](#). The World Health Organization has declared COVID-19 to be a pandemic. This EEOC information can help an employer answer questions like: Can I send an employee home if they are displaying symptoms? Can I proactively ask about my employees' immune systems or health conditions? Can I take my employees' temperature?

### HHS MATERIALS

In response to COVID-19, the Office of Civil Rights for the U.S. Department of Health and Human Services (HHS) issued a [bulletin](#) regarding HIPAA Privacy and COVID-19.

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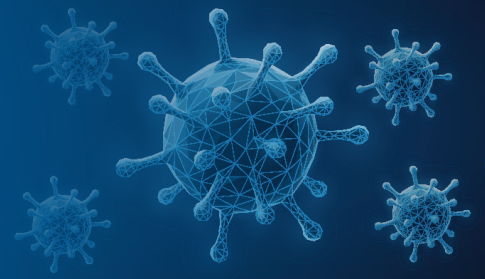
## IRS Allows HDHPs to Cover COVID-19 Testing & Treatment



On March 11, the IRS advised that high-deductible health plans (HDHPs) can pay for 2019 Novel Coronavirus (COVID-19)-related testing and treatment without jeopardizing their status. This also means that an individual with an HDHP that covers these costs may continue to contribute to a health savings account (HSA).

In [Notice 2020-15](#), the IRS said that health plans that otherwise qualify as HDHPs will not lose that status merely because they cover testing or treatment costs related to COVID-19 before plan deductibles have been met. The IRS also noted that, as in the past, any vaccination costs continue to count as preventive care and can be paid for by an HDHP.

# DOL Provides Guidance on How COVID-19 Interplays with the FMLA and FLSA



The DOL has issued Q&As on the federal Family and Medical Leave Act (FMLA) and COVID-19, as well as the interplay between this public health emergency and the federal Fair Labor & Standards Act (FLSA).

## [COVID-19 or Other Public Health Emergencies and the Family and Medical Leave Act Questions and Answers](#)

(Click the link to read the full text of the DOL Q&A)

### FMLA HIGHLIGHTS

- Complications arising from the flu may constitute a serious medical condition under the FMLA. This applies to the employee's own medical condition or a family member the employee is needed to care for.
- The FMLA does not require employers to provide leave for employees caring for dependents who have been dismissed from school or child care.
- When health care resources are overwhelmed, it may be difficult for employees to obtain verification that they are no longer contagious.

### ADA HIGHLIGHTS

- Any employer's plan to send workers home if they show signs of illness must comply with laws prohibiting discrimination in the workplace on the basis of race, sex, age, color, religion, national origin, disability or veteran status.
- Employees with a disability may be excluded from the workplace if there is objective evidence that they pose a direct threat.

## [COVID-19 or Other Public Health Emergencies and the Fair Labor Standards Act Questions and Answers](#)

(Click the link to read the full text of the DOL guidance)

### FLSA HIGHLIGHTS

- In general, private employers cannot ask employees to temporarily work for free to offset business losses caused by the pandemic.
- The FLSA does not cap the number of hours an employee (over the age of 16) can work; therefore, an understaffed business can request employees to work additional hours as long as they are paid minimum wage and/or overtime as appropriate.
- Employers can encourage employees to telework from home, but employers must pay non-exempt workers the minimum wage for all hours worked and/or overtime as appropriate. Salaried employees must receive their full weekly salary while working from home for any week in which they perform any work.
- The DOL encourages employers to be accommodating and flexible with workers impacted by government-imposed quarantines. Employers may offer alternative work arrangements, such as teleworking, and additional paid time off to such employees.

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