

# HR FAQ's

**My business is temporarily closed. Do I have to lay off my employees and then rehire them when the restrictions are lifted?**



No, you can keep your employees on the books and just not pay them (since they are not working). This is called “furlough” and it implies that there is a set date to return to work. In this case, the date to return to work could be when the government lifts the restrictions and allows non-essential businesses to reopen.

**Do we still have to provide EPSL or EFMLA if we lay off or furlough our employees?**



No. Employers who are closed do not have to provide leave or benefits to their employees.

**My employees are furloughed and I cannot afford to pay my employee's insurance premiums. What should I do?**



It is necessary to terminate your employee and they will have the option to continue with COBRA benefits or they can go on the healthcare marketplace to get insurance.



**If my employees are on furlough, can they apply for unemployment?**

Yes, as long as your employees are not currently being paid by your business.



**My employees are on furlough and applying for unemployment but want to find part-time work in the interim. If they get a part-time job, will they still be able to receive unemployment benefits?**

Yes, but their benefits will be offset by what they earn at their part-time jobs. For example, if they are eligible to receive \$500 per week for unemployment and they earn \$200 per week at their part-time job, their unemployment benefit would be reduced to \$300 per week.



**I have an essential business. If one of my employees took six weeks of FMLA leave before April 1, 2020, are they eligible to receive another twelve weeks because of FFCRA?**

No, the limit is still twelve weeks in a calendar year. An employer can require an employee to use existing accrued PTO during that time, whether it is FMLA, EFMLEA, or FFCRA.

# HR FAQ's

**Q**

**I have a 401K and need to withdraw some funds to get me through the crisis. Is there a penalty?**

Between now and December 31, 2020, any COVID-19 withdrawal up to \$100,000 will NOT have the 10% penalty tax. Standard withholding will be reduced from 20% to 10%. Income taxes for the distribution can be spread over 3 years.

**Q**

**I am an essential employer. What if an employee does not want to come to work? Can I make them come to work?**

Yes, as long as there is no legitimate threat and they do not require an accommodation. If they do not come into work, you are not required to pay them for their time off.

**Q**

**What is the difference between exempt and non-exempt employees?**

Exempt employees do not receive overtime pay whereas non-exempt employees are paid for every hour they work as well as overtime pay.

**Q**

**I am an essential employer. What if an employee shows up to work and I think he or she is sick?**

You may send the employee home. You may take the employee's temperature to confirm if he or she is sick but make sure you are only checking symptoms of COVID-19.

**Q**

**I am a non-essential employer but my employees are able to work remotely. Can I require them to work "normal business hours?"**

Yes, if business is running as usual even though you are operating remotely. It is, however, recommended that employers allow a little leniency and flexibility during this time.

**Q**

**Several non-exempt employees are working remotely. How do I know how to pay them?**

Time sheets are a good method of tracking how much time non-exempt employees are working. You should specify exactly how many hours you want each employee to work and then have them complete and submit a time sheet.