



Thank you for reading the HR Advisor Newsletter. Our topics for this month include supporting mental health during COVID-19, recalling employees back to work, screening employees for COVID-19, and understanding the latest rules from the DOL related to the FFCRA.

How Employers Can Support the Mental Health of Their Employees During COVID-19

The COVID-19 pandemic has taken a toll on everyone's mental health. People have experienced financial hardship, additional challenges with childcare and school cancellations, job loss, reduced hours, sickness, and grief. The future is uncertain, and the present is extra stressful. And to make matters worse, many of the networks and practices that people use to support their mental health are currently unavailable due to social

distancing.

In this environment, where people are increasingly anxious and may be socially isolated, it's even more important that managers support the mental health of their team members — both those who are coming into the workplace and those working from home. High stress can quickly [destroy trust, inhibit empathy, and break down teams](#) — each of which makes it more difficult for people to do their jobs. Fortunately, employers can provide some support. Here are some things employers can do to help employees manage stress and tend to their mental health:

When possible, give employees a little extra time to slow down and rest

Employees may need a moment to breathe or a day to regain their peace of mind, and they shouldn't be afraid to ask for time to take care of themselves. The ability to occasionally function at a medium (or even slow) pace should be built into performance expectations so that employees can avoid burnout or breakdown.

Offer PTO, mental health benefits, and flexible schedules if appropriate

In some cases, employees who want to get the mental health care they need can't afford it. Losing pay from a missed work shift might be too great a hardship, and effective treatments might be financially out of reach. These financial hindrances can exacerbate conditions like anxiety and depression. In other cases, employees can afford the time off and the treatments, but they can't make regular appointments work with their schedules. If you can offer paid time off, health insurance benefits, or flexible schedules, these can help employees get the care they need.

Offer an Employee Assistance Program (EAP)

An EAP gives employees access to expert, confidential assistance for substance abuse issues, relationship troubles, financial problems, and mental health conditions. These services are offered through an outside provider that connects employees with the appropriate resources and professionals. These programs enable you to provide professional assistance to employees while allowing them confidentiality at work. EAPs are also inexpensive, costing between just 75 cents and 2 dollars per employee per month.

Make reasonable accommodations when possible

If an employee informs you that they have anxiety, depression, or another mental health condition, and they request an accommodation, you should begin the interactive process to determine what reasonable

accommodation(s) you can provide in accordance with the Americans with Disabilities Act (ADA). The ADA applies when an employer has 15 or more employees, but many states have similar laws that require employers to make accommodations at an even lower employee count. You can learn more about the ADA on the HR Support Center.

Create digital spaces for friendships to grow

Loneliness in the workplace can be a serious issue, with significant negative effects on both employees and the workplace. Right now, with many employees working from home, it's harder to spot signs of it. Employers can facilitate friendships and connections between employees by setting up virtual chat programs and video conferencing apps.

Employees also need to be reassured that it's fine for them to take a little time during the workday to reach out to others about non-work matters and participate in virtual games and other fun group activities. Managers can set the tone by participating in fun chats and activities and encouraging employees to join in. Helping employees foster friendships is not only the right thing to do, it can also reduce turnover and increase engagement.

Promote good mental (and physical) health in the workplace

Healthy habits are important for everyone to practice. Consider setting time aside during the week or month for employees to participate in activities like yoga, meditation, and mindfulness that develop and strengthen these habits. If you aren't familiar with these practices, solicit the help of your employees. One or more of them may know a lot about these activities and be able to assist you in setting up a workplace program or modifying a program for employees currently working from home.

Make use of additional resources

During this time, employees might benefit from this [three-page list](#) of several virtual recovery resources from the federal Substance Abuse and Mental Health Services Administration and this [COVID-19 resource and information guide](#) from the National Alliance on Mental Illness.

Returning to Work FAQs

Can we screen employees returning to work for COVID-19?

Yes. Generally, inquiries about an employee's health or a medical exam (like a temperature check) would not be allowed, but the Equal Employment

Opportunity Commission (EEOC) has stated that screening employees for symptoms of COVID-19 is allowed since it is a direct threat to others in the workplace. Because of that, you may inquire about symptoms related to the virus, require self-reporting by employees, and take employees' temperatures.

Known symptoms of COVID-19 include fever, cough, chills, shortness of breath or difficulty breathing, muscle pain, headache, sore throat, and sudden loss of taste or smell. As the medical community learns more about COVID-19, additional symptoms could be added to this list. Employers can check [this page](#) for currently recognized symptoms.

If you decide to do screenings, make sure you screen all employees; otherwise you may find yourself in the middle of a discrimination claim. And remember that all information about employees' health — including a lack of symptoms or temperature — must be kept confidential.

We are reopening after business closure due to COVID-19. Can we bring some employees back, but not others?

Yes. If you are recalling some positions, but not others, you should document the business reasons why only those positions were recalled. If you are recalling some employees in a certain position, but not everyone in that position, you should document the objective, job-related criteria you used to decide which employees to bring back. Seniority or previous job performance, for example, would be acceptable criteria and relatively easy to defend if you are ever challenged.



News Brief

Key FFCRA Guidance

The DOL has released rules related to administration of leaves under the Families First Coronavirus Response Act (FFCRA) and answered more

common questions on their [Questions and Answers page](#). Below are some key highlights to keep in mind when administering these leaves.

- **Documentation:** Employers may not require more documentation from employees than is described below. For instance, employers may not request a doctor's note or an official notice from a closed school or daycare.
- **Childcare Provider:** The definition of childcare provider includes anyone who generally cares for the children in question. This includes individuals paid to provide childcare, like nannies, au pairs, and babysitters, as well as individuals who provide childcare at no cost and without a license on a regular basis, for example, grandparents, aunts, uncles, or a neighbor.
- **Reasons for Self-Quarantine:** Employees are only eligible for EPSL if a health care provider directs or advises them to self-quarantine because the health care provider believes the employee may have COVID-19 or is particularly vulnerable to COVID-19.
- **EPSL due to Stay-at-Home Orders:** In some narrow circumstances, an employee who is subject to a stay-at-home order may be able to receive EPSL. They will only be eligible if the business is open and has work for them to do, but a stay-at-home order that applies specifically to them as an individual prevents them from working. For instance, if the retail store where an employee works as a cashier is still open, but the employee is over 65 and subject to an executive order from their governor that all people over 65 should stay home, they would be eligible for EPSL.
- **Exempt Healthcare Workers:** The exemption for healthcare workers is optional and the DOL encourages employers to be judicious in denying leave (if someone is sick with something that looks like COVID-19, you are encourage to provide them leave anyway, even if they could be exempted). Healthcare facilities should still post the [Employee Rights Poster](#) required by the FFCRA.
- **Limited Small Employer Exemption:** Although this is not new information, we want to reiterate that small employers are only potentially exempt from the childcare leaves provided by EPSL and EFMLA. For instance, one reason for exemption is that providing leave would cause the employer to cease functioning at a minimal capacity. If a single employee asks for intermittent childcare leave one day per week, but can telework the other four days, that is very unlikely to be a financial burden that causes the employer to cease

operations. It would therefore be inappropriate (or illegal) for an employer to announce that they will not be considering or granting any childcare leaves.

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