

President's Message

The uncertainty of change is a challenge for people; we're creatures of habit, we're human and like routine. When unexpected circumstances are thrown our way and we're unsure of where the path leads, we're caught off guard and it's nerve-wracking. There are many unknowns to identify, where the road will lead and in which direction, where we can stop along the way, and how long the trip will last.

As HR professionals in these unprecedented times we have dealt with these issues before but not at the speed and scale in which we are moving. Last week, my HR team of three had to handle 50 RIFs in seven days with a finalized list 48 hours prior to the first scheduled one. Not less than three weeks ago we were looking to fill 28 positions for the very same department. It's these unparalleled times that tests our resolve, our grit, and what we ultimately decide upon will either make or break a company.

Fellow HR professionals my message to you is simply this: Hold the course and be steadfast, pause to take a few breaths when you're overwhelmed, and when you've hit a wall, reach out to others if you're unsure of the answer. Someone in our network is bound to have one. That's what makes our association great - our connections with and the helping hand we give to one another.

Stay safe, everyone.

Kem Core

HRLA President

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Upcoming Events

NOTE: For the health and safety of our members and guests, all event scheduling is subject to change due to the coronavirus. Stay tuned to our website for updates.

Reasonable Accommodations for Mental Health Disabilities

May 14th

An interactive session exploring reasonable accommodations for persons with mental health conditions. Learn what constitutes a "disability" under the ADA, and what's considered "reasonable" when it comes to accommodations. We'll consider the requirements for "disclosure" in the context of a request for reasonable accommodation and discuss other issues related to mental health in the workplace.

1.0 SHRM and HRCI Credits Pending

Workplace Violence

June 10th

Program Details Coming Soon...

Summer Social & 20th Anniversary Celebration!

July 14th

Our annual networking event and celebration of HR professionals. Plus, special recognition of HRLA's 20th Anniversary! Bring a friend to be entered into a special raffle. Location: Langley's (Great Neck Country Club) in Waterford

All events begin at 5:30pm and are held at the Norwich Holiday Inn, unless otherwise noted, and include a delicious dinner, social time to help you expand your network, and fabulous raffles from our generous sponsors!

Who should attend our educational programs? HR professionals, chief executives, managers and other business leaders.

Register at
www.hrlact.org



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MUTUAL OF AMERICA
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Federal Law Mandates Coronavirus-Related Leave with the FFCRA

The Families First Coronavirus Response Act is now law. With millions of Americans forced out of the workplace, the legislation provides some relief for employees through the form of expanded Family and Medical Leave Act (“FMLA”) and paid sick leave.

The law applies to private entities or individuals with fewer than 500 employees and public agencies (including municipalities) with 1 or more employees (even if they have 500 or more employees). Employers (except government employers) may claim a tax credit for these payments.

The Secretary of Labor is allowing employers of healthcare providers and emergency responders to exclude their employees from the leave provisions and permitting the exclusion of small businesses with fewer than 50 employees if the leave would jeopardize the business’s viability.

Emergency Paid Sick Leave Act

This law provides for paid sick leave (EPSL) for coronavirus-related reasons, on top of any existing sick leave entitlements. An eligible employee may take EPSL when the employee is unable to work or telework due to a need for leave because:

1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. (Note, this does not need to be a family member.)
5. The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the childcare provider of such son or daughter is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Under this program, employees are entitled to EPSL of 80 hours for full-time employees (those working 40 or more hours a week). Part-time employees are entitled to EPSL for the number of hours the employee works, on average, over a 2-week period. The requirement is capped at \$511 per day and \$5,110 in the aggregate for the first three reasons listed above. For the second three reasons listed above, the employee is only entitled to 2/3 pay, with a cap of \$200 per day and \$2,000 in the aggregate for the second three reasons listed above.

Emergency Family and Medical Leave Act

The provisions expanding FMLA coverage apply only to coronavirus-related situations. They do not expand eligibility and coverage for other FMLA leaves.

An employee may become eligible for FMLA+ after working for the employer for 30 days. Eligible employees may take up to 12 weeks of job-protected leave to allow an employee, who is unable to work or telework, to care for the employee's child under the age of 18 if the child's school or place of care is closed or the childcare provider is unavailable due to a public health emergency.

A portion of the FMLA+ is paid. The first 10 days of FMLA+ is not required to be paid. The employee may choose to use accrued paid leave, such as sick or vacation leave, to continue pay during this period. After the first 10 days, the employer must pay full-time employees 2/3 of the employee's regular rate for the number of hours the employee would otherwise have been scheduled. For employees who work a part-time or irregular schedule, the pay is determined based on the average hours worked in the six months prior to the leave. If the employee worked fewer than six months, the employee is paid based on the employee's reasonable expectation at hiring as to the average hours he or she would normally be scheduled to work. The maximum pay required under this legislation is \$200 per day and \$10,000 total, per employee.

Intermittent Leave

Intermittent leave can be provided for paid family and medical leave and for the paid sick leave (when it is being used for childcare purposes), but only if the employer agrees. If the employee is taking paid leave for purposes other than childcare leave, intermittent leave is permitted only if the employee is teleworking, as opposed to working onsite. Otherwise, the leave must be taken in full-day increments.

Documentation of the Need for Leave

If an employee takes EPSL, the employer must require the employee to provide appropriate documentation in support of the reason for the leave, as will be specified in IRS instructions that have not yet been made available. (This does not apply if the employer does not intend to seek the tax credit.) If the employer intends to claim a tax credit for payment of the sick leave wages, the employer should retain this documentation in its records.

If an employee takes FMLA+ to care for his or her child whose school or place of care is closed, or childcare provider is unavailable, due to COVID-19, the employer must require the employee to provide appropriate documentation in support of such leave. For example, this could include a notice that has been posted on a government, school, or day care website, or published in a newspaper, or an email from an employee or official of the school, place of care, or childcare provider. This requirement also applies when the first two weeks of unpaid leave run concurrently with paid sick leave taken for the same reason. If the employer intends to claim a tax credit for payment of the sick leave wages, the employer should retain this documentation in its records.

Effect of Employer Closures and Furloughs

Employer closures or furloughs, whether occurring before or after the April 1, 2020 effective date of FFCRA, make the affected employees ineligible for leave under FFCRA. These employees may be eligible for unemployment benefits instead.

Small Business Exemption

With regard to the small business (including non-profits) the exemption will only apply to leave taken for childcare purposes (whether it falls under EPSL or FMLA+). Such businesses are advised to document why their businesses meet the criteria for exemption. To claim the exemption, an authorized officer of the business (not defined) must determine that:

- The provision of paid sick leave or expanded family and medical leave would result in the small business's expenses and financial obligations exceeding available business revenues and cause the small business to cease operating at a minimal capacity;
- The absence of the employee or employees requesting paid sick leave or expanded family and medical leave would entail a substantial risk to the financial health or operational capabilities of the small business because of their specialized skills, knowledge of the business, or responsibilities; or
- There are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services provided by the employee or employees requesting paid sick leave or expanded family and medical leave, and these labor or services are needed for the small business to operate at a minimal capacity.

Health Care Provider Exclusion

Employers may exclude "health care providers" from paid sick leave or expanded FMLA by their employer under the FFCRA. The DOL provides an expansive definition of "health care provider," although the DOL encourages employers to be "judicious" in their application of the exemption. For example, a "health care provider" includes anyone employed at any doctor's office, hospital, health care center, retirement facility, nursing home, home health care.

Emergency Responder Exemption

Again, encouraging "judicious" application of the exemption, the DOL set forth a broad definition of "emergency responder" to include any employee "who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19." The DOL explains that includes police, firefighters, dispatchers and paramedics.

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It is important that employers seek specific legal advice in implementing these provisions in their workforces. The attorneys at Berchem Moses PC are available to assist. We can be reached at 203-783-1200 and more information from the Berchem Moses COVID 19 Taskforce can be found at <https://www.berchemmoses.com/connecticut-labor-employment-law-journal/>



Meredith G. Diette is HRLA's Legislative Liaison and a Partner in the Labor & Employment Law Department of Berchem Moses PC. She advises private, non-profit and municipal clients on laws governing the employment relationship, and assists clients during collective bargaining and binding arbitration proceedings.

Our Newest Members:

Terry Wilson
Kristen Deveau
Maureen Minton
Prima Bartlett

Judy Dockery
Maureen Smith
Patricia Burmahl
Renga Samy

Welcome!

Your 2020 Chapter Leadership Team

-Executive Board-

President: Kem Core
Secretary: Sandy Lamotte
Treasurer: Evan Murphy
VP Membership: Tamara Charron
VP Programs: Nancy Mullaney

-Other Board Members-

Certifications -	Sandy Spencer
Communications -	Katie Quackenbush
Community Relations -	Janine Dunn
Legislative Affairs -	Meredith Diette
SHRM Foundation -	Cheryl Calderado
Diversity & Inclusion -	Izzy Williams

We want to hear from you!

Contact us at info@hrlact.org with your suggestions for upcoming events or ways our chapter can provide greater value to you.

SHRM20

San Diego
June 28 - July 1

Register for SHRM's Annual Conference at www.annual.shrm.org

THE WORLD WE SHAPE



Strategic HR at Mt. Washington | October 25-27, 2020

Want Advanced Access to Registration? Join the Hold a Seat List Today!

This provides you first notice when attendee registration opens in early April and first crack at preferred, onsite overnight accommodations at the Mt. Washington Resort, as well as preferred course selections.

Simply send us an [email](#), with the subject line "Hold a Seat at Mt. Washington!" and in the text provide the name(s) and email addresses of anyone joining the list.

THE 2020 BUDGET

EARLY BIRD RATE: \$1,125 (register by June 1)

REGULAR ATTENDEE REGISTRATION FEE: \$1,350

SPECIAL OFFSITE REGISTRATION RATE: \$1,000*

SHRM State Council Leader & Local Chapter Board Discount: If you are a Board member of one of the six New England State SHRM Councils or local chapter, you receive a special rate of \$995.

**Attendees staying at an offsite property receive a discounted rate of \$1,000.*

<https://www.strategichrus.com/conference/strategic-hr/>



TRI-STATE SHRM CONFERENCE 2020

August 9 – 11

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[VIEW SCHEDULE](#)