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Takeaways from MHA Webinar:

COVID-19: What Healthcare Human Resources Professionals Need to Know

March 30, 2020

Overview

In every healthcare facility in the US, human resources should be up-to-date on current legislation and challenges that employees are facing as a result of the COVID-19 pandemic. In this webinar, Kristin McGurn and Daniel Klein, labor and employment partners at Seyfarth Shaw in Boston, MA, discuss the many challenges that HR employees face as part of “the new normal.” This includes strategies for the quick onboarding of new employees, I-9 and CORI forms, remote work policies, and highlights from the Families First Coronavirus Response Act.

Key Points

Workforce Challenges. Because of the COVID-19 pandemic, a state of emergency has been declared, causing the closure of non-essential businesses, child care facilities, schools, and government offices. Employees are juggling the stress of family health and safety along with the child care challenges and, of course, the alarming condition of our world today. At the healthcare level, we have seen the redeployment of staff to combat these struggles and other efforts to provide child care services for essential front line workers, including partnerships with local YMCAs and unions to provide alternate solutions. It is important to find new ways to keep employees engaged when redeployment occurs. This can include stipends and sabbaticals for volunteer time spent during unavoidable furloughs. At the level of public health, clear policies and emergency plans to ensure the continuity of critical business functions have been put into place. Pandemic contingency planning is ongoing and must always protect employees while maintaining critical patient care and operations.

Remote Onboarding. Specifically, I-9 and CORI form completions may be an utmost concern. Employers that did not remain operational (on site) received temporary permission, due to relaxed I-9 regulatory guidance, to inspect I-9s remotely via video link, fax or email, provided they had documented remote onboarding and telework policies. For such employers, a two touch process may be used where physical inspection takes place within 3 days after normal operations resume. DocuSign, or similar software, can be used to acknowledge CORI forms. Virtual meetings can be scheduled to validate government issued ID. For those who remain working on-site, however, traditional I-9 protocols should continue, including use of an authorized representative where appropriate.

Remote Work Policies. First, it is important to identify essential versus non-essential business operations, pursuant to state and local directives. These directives encourage employers to grant

permission to the employees who have the capacity to work remotely to do so during the period stay at home advisories are in place and thereafter to the extent feasible. Guidelines should be provided for all remote employees to support the regular duties, performance goals and company policies. Telework agreements can be used to accomplish this.

Families First Coronavirus Response. This act took effect April 1, 2020. Highlights include:

- Enhanced family and medical leave (EFML)
- Paid sick time (PST)
- Tax credits for EFML and PSt
- Unemployment insurance
- Medical plan components
- Several immediate public health related matters

It is important to note that the EFML and PST mandates only apply to employers with fewer than 500 employees and if an employer employs a health care provider or emergency responder then the employer can exclude such workers from coverage.