

An illustration of a diverse crowd of people, all wearing face masks. The people are rendered in various colors and styles, representing different ethnicities and ages. The background is a solid dark blue. The text is overlaid on the left side of the image.

# CRISIS MANAGEMENT FOR COVID-19

## Phase 21 (Week 24): Updated Guidance, Legal Changes, and Legislation

*Presented by:  
Hanna Resource Group  
and  
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# INTRODUCTIONS



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# WHAT WE'LL COVER

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Mental Health in  
the Workplace

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FDA, Kentucky  
Update, and  
Congress Update

3

Legal Q&A



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## Mental Health Workplace



**Derek Wilhelmus**

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# EMPLOYEE ASSISTANCE PROGRAM

## Perspective & Trends from COVID

Derek Wilhelmus, CEO



## **Traditional EAP**

An EAP is an employee benefit available to all employees and their household members. This program offers short term counseling for personal and family problems along with a variety of resources and referrals for a broad range of topics.

**Reduced Health Care Costs**

**Increased Productivity**

**Increased Employee Retention**

**Decreased Absenteeism**



# Trends & Updates - Aug 2020

## Industry Flip

*adjustments & client feedback*

## Mental Health System is Stressed

*People who were already struggling are struggling more profoundly and many who did not have mental health struggles before are experiencing them now*

*Evidence (anecdotal and scientific) indicates these mental health impacts will outlast the pandemic itself*

# Trends & Updates - Aug 2020

## Confidence in EAP

*Increased advertising has led to increased usage in EAP service*

*People are more willing to seek help when they know their employer is supportive and there is not a stigma attached*

*Employees very appreciative to have clear information about mental health services and streamlined process from initial call to appointment with therapist*

*The benefit of no red tape (calling multiple therapists, checking insurance, waiting weeks) is HUGE in terms of mental health . Red tape is the norm but EAP should offer relief*

*We know therapy is beneficial at this time because the industry is so stressed - clients are returning more consistently and verbalizing the benefit of service and telehealth platform*

*Flexibility and understanding from employers has positive impact on mental health and in turn productivity/job performance of employees*



# Trends & Updates – Aug 2020

## How are EAP's being influenced:

*Acuity/severity of cases*

### Presenting problems/Symptoms

- *Continued uptick in symptoms particularly in those who live alone or who have school age kids*
  - *Unpredictability is breeding grounds for anxiety and that unpredictability is persisting with unknowns about school calendar*
  - *Lack of control and not knowing when things will return to "normal" is very hard to navigate psychologically*
  - *Major increase in anxiety & depression*
  - *Grief (loss of plans, loss of normalcy, loss of control, loss of expectations)*
  - *Increase in suicide/thoughts of suicide*
  - *Increase in alcohol use*
  - *Whole additional set of symptoms for people who have been very sick with COVID or lost family to COVID*
- 
- Access
  - On-Line & Digital Campaigns
  - Community Resources
  - More than just counseling sessions...

# Trends & Updates – Aug 2020

## Add-On or Enhanced Services

- Legal / Financial
- Eldercare
- Childcare - *back to school or NTI challenges*

“Off the Plate” for HR/Owners

EAP Affordability ~ 80/20



*Quality Employee Assistance Programs*

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# Questions & Answers





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# FDA, Kentucky Update, Orders, Congress, and Q&A



**James M. Morris, Esq.**  
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# 2

## Kentucky School Guidance

### *Twenty Tips for Employers Assisting Parents of Virtual School Children*

1. Provide Flexibility
2. Individualized Assessments
3. Remote Work
4. Flexible Work Hours
5. Reduced Hours for Reduced Pay
6. Shared Work
7. Changes in Work Shift
8. Compressed Workweeks
9. Paid Leave (partial or full)
10. Unpaid Leave
11. Advances on PTO or Sick Leave
12. Bonus for Childcare or Tutoring
13. Allow Children in the Workplace
14. Create Workplace Schoolhouse
15. Partner with Daycare/Afterschool Program
16. Emergency Childcare Services
17. Homeschool Resources
18. Employee Network
19. EAP Resources
20. FFCRA/State Based Paid Leave

# 2

## Kentucky Work and School Updates

***Kentucky has not issued a single directive, order, or mandate regarding Businesses – and Kentucky is in desperate need!***

As discussed previously, on May 11, 2020, Governor Beshear issued a sweeping business re-opening mandate, with timelines, specific directives, and Healthy At Work Officer requirements

- Over the course of May and part of June, 2020, businesses were slowly allowed to reopen
- At the end of July, until August 10, 2020, restaurants and bars were restricted again
- Despite repeated requests, since May 11, 2020, outside of the restaurant restrictions, Kentucky has provided zero guidance to businesses, consumers, or the public

Schools received directives regarding re-opening procedures, including suggestion to not re-open until the third full week of August (this week) and avoid in-person education until 9/28

- Some Private and Public Schools defied that directive, starting school as early as last week
  - LCA opened 8/19 not requiring masks in K-5; Catholic schools opened 8/17
  - Ky. Education Commission has threatened “statewide shutdown” Orders (no authority)

***On August 23, 2020 the FDA issued a new authorization for COVID-19 Treatment***

Last night, the FDA announced that it had authorized an emergency use declaration for convalescent plasma to treat COVID-19

- Early trials indicate a 35% better chance of survival when convalescent plasma is used
- Convalescent plasma is derived from previously-infected patients who have successfully overcome the impact of COVID-19
- Over 64,000 patients in the United States have been given convalescent plasma
- FDA Emergency approval expands availability

What does this mean for businesses, colleges, schools, or life? Stand by!



## *Kentucky has been Approved for \$400 Presidential Executive Order for Unemployment*

**Federal Unemployment in Kentucky:** As we discussed, \$400 weekly Federal Unemployment was directed by President Trump on August 8. There was concern raised regarding the same, and it was clarified to be a \$300 benefit so long as the state was paying at least \$100

- As I mentioned last week, Kentucky, along with Pennsylvania, created substantial concerns for implementation of the Federal Unemployment continuation
- Federal Government amended the directive requiring states to pay an additional \$100
- On August 21, 2020, Governor Beshear announced that Kentucky's application for additional unemployment assistance had, in fact, been approved
  - Ironically, Beshear announced that "we have decided to provide an extra \$100 using CARES Act money." So, Kentuckians on Unemployment will receive an extra \$400/wk
  - Beshear advised that "reconfiguring the computer systems to pay the \$400 is likely to take about two weeks." Payments "expected" sometime in early September, 2020

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### Congressional (Non)Update

*House and Senate on Vacation During a Pandemic, and wonder why approval rating is in single digits!*

- **“Good” news (not really) ....** Speaker of the House required Congress back in session last week
  - No discussion regarding any relief for:
    - Workers, Businesses, Schools, Parents, Covid-19 Testing
  - Only action authorized by the Speaker was USPS funding -- \$25B authorized on Saturday
    - Subject to scrutiny in the Senate and Presidential Veto

**I cannot recall a more serious situation where our Congress failed, entirely, to act! I have advised of the belief that relief will be passed, and I truly anticipate relief within the next couple of weeks. “Vacation” must come first!**

- On August 14, 2020, USCIS confirmed a second H-1B Lottery for FY 2021
  - USCIS had not reached 85,000 quota for FY H-1B cap petitions; notifications were sent to e-mail addresses on file counsel)(<https://myaccount.uscis.gov/>)
- DHS ICE announced a fourth extension of prior guidance relaxing the in-person verification requirements under Form I-9 during COVID-19 through 9/19/2020
- OSHA Guidance released on Food Operations (8/19); Food Truck Workers (8/18); Hair and Nail Salon Workers (8/18); Automotive Service Workers (8/6)
- IRS clarified that COVID-19 is a Pandemic, for purposes of leave sharing plans maintained by an employer to assist during COVID-19 (rules still apply)
- Public Charge Rule has been limited to NY, CT, and VT (not nationwide injunction)

Legal  
Questions & Answers



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