



# Coronavirus Town Hall: Not-for-Profit Update

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**PRESENTED BY:**

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## NY Executive Order 202.8

Density Reduction - 100% Workforce  
Reduction

Civil Penalties: \$2,000 / \$5,000 per  
violation



**NY Executive Order 202.8:**  
**"Essential Businesses or Entities"**

Essential "Health Care": Research facilities,  
Nursing Homes, Residential Health Care  
Facilities.

Essential "Services": Child Care Services,  
Animal Shelters

"Providers of Basic Necessities to Economically  
Disadvantaged Populations": Homeless  
shelters, Food banks, Human services  
providers, Critical human services agencies  
providing direct care or support



**COVID-19 Employee Benefits:**  
**New York State Paid Sick Leave**

<10 Employees : ***Unpaid*** Sick Leave

<10 Employees plus net income >\$1 million &  
11-99 Employees: ***5 Days Paid***

100+ Employees & Public Employers: ***14 Days Paid***

Key Provisions: (1) No loss of other accrued sick;  
(2) "mandatory or precautionary order of quarantine" (3) Post-leave restoration to prior position; and (4) No discrimination or retaliation.



**COVID-19 Employee Benefits FFCRA:**  
**Emergency Sick Leave**

Effective April 2, 2020

Full-time employees – **80 hours**;  
Part-time employees – pro-rated

Employers with **<500 employees**.  
**All Employees** are eligible.

**Compensation:** If employee is ill or subject to quarantine – **regular rate**, cap \$511/day; If employee is caring for someone else – **2/3 regular rate**, minimum wage vs. cap \$200/day.



**COVID-19 Employee Benefits FFCRA:**  
**FMLA Expansion Act**

Effective April 2, 2020

Employers with **<500 employees**.  
Employees **employed at least 30 days**.

**12 Weeks “COVID-19 Qualifying Leave”:** (1) Employee subject to quarantine or isolation order; (2) Employee advised by health care provider to self-quarantine; (3) Employee is experiencing symptoms and seeking medical diagnosis; (4) Employee is caring for someone subject to quarantine/isolation or advised to self-quarantine; (5) Caring for child due to no child care or school closure; (6) substantially similar.

**Compensation:** First 2 weeks unpaid; next 10 weeks **2/3 regular rate**, minimum wage vs. cap \$200/day.



**Operational Issue:**  
**ADA Compliance**

Send Sick Employees Home (Thermometer  
Police have been authorized by the EEOC)

No questions about medical history and  
whether employee is immunocompromised.  
OSHA Guidance: Don't ask for doctor's notes.





Operational Issues:  
COVID-19 Positive Test

Provide *notice* to employees:

- (1) May have been exposed to *someone* who has tested positive;
- (2) last worked on [insert date];
- (3) monitor for symptoms and contact health care provider.

***Sanitize*** work space.



## Cost Saving Measures

***Reduction*** in Work Time or Compensation: (1) Shared Work Program; and (2) wage and hour compliance.

***Furlough or Lay-off***: (1) selection criteria (unionized workforce); (2) employee benefits and contributions; (3) unemployment insurance (waiting period waived).

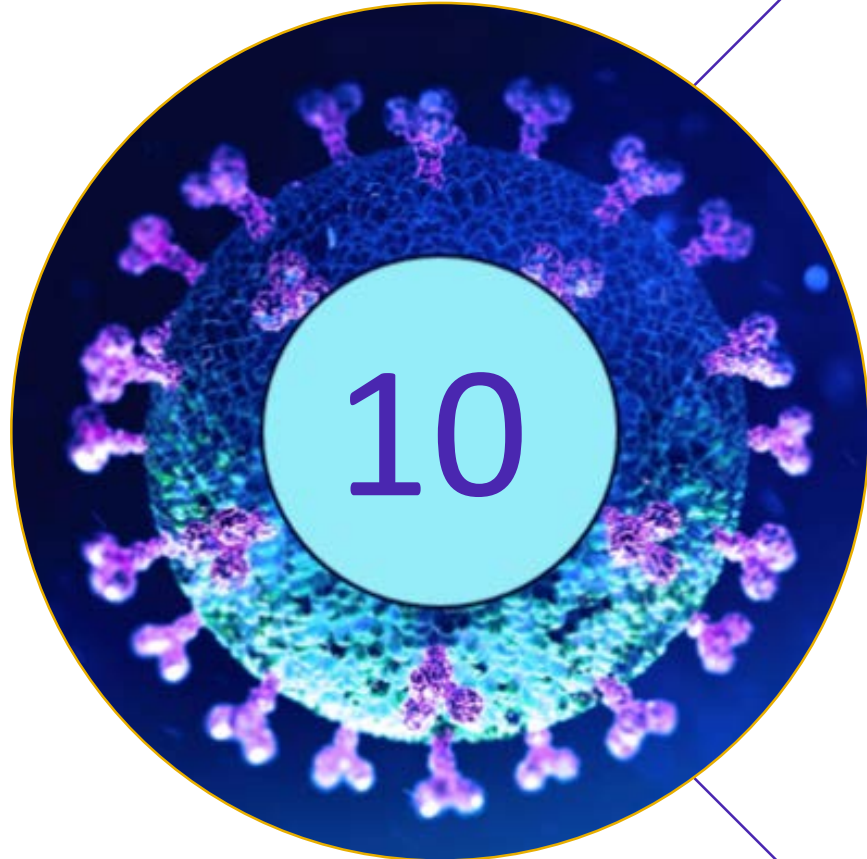


**Worker Adjustment and Retraining Notification  
(WARN) Act**  
**(High Level Summary)**

***Impacted Employers:*** 100+ full-time employees  
(Federal); 50+ full time employees (NY State)

***Triggering Event:*** Mass layoff or reduction in hours of  
work > 50% for a period exceeding 6 months that  
affects (1) 50+ employees and at least 33% active  
employees (Federal); and (2) 25+ employees and at  
least 33% active employees.

***Required Notice:*** 60 days (Federal) and 90 days (NY);  
Exemptions (unforeseeable business circumstances)  
may reduce the notice period.



## Managing a Remote Workforce

*Set Expectations* regarding work hours and productivity.

Ensure remote employees have the *proper equipment*.

*Keep employees engaged:* communicate frequently, increase participation (zoom, google hangouts, etc), and show appreciation.



# Additional Questions

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