

COMMERCIAL INSURANCE

EMPLOYEE BENEFITS

PERSONAL INSURANCE

RISK MANAGEMENT

SURETY



PARKER  
SMITH  
& FEEK

COVID-19  
Business Risk  
Webinar Follow-up  
Questions Answered

## FAQ's

3/26/2020

**Q: Is furlough the same as standby, and what guides can we give employees to understand how to complete their claim, based on their situation?**

### **How are furloughs different than standby?**

The answer for both questions is provided by Michelle Bomberger, managing attorney at Equinox Business Law:

Both standby and furlough are temporary layoff options. Standby is appropriate when an employer plans to rehire the employee. To qualify for standby, the employee must have been a full-time employee, plan to return to full-time work, and have a probable return-to-work date. Standby also waives the job search requirements typically associated with unemployment benefits.

Furloughs include a reduction of hours over a period of time (e.g., one day per week) or a complete stoppage of work. Many full-time workers who are furloughed are not eligible for unemployment benefits because they still earn too much each week to qualify. Employees may apply for unemployment and their eligibility will be determined by Washington State's Employment Security Department (ESD). Note also that unemployment benefits are changing with new state and federal programs, so check ESD's website regularly or sign up for their alerts.

**Q: How does federal emergency sick leave interact with existing Seattle Paid Sick and Safe Time (PSST) requirements?**

Federal emergency sick leave is provided in addition to any other accrued sick leave an employee has available. The employee is entitled to both and the employer cannot require the employee to take one leave before the other. [FFCRA Leave Graphic](#)

**Q: For businesses continuing operations, what are our obligations under Washington L&I to document an "infectious disease prevention plan?"**

Kevin Saylor, Parker, Smith & Feek Risk Services Consultant, spoke with one of his contacts at the Washington Department of Occupational Safety and Health (DOSH), and they are not working on any directives for infectious disease prevention plans that aren't already in place. Currently, hospitals must have plans as they deal with tuberculosis, COVID-19, and other infectious diseases. However, we can't rule out the possibility of future emergency directives from them down the road.

Developing an internal plan is wise and we advise clients use the great resources from [the CDC](#).

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#### DISCLAIMER

*The information provided here is based on the Washington PFML statute, website information, benefit guides, and questions Parker, Smith & Feek has posed to the State. It is not intended to provide legal or actuarial advice. The issues and analyses presented here should be reviewed with outside counsel before serving as the basis of any legal or other decision.*

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