



Maine Dental Association: Dental Practice FAQs During COVID-19

Human Resources

If I close my office, do I have to pay my employees?

Hourly (non-exempt) employees you do not have to pay — if they don't work, then they don't get paid. Whether or not the employee can use their paid benefit time such as vacation, sick, personal, etc. is solely at the discretion of the employer. See financial section below for information to address the cash flow situation in your office.

If an exempt salaried employee worked any part of the week then the employee must receive full salary. The employer can require the employee use their paid benefit time such as vacation, sick, personal, etc. If the salary-exempt employee doesn't have time available, then the employer is still required to pay the full salary for the remainder of that week. If the business is closed for subsequent week(s) and the salary-exempt employee does not work at all during the week then the employer would not be required to pay any portion of the salary.

If I close my office, does my staff qualify for unemployment benefits?

Yes. Governor Mills sent emergency legislation to the Maine Legislature. It was passed on March 17 and now signed into law.

The law “temporarily revises eligibility requirements for the Unemployment Insurance (UI) program to include situations not typically covered, such as: 1) employer temporarily ceases operation due to COVID-19; 2) an individual is quarantined with the expectation of returning to work once the quarantine is over; or 3) an individual leaves employment due to risk of exposure or infection or to care for a family member. It also temporarily waives the one week waiting period for benefits so that workers may obtain benefits immediately and ensures that claims for UI will not affect an employer's experience rating. These temporary measures will help relieve the burden of temporary layoffs, isolation, and medically-necessary quarantine on Maine workers and small businesses. Governor Mills has also urged Maine employers to be generous in their paid leave policies and to allow employees to work from home.”

How does someone file an unemployment claim?

Go online to: <https://reemployme.maine.gov/accessme/faces/login/login.xhtml>

First, you'll need to create an account, which requires your social security number, name, and birth date. After you create a username and password, you can file your claim.

You can file a claim in Maine if:

- You have worked in the state of Maine or served in the military within the past 18 months.
- You have not filed a claim for unemployment benefits against another state in the past 12 months.

You will need the following information to complete your claim:

- Your Social Security Number;
- Alien Registration Number, if applicable
- The business name, address and telephone number of each place you worked at during the past 18 months;
- The jobs you held and the dates you worked for each employer within the past 18-month period.
- You will proceed to fill out the information, which is pretty straight forward. When you get to the part about why you are filing, you can say “lack of work.”

For additional guidance related to unemployment benefits and COVID-19, visit www.maine.gov/labor/covid-19 provided by the Maine Bureau of Unemployment.

What is the federal legislation “Families First Coronavirus Response Act”?

This act is NOT effective yet. The Senate still has to vote on it and then the president will have to sign it into law. We are monitoring this legislation and will update you if anything changes. This legislation would provide 12 weeks of job-protected paid Family and Medical Leave Act (FMLA) leave for employees of employers with fewer than 500 employees if they have to quarantine themselves or care for a family member who is quarantined or for a child whose school has been closed. Employees may use accrued personal or sick leave during the first 14 days, but employers may not require employees to do so. Employers with fewer than 500 employees also will be required to provide full-time employees two weeks (80 hours) of paid sick leave for specific circumstances related to COVID-19 (e.g., self-isolating, doctors' visits, etc.). Part-time employees are entitled to the number of hours of paid sick time equal to the number of hours they work, on average, over a two-week period.

What do I do if an employee is exhibiting symptoms?

Always err on the side of caution and send the employee home, and encourage any employee feeling sick to stay home. Also, encourage them to contact the state of Maine COVID-19 211 system or 866-811-5695 for information about testing.

Can I mandate that my staff come into work for emergency care?

While each situation is different, and a generalized fear of contracting COVID-19 is not likely to justify a work refusal in most cases, employers may want to conduct a thorough review of the facts before any disciplinary action is taken against an employee who refuses to perform his or her job for fear of exposure to COVID-19. Employers are encouraged to be flexible with respect to attendance in connection with this rapidly changing situation.

If my office is closed but I call my staff into work on an emergency case, will they lose their unemployment benefits?

No. The time they are compensated would be deducted from their unemployment benefit.

Can I rehire staff that I have previously laid off?

Yes.

Insurance

Will my insurance company pay business income if I have to close my office?

Most likely, no, since business owner’s policies require “direct physical loss” in order to trigger a business income claim. When in doubt, file a claim since only your insurance carrier can make a final determination.

If an employee contracts the coronavirus, does workers’ compensation provide coverage?

An employee who contracts the coronavirus while at work might have coverage under workers’ compensation, but the burden of proof would be on the employee to prove the triggering event of the illness arose out of employment and occurred in the course of employment. Your insurance carrier will evaluate each claim on its own individual set of circumstances.

If I contract the coronavirus, will my long-term disability income (LTD) policy provide benefits?

It's doubtful, since typical LTD policies have a 90-day waiting period before benefits are compensable. Check with your carrier on your individual policy specifics.

Will my group short-term disability income (STD) policy provide benefits if one of my employees contracts the coronavirus?

It's possible, since STD policies contain relatively short waiting periods. Check with your carrier on the policy specifics.

Financial Relief

Would my practice be eligible for federal loans offered by the Small Business Administration (SBA)?

Maine has been designated a state for the SBA Disaster Assistance Loans for Small Businesses Impacted by Coronavirus. For more information on the SBA loans related to impacts of the coronavirus, visit the [SBA's website](#).

Would another option be to get a loan from my financial institution?

Yes, working with a banking partner with whom you already have an established relationship is an excellent option to consider. Often, this may be a more efficient option that allows relatively quick access to needed capital. Some financial institutions are waiving penalties and fees for things like emergency CD withdrawals, so it's best to reach out and inquire about what would be best for your situation.

Because interest rates are low, would a credit card be something to consider?

Low-interest or even zero-interest credit cards may be available and could be a good choice during this unpredictable season. You also may want to consider making minimum payments or even restructuring existing lines of credit to take advantage of the lower interest rate environment.

Are there options if my practice needs to skip payments?

The best recommendation is for you to contact vendors and financial partners directly — and proactively — to make requests. Since skipping a payment without making prior arrangements

can have a negative impact on your credit, it's encouraged that you reach out in advance of missing any payments. You could potentially negotiate terms that include requesting a pause on payments, making interest-only payments or pausing automatic payments.

Do you have suggestions for other ways my practice can access funds during this time of uncertainty?

We suggest continuing to manage your receivables and collect them from patients and insurance companies even during the pandemic to bring in payments for services that have been rendered.

Stress Relief

We recognize these are incredibly difficult and stressful times for small business owners. There are resources and support available:

- Medical Professionals Health Program: <https://www.mainemphp.org/>
- National Suicide Prevention Lifeline: 1-800-273-8255
- Get Moving to Manage Stress: <https://www.mayoclinic.org/healthy-lifestyle/stress-management/in-depth/exercise-and-stress/art-20044469>
- Free Online Yoga Classes: <https://www.youtube.com/playlist?list=PLZkDZKOcvYTh4dRDXQ71m7gQUmWkDmLAI>

Summary:

Information regarding COVID-19 is constantly being updated and released by official organizations such as the US CDC, Maine CDC, World Health Organization (WHO), and Occupational Safety and Health Administration (OSHA).

Employers should take active measures to keep abreast of the changes to monitor their policies accordingly. Updated guidance will be provided as the MDA becomes aware of it, but we encourage you to keep up to date with this rapidly changing situation.