

Financial Obligations to Staff during COVID-19

Dentists across the country want guidance regarding their financial obligations to staff during this time when the future is uncertain and practice revenue is less than typical.

Many dentists view their teams not as employees, but as family members: for this reason, many find it difficult to announce layoffs or other financial restrictions that may be necessary in order to maintain the business.

If I close my office or restrict hours, do I have to pay my staff for time they are out of work?

The law in this area varies from state to state, but generally, if an employee is not working, they do not get paid. There are several possible exceptions or qualifications, however. For example:

- As a rule, if the work stoppage is caused by the practice or a mandatory shutdown, state unemployment compensation may be available to the employee.
- If the practice is very large – having 50 or more employees within a 75 mile radius – the federal Family and Medical Leave Act may provide unpaid but job-protected leave to the employee.
- If the practice requires the employee to perform any tasks, such as completing online CE, the practice typically must pay the employee for the time spent performing the task.
- Practice benefit plans may provide sick leave or vacation time to employees.
- If a practice employee who neither exhibits symptoms nor has a known exposure to the virus decides to stay home because they are afraid, this is, under the law, generally not considered a situation in which the employer has any obligation to pay or unemployment compensation to cover.

It is important to note that this information and state of affairs is highly fluid in many respects, and this includes employee rights in regard to paid time off, job protected leave, and unemployment compensation.

Guidance is available from several federal agencies, including those listed below which were released by the U.S. Department of Labor. Be aware that your state and local agencies may have additional, and possibly more restrictive, requirements and those rulings would take precedence over federal mandates.

- From the Occupational Safety and Health Administration (OSHA): [Guidance on Preparing Workplaces for COVID-19](#)
- From the Wage and Hour Division: [COVID-19 and the American Workplace](#), [Families First Coronavirus Response Act: Employer Paid Leave Requirements](#), [Families First Coronavirus Response Act: Employee Paid Leave Rights](#), and [Families First Coronavirus Response Act: Questions and Answers](#)

While this resource provides general information and links to several federal resources, it is not intended to serve as legal advice. Please check with a qualified attorney in your jurisdiction, or a qualified human resources professional, to ensure compliance with the appropriate federal, state and local regulations.