

Presbytery of Lake Michigan

Presbyterian Church (U.S.A.)

March 27, 2020

Siblings in Christ Jesus,

Grace to you and peace. All of us are trying to find our way forward during these times. We are attempting to provide information that is helpful to the congregations and sessions within the presbytery. Often the information is in response to questions that one or more of you have directed to us regarding issues that you are confronting or expect to confront.

Regarding funerals and committal services

We urge all to follow the directives limiting the number of persons gathering during this current crisis. Some of you have already discovered that local authorities have specific limitations regarding funerals and committal services.

We also commend to you the following guidelines consistent with those offered by the PC(USA) Office of Theology and Worship:

At the time of death, have a very small group of family accompany the body/ashes to the place of interment. Once people are gathering in public again, have a memorial service that begins with recounting the story of the earlier interment. The body of the deceased is honored and accompanied; concerns about public health are met; and there will one day be a time for a wider, public witness to the resurrection.

Additional helpful information may be found on the website of the National Funeral Directors Foundation (<https://www.nfda.org/covid-19>).

Regarding congregations with multiple staff members and daycare/childcare workers

The U.S. Congress adopted “Families First Coronavirus Response Act” (FFCRA), which addressed multiple areas of concern. The sections that address Family Medical Leave Act (FMLA), unemployment and the Emergency Paid Sick Leave appear to most directly impact employment issues.

We contacted the presbytery’s attorney Ken Tiews with Wheeler Upham Attorneys and Counselors in Grand Rapids. He connected us with others within his firm. Attached is a letter dated March 25, 2020 that the firm distributed to its business clients. The situation is very fluid; process and regulations are open to change or redefinition.

March 27, 2020 – Communication about funerals, employees

The advice provided by Wheeler Upham can be summarized as follows:

- There is a presumption that churches are subject to the FMLA as there is no indication that religious organizations were exempt.
- The latest FFCRA provisions apply to all employers with fewer than 500 employees (rather than more than 50 employees). So the Presbytery and its congregations appear to be subject to the FFCRA and FMLA provisions.
- The paid sick leave act provisions do not define employer but, since it references the penalty provision of the Fair Labor Standards Act, that definition likely applies. It appears that the Presbytery is covered.
- Part-time employees are covered under the Paid Sick Leave provision. Starting April 1, if eligible, they are entitled to 10 days paid sick leave based on their normal schedule. Then if eligible under the FMLA provisions, they get 10 weeks of FMLA leave. The first two are unpaid unless they opt to use annual leave, paid time off, or sick leave. The remaining 8 are paid at 2/3 of their average weekly pay up to \$200 daily.
- The paid sick leave can be recouped through a credit on quarterly employer payroll taxes.
- If employees are furloughed prior to April 1, then the provisions won't come into play, but you may be charged back by the State for the unemployment benefits paid out.

The firm also supplied us with a copy of the new poster that each employer is required to post at the place of employment. A copy is included with this communication. **Each congregation should post this.**

The situation for many of our congregations is made more complex by the fact that many have not paid state unemployment for their employees since historically there had been an “opt out” {non-legal term} for religious organizations.

We also consulted with other professionals. Some of them suggested that due to uncertainty regarding how furloughed workers will be able to access federal paid sick, family and medical leave resources, employers were urged to place employees on temporary leave.

We were directed to the Michigan Department of Labor and Economic Opportunity. (<https://www.michigan.gov/leo>.) The director of this department is also quoted as publicly suggesting furloughing workers. Attached is a PDF of materials from their website. **We suggest that each employer look carefully at the process for furloughing employees and the steps to be taken if your congregation chooses to move in that direction. Please note that this action is to be taken prior to April 1, 2020.**

Naming persons critical to operations

In a previous communication dated March 25, 2020, we noted the importance of identifying in writing, prior to April 1, 2020, the persons who are necessary for operations. It is wise for those persons to carry with them the written designation naming them as designated in case they are stopped by authorities inquiring as to why they are going to or from your office.

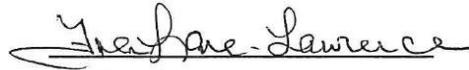
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If you have questions about any of the above information, please feel free to email or call us. **Please do not call or contact the Presbytery attorney directly.**

Serving God and God's people in the Presbytery of Lake Michigan,



Rev. Cal Bremer
Transitional Co-Leader



Rev. Fran Lane-Lawrence
Transitional Co-Leader/Stated Clerk

Attachments:

- 2020.03.25_Wheeler Upham Client Guide – Family First Coronavirus Response Act
- 2020.03_FFCRA Poser
- 2020.03_Employer Guide REV 684448 - MI DoL & Economic Opportunity