



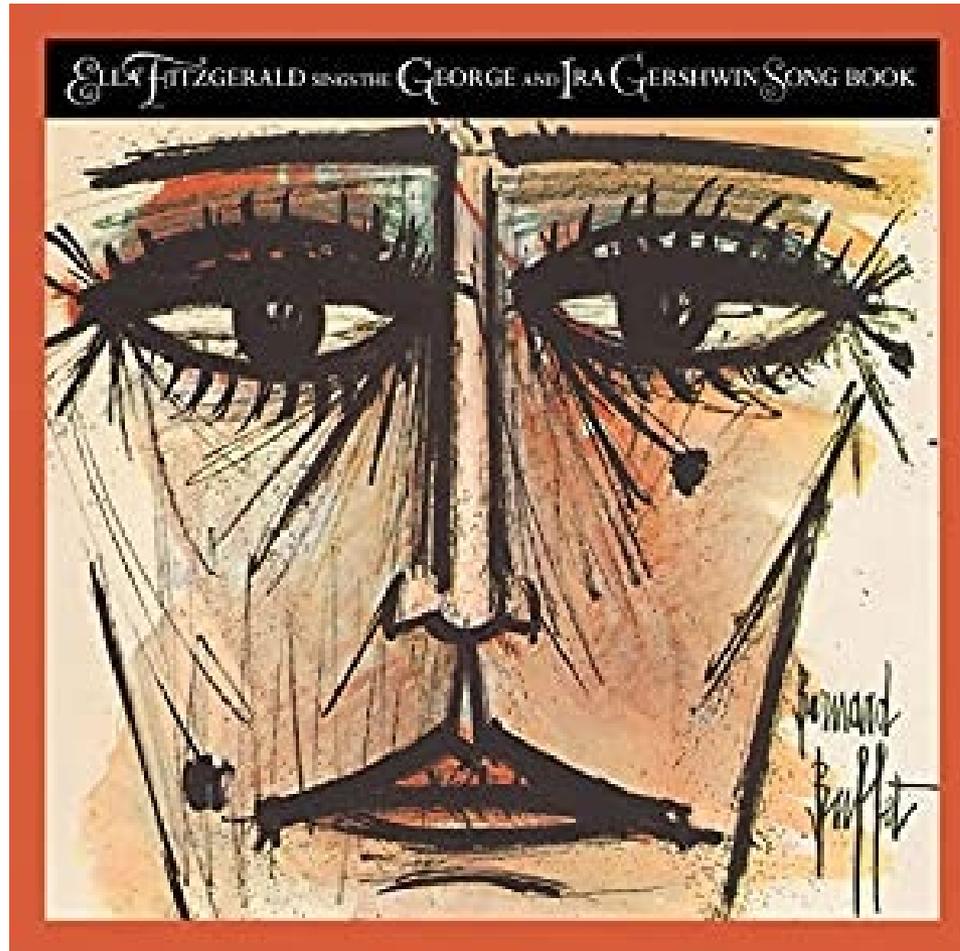
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COVID FOR HR: [Insert Non-Offensive Subtitle Here]

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What to call this?



Tomato, Tomahito.....

- ▶ Severe Acute Respiratory Syndrome Coronavirus 2
- ▶ SARS-CoV-2
- ▶ COVID-19
- ▶ Coronavirus
- ▶ Corona
- ▶ Rona
- ▶ China Virus
- ▶ Wuhan Virus
- ▶ Trump Virus

Gallup Polls-September 2020

▶ Very/Somewhat Worried about getting COVID:

- Women: 60%
- Men: 47%

- Democrat Women: 80%
- Democrat Men: 77%

- Republican Women: 29%
- Republican Men: 20%

<https://news.gallup.com/opinion/gallup/321698/covid-responses-men-women.aspx>

Gallup Polls-September 2020

▶ Concerned about COVID exposure at work:

- Democrat Women: 62%
- Democrat Men: 57%

- Republican Women: 39%
- Republican Men: 20%

<https://news.gallup.com/opinion/gallup/321698/covid-responses-men-women.aspx>

Gallup Polls-September 2020

▶ Always wear mask in indoor settings when can't socially distance:

- Democrat Women: 93%
- Democrat Men: 90%

- Republican Women: 56%
- Republican Men: 40%

Gallup Polls-September 2020

▶ Always wear a mask in outdoor settings when can't socially distance:

- Democrat Women: 39%
- Democrat Men: 36%
- Republican Women: 15%
- Republican Men: 10%

Gallup Polls-September 2020

▶ Ready to return to normal activities right now:

- Democrat Women: 3%
- Democrat Men: 5%

- Republican Women: 54%
- Republican Men: 64%

Florida: Phase 3



<https://starloggers.files.wordpress.com/2016/04/phase-3-amended.jpg>

Florida: Phase 3

- ▶ No local COVID emergency order may prevent an individual from working or operating a business
- ▶ Local governments may not restrict restaurant capacity below 50% indoor
- ▶ No collection of COVID fines or penalties on individuals

Local Ordinances and Individual Organizations

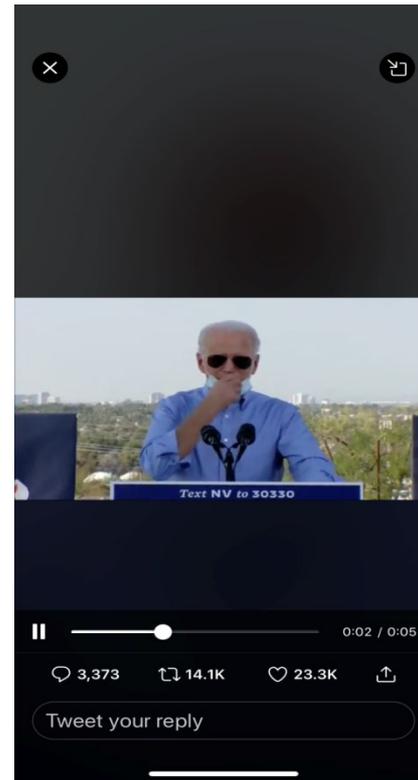
▶ Masks

▪ CDC Recommendations for Masks:

- Should have 2 or more layers,
- Wear it over nose and mouth fitting snugly without gaps,
- To be worn by those over 2 years of age,
- Do not wear if you have trouble breathing,
- Do NOT wear masks intended for healthcare workers (N95),
- No masks with exhalation valves which allows virus to escape mask,

Local Ordinances etc.

- ▶ Do NOT touch the mask when wearing it,
- ▶ Do not remove your mask for the purpose of coughing into your hand,



Local Ordinances etc.

- ▶ Handle masks only with ear loops or ties,
- ▶ Wash hands immediately after taking mask off

CDC Guidelines

▶ Social Distancing



<https://cdn.cnn.com/cnnnext/dam/assets/200515100451-germany-cafe-noodle-distancing-large-169.jpg>

CDC-Social Distancing



<https://i.insider.com/5ec7e1f6aee6a8433f1667d5?width=600&format=jpeg&auto=webp>

CDC-Social Distancing



<https://www.foxnews.com/food-drink/maryland-bar-social-distancing-tables-inner-tube-bumpers-customers-wear>

Leaving/Returning to Work

- ▶ Quarantine if Employee...
 - Within 6 feet for 15 or more minutes of someone who has COVID
 - Provided care at home to someone who is sick with COVID
 - Direct physical contact with COVID
 - Shared eating or drinking with COVID
 - Respiratory drops from COVID on Employee

Leaving/Returning to Work

- ▶ Stay home for 14 days after last contact with the COVID person
- ▶ 14 days not extended merely because someone in the house has COVID (unless you live in one of those trendy tiny homes)
- ▶ Suggests that the 14 day clock restarts with each new person in the home (with whom EE has had close contact) who has COVID

Leaving/Returning to Work

- ▶ Isolation:
 - Symptoms of COVID
 - Tested positive without symptoms

- ▶ Stay isolated until:
 - 10 days since symptoms first appeared AND
 - 24 hours fever free without fever reducing medication
 - Other symptoms are improving (taste and smell may last for weeks or months-not a factor in deciding whether to return)

Leaving/Returning to Work

- ▶ COVID Symptoms
 - Fever
 - Chills
 - Cough
 - Fatigue
 - Muscle or Body Aches
 - Headache
 - New Loss of Taste or Smell
 - Sore Throat
 - Congestion
 - Runny Nose

Leaving/Returning to Work

- ▶ Nausea/Vomiting
- ▶ Diarrhea
- ▶ Deja Vu

Families First Coronavirus Response Act (FFCRA)

- ▶ Employers with 499 or fewer employees
- ▶ 2 Weeks Paid Leave:
 - 100% Pay (capped at \$511/day and \$5,110 total)
 - Subject to government quarantine or isolation order
 - Advised by health care provider to quarantine
 - Experiencing COVID symptoms and seeking a diagnosis

FFCRA September 16, 2020

- ▶ Advised by Health Care Provider to Self-Quarantine if...
 - EE has COVID
 - EE MAY have COVID
 - EE is particularly vulnerable to COVID
- ▶ Symptoms re: seeking a medical diagnosis for COVID:
 - Fever, dry cough, SOB, OR any other COVID symptoms identified by CDC
 - (Chills, cough, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion of runny nose, nausea or vomiting, diarrhea (not an all exclusive list)

FFCRA

- ▶ 2/3rds Pay (capped at \$200/day and \$2,000 total)
 - Caring for someone subject to government or health care provider quarantine
 - Caring for son or daughter (younger than 18 or incapable of self-care) whose child care is unavailable due to COVID related issue

FFCRA

- ▶ Expanded FMLA
 - Up to 10 Additional Weeks at 2/3rds Pay (capped at \$200/day or \$2,000 total every two weeks) under expanded FMLA when employee (must have worked for at least 30 calendar days) is caring for son or daughter whose child care is unavailable due to COVID related issue

FFCRA

- ▶ 100% Payroll Tax Credit Reimbursement

FFCRA September 16, 2020

- ▶ Health care worker definition narrowed to now include only those who provide diagnostic services, preventative services, treatment services, or other services that are integrated with and necessary to the provision of patient care, and, if not provided, would adversely impact patient care.
- ▶ Specifically excludes HR, IT, maintenance, food service, records managers, consultants, billers

FFCRA- Documentation

- ▶ As soon as practicable identify:
 - The EE, the date(s) when the leave is requested, the qualifying reason and that the employee is unable to work due to the reason
AND
 - If the reason is government order, the name of the government entity
 - If the reason is health care provider, the name of the health care provider
 - If the child care issue, the name of the son or daughter, the name of the school or child care provider who is unavailable, and a representation that no other suitable person will be caring for the son or daughter during the period of the requested leave

FFCRA- Exceptions?

- ▶ Employers with fewer than 50 employees may be exempt from providing the paid leave if doing so “would jeopardize the viability of the business as a going concern.”
- ▶ Employers with fewer than 25 employees may deny job restoration if the leave reason was the child care issue, the position no longer exists due to COVID, reasonable efforts are made to restore the EE to a similar position, and, if the ER contacts the EE at least for a year about new openings

FFCRA

- ▶ Intermittent Leave-
 - At the workplace: If available for caring for son or daughter whose child care is unavailable only if Employee and Employer Agree
 - Remotely: Only if Employee and Employer Agree

COVID Lawsuits

- ▶ Refunds:
 - Against colleges and universities for failure to refund room and board after kicking students out
 - Membership and administrative fee refund claims (gyms, event tickets, airline tickets)
- ▶ Failure to warn of COVID exposure (including against ALF, hospitals)
- ▶ Breach of contracts (labor union, individual)
- ▶ Claims of discrimination when laying off employees

COVID Lawsuits

- ▶ WARN Act violations-if you shut down a facility with 100 employees...
- ▶ Wage and Hour- remote non-exempt employees still have to record their time
- ▶ Whistleblower claim-violation of any law, rule, or regulation
- ▶ Business interruption insurance
- ▶ Against employer for taking home COVID infection to family at home

COVID Lawsuits



Workers' Compensation Claims

▶ Occupational Diseases

- Disease must result from nature of the employment
- Disease must have actually been contracted due to employment
- Nature of the employment was the major contributing cause of the disease as shown by medical evidence only as demonstrated by physical examination and diagnostic testing
- “Nature of the employment” means that the job is of a particular hazard distinguished from the usual run of jobs, or the incident of disease is substantially higher in the job than in the usual run of jobs.
- Burden of proof is “clear and convincing evidence”

Remote Life



Remote Life

- ▶ Cybersecurity
- ▶ Productivity
 - Impose deadlines, intentional check-ins
- ▶ Injuries at home
- ▶ Employment Posters
- ▶ Wage and Hour
- ▶ Forgetting an Employee Exists
- ▶ Virtual I-9 Extended to November 19 for fully remote workplaces

Remote Life

- ▶ Video Calls
 - Think of Tubing Down a River
 - Check Behind You
 - Think of Lighting
- ▶ Your Horse May Be Too High
- ▶ Make Lemonade



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