EMPLOYMENT LAW IMPLICATIONS

COVID-19

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Taft/
EMPLOYMENT LAWS IN PLAY

- Occupational Safety & Health Act
- National Labor Relations Act
- Fair Labor Standards Act
- American with Disabilities Act
- Family and Medical Leave Act
- Common law privacy (not HIPAA)
- Workers’ compensation
- Unemployment compensation
- Family First Coronavirus Response Act

Text or Email questions to Nadia at 937-516-4397 or nlampton@taftlaw.com
WORKPLACE SAFETY ISSUES

• Employer’s obligation to provide safe workplace
• Employer’s obligation to eliminate recognized hazards
• Employee’s right to refuse to work and travel
  – Section 13 – Imminent danger
• Employee’s right to wear mask
• Employer’s right to test and take temperature
• OSHA accident/illness logs

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NATIONAL LABOR RELATIONS ACT

• Unionized operations governed by CBA
  – Section 8(a)(5)
  – Involuntary layoff
  – Lockout
  – Managements’ rights clause / established past practice / owner-mandates

• Section 7 right to protected concerted activity
  – Applicable to non-union employees

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WAGE-HOUR LAWS

• Compensation for time off
• Compensation for home work
• Exempt employees’ payment of salary

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BENEFITS ISSUES

• PTO

• FMLA

• Unemployment compensation

• Workers’ compensation

• COBRA healthcare continuation

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OTHER CONSIDERATIONS

• Remote work policy
• Protection of confidential and trade secret information
• Employee goodwill and public relations image
• Contract obligations with force majeure clause
• Workplace changes forever?
  – Reasonable accommodations
• COMMON SENSE!

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FAMILIES FIRST CORONAVIRUS RESPONSE ACT

• Employers covered
  – Employer exemption request
• Public Health Emergency Leave (FMLA)
  – 12 weeks paid
  – Qualifying events
    o Includes care for self and family
    o To comply with health officials’ recommendations and school closing childcare
  – Tax credit for employers

State Unemployment Compensation

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WORKPLACE DO’S AND DON’TS
COVID-19 CORONAVIRUS

The recent outbreak and fears associated with COVID-19 are causing substantial disruptions to our everyday routines and greatly impacting businesses. COVID-19 presents unique challenges for employers and their customers trying to maintain business operations amid the shutter-downs, travel bans, and the cancellations of major industry events and conferences. In the midst of what the World Health Organization now labeled a worldwide pandemic, employers must still wrestle with the day-to-day decisions associated with running a business. Some of these challenges mandates their removal of employees to send home employees if they are

consider the following guidance on these key r-
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