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Coronavirus Disease 2019 (COVID-19) Update: What Employers Need to Know Now

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Agenda

- COVID-19's Impact
- Employee Considerations
- WARN & Cal-WARN
- OSHA & Cal-OSHA
- Immigration Considerations
- Shelter in Place

COVID-19's Impact

- Current Impact in the U.S.:
 - The CDC has counted COVID-19 cases across **all 50** U.S. states, including the District of Columbia
 - Tuesday, March 17:
 - Total cases: 4,226 (+739)
 - Total deaths: 75 (+7)
 - Wednesday, March 18:
 - Total cases: 7,038 (+2,812)
 - Total deaths: 97 (+22)



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Employee Considerations

- Employee's Use of PTO
- Paid Sick Leave
- Family Leave



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Employee Considerations

- Reducing pay for non-exempt employees
- Reducing pay for exempt employees
- Furloughs, lay-offs, and ceasing operations



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WARN & Cal-WARN

- WARN
 - Coverage basics in 30 Seconds
 - Notice—Who & When
 - Exceptions
 - Failing Business
 - Unforeseen Business Circumstance (not in CA)
 - Natural Disaster
 - Factual Support



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California Issues

- Cal-Warn
- Furloughs
- Final Wages
- On-Call
- Controlled stand-by
- Local Ordinances
- California Legislature



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Early Benefits Issues

- The Legislation
 - Co-Pays
 - Deductible Satisfaction for HSA's
 - The UNK UNKs
- COBRA
- 125 Plan Cash flow



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OSHA & Cal-OSHA

- Requirements For Compliance
- Resources For Compliance – General Use



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Requirements

- Federal OSHA
 - General Duty Clause
 - Personal Protective Equipment (PPE) Standard
 - Recording and Reporting Occupational Injuries
 - Confirmed Case
 - Work Related – Key Criteria
 - As a result of their work related duties
 - Common cold for flu – NOT Recordable
 - TB, Hep A, plague – ARE Recordable
 - Good Faith Standard
 - Was the exposure work related or incidental
 - Hospitalization/Death – notify OSHA within 24/8 hours
 - Work related?



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Requirements

- Cal - OSHA
 - Aerosol Transmissible Disease (ATD) Standard
 - Who is Covered?
 - Hospitals and other medical facilities including transport
 - Labs
 - Other government, jails, shelters
 - What is Required?
 - ATD Exposure Control Plan
 - Training
 - Engineering & Work Practice Controls
 - Personal Protective Equipment
 - N95 Respirators
 - PAPRs



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Resources

- Federal OSHA – Guidance on Preparing Workplaces for COVID-19
 - Google “OSHA Covid”
 - Provides general information for all employers
- Cal OSHA
 - Google “Cal OSHA Covid”
 - Provides more specific information for “covered employers”
 - Non Covered Should Consider
- Compliance vs Resource



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Recommendation

- Adapt Cal-OSHA ATD Standard for All Workplaces
- Exposure Control Plan
 - Use available prevention measures
- Work Practice Controls
 - Identify specific measures (hand washing, surface cleaning, etc)
- Training
 - Use current training systems
- PPE – Not Applicable



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Immigration Considerations

- Understanding travel restrictions imposed in relation to the Coronavirus
- Implications of working remotely on non-immigrant workers
- How to ensure compliance with the Immigration and Reform Control Act of 1986 Form I-9 requirements when working remotely
- Impact of Consular service suspension on pending non-immigrant and immigrant visa applications
- Important travel and residency issues for Green Card holders currently overseas



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Shelter In Place

- Overview
- Business operations during shelter in place



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