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

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# Agenda

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- 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
  - CDC Case Update - Monday, March 23:
    - Total cases: **33,404** (+18,185 since Friday, March 20)
    - Total deaths: **400** (+199 since Friday, March 20)
  - States with highest number of confirmed cases:
    - New York – 16,916
    - Washington State – 1,996
    - New Jersey – 1,914
    - California – 1,816
    - Florida – 1,171



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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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# 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 employers should consider



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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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# Consideration

- Adapt Cal-OSHA ATD Standard for All Workplaces
- Exposure Control Plan
  - Source
  - Decontamination
- 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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