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

Nancy Taylor | taylorn@gtlaw.com | 202.331.3100
Kelly Dobbs Bunting | buntingk@gtlaw.com | 215.988.7858
Lindsay Hutner | hutnerl@gtlaw.com | 415.655.1312
James Nelson | nelsonj@gtlaw.com | 916.442.1111
Michael Murphy | murphymg@gtlaw.com | 407.999.2509
Kate Kalmykov | kalmykovk@gtlaw.com | 973.443.3276

MARCH 25, 2020
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
  • 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

Next: Employee Considerations
Employee Considerations

• Employee’s Use of PTO

• Paid Sick Leave

• Family Leave

Kelly Dobbs Bunting
Shareholder
Philadelphia
Greenberg Traurig, LLP
Employee Considerations

• Reducing pay for non-exempt employees

• Reducing pay for exempt employees

• Furloughs, lay-offs, and ceasing operations

Lindsay Hutner
Shareholder
San Francisco
Greenberg Traurig, LLP

Next: WARN & Cal-WARN
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

---

James Nelson
Shareholder
Sacramento
Greenberg Traurig, LLP
California Issues

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

James Nelson
Shareholder
Sacramento
Greenberg Traurig, LLP
Early Benefits Issues

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

James Nelson
Shareholder
Sacramento
Greenberg Traurig, LLP
OSHA & Cal-OSHA

• Requirements For Compliance

• Resources For Compliance
  • General Use

Michael Murphy
Shareholder
Orlando
Greenberg Traurig, LLP
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

Michael Murphy
Shareholder
Orlando
Greenberg Traurig, LLP
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?
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
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

Next: Immigration Considerations
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

Kate Kalmykov
Shareholder
New Jersey
Greenberg Traurig, LLP
Shelter In Place

• Overview

• Business operations during shelter in place

Lindsay Hutner
Shareholder
San Francisco
Greenberg Traurig, LLP