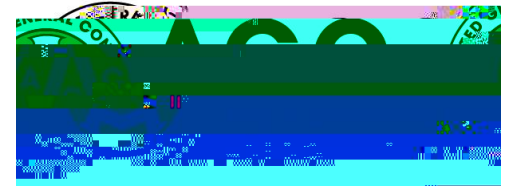
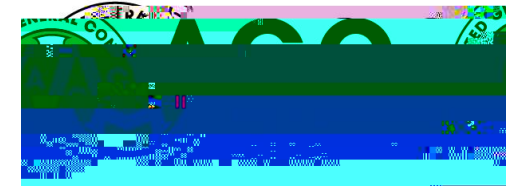


Navigating the Outbreak, Part II:

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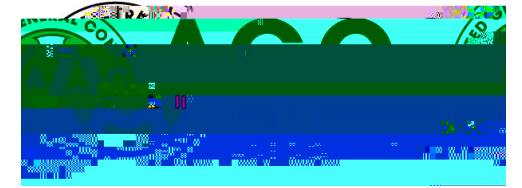
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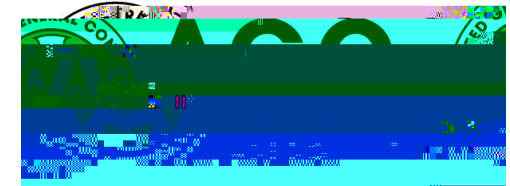




Reasonable accommodation of individuals with disabilities unless undue hardship.

When disciplining employees who are unwilling to work due to concerns about acquiring COVID-safety is (1) reasonable and/or (2) whether the employee is seeking to be excused from work, or physically present in the workplace, as a disability -related reasonable accommodation.



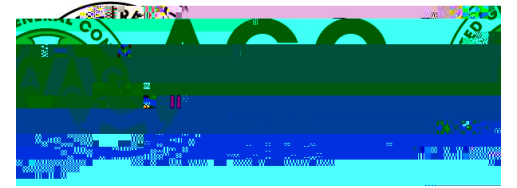


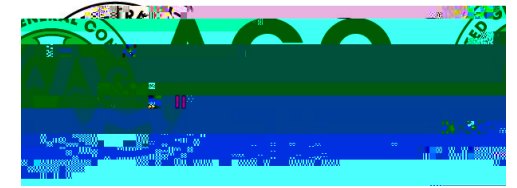
Employers generally are Not Covered Entities or Business Associates under HIPAA But Still Have Privacy and Confidentiality Obligations

If an employee is confirmed to have COVID-19, employers should inform fellow employees of their possible exposure in the workplace but must maintain confidentiality as required by the ADA.

Employees exposed to a co-worker with confirmed COVID -19 should refer to CDC guidance for how to conduct a risk assessment of their potential exposure.

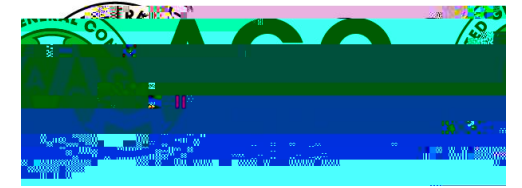
Be aware of differing state obligations.

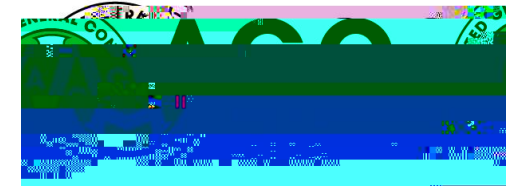




Ordinarily requires an illness to be work related to be covered.

The Problem- How do you tell if the coronavirus was contracted at work?





Employees who collectively complain about terms and conditions of employment, including safety issues at work, may be engaging in protected activity.

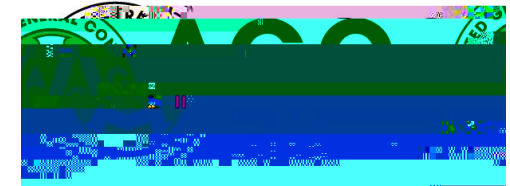
Refusing to work, may also be protected activity in some circumstances.

by one or more statutory or regulatory frameworks (including the NLRA, LMRA, and OSHA).

Practical considerations, such as operational needs, the risk of COVID-19 exposure at

pandemic.

-19

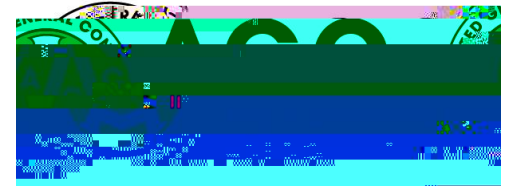


Employers have an obligation to bargain with the union over changes in terms and conditions of employment, even during these times.

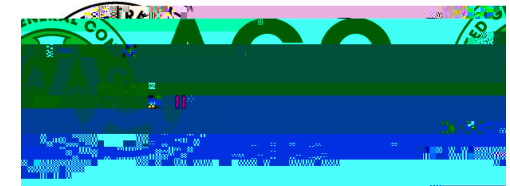
Applicable collective bargaining agreements will drive whether an employer is obligated to pay employees who are out from work. Relevant sections may include PTO/sick time/vacation/leave.

In the event of a forced closure, other CBA provisions may apply.

recommended by government agencies as a way to reduce the spread of COVID-19. Hours of work and overtime provisions in applicable collective bargaining agreements may







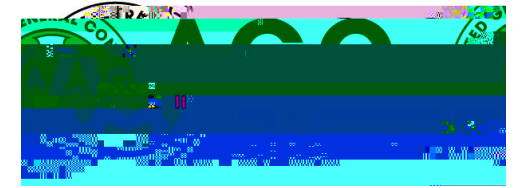
When to make payments of final checks depends on who terminates the employment relationship.

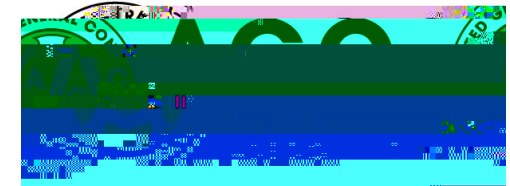
Final pay on temporary furlough depends on the state and whether an employee is given a return to work date.

Payments of accrued PTO will depend on your own policies and state law - whether they

Vacation or other paid leave if used as a bona fide credit toward prevailing wages under the Davis-Bacon Act or related acts, or state prevailing wage laws must be paid out if not used.

Sick leave generally not paid out under most laws requiring leave, but check policies and any CBAs.

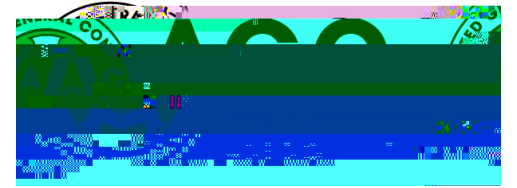


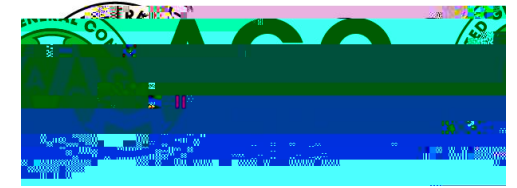


If taking traditional or expanded FMLA leave, the employee continues to receive coverage and employer/employee pay the same amounts as before.

If not FMLA leave, need to check your policy to determine if the leave, reduced hours or a layoff or furlough will affect coverage. If there is a loss of coverage, the employee (and covered spouse and dependents) are entitled to continue coverage under COBRA at their expense.

Make sure required COBRA notices are timely sent.

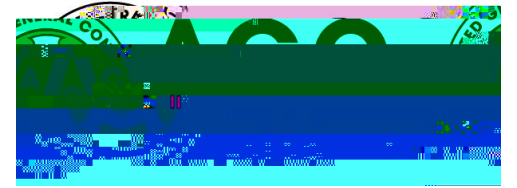


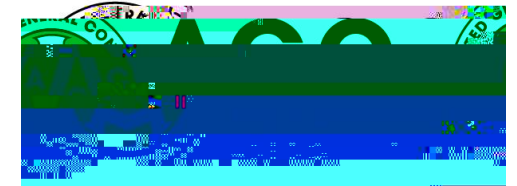


Employers (i.e., those with 100 or more full-time employees, subject to certain caveats) must impacting 50 or more employees over a 90-day lookback period.

full-employees, in which case the one-third requirement does not apply.

1. an employment termination, other than a discharge for cause, voluntary departure, or retirement;
2. a layoff exceeding six consecutive months; or
- 3.

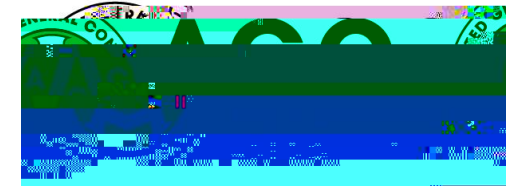




Unemployment compensation normally provided when loss of employment due to no fault of the employee.

Some states allow benefits for a reduction in hours.

Many states have waived their usual one-week waiting period.



Please visit our JL COVID 19 website for resources, news alerts and guidance at

[https://www.jacksonlewis.com/practice/coronaviruscovid - 19](https://www.jacksonlewis.com/practice/coronaviruscovid-19)

