COVID-19: Employment Law Changes and Challenges

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March 19, 2020
NEW LAW:
Emergency Family First Response Act
PART 1: 

Emergency Paid Sick Leave Act (EPSLA)
Emergency Paid Sick Leave Act

• Temporary?
• Covered employers?
• Covered employees?
• How much leave?
• How much pay?
  – Any caps?

• Can we require use of leave under existing leave policies (Sick Leave, PTO and Vacation) first/instead?
• Unused leave paid at termination?
Emergency Paid Sick Leave Act

Six Triggering Events
Employers Repaid Through Tax Credits – How Much?

EPSLA Non-Compliance = FLSA Violation?

Anti-Retaliation Provision
Part 2: Emergency Family and Medical Leave Expansion Act (EFMLEA)
Emergency Family and Medical Leave Expansion Act

• Temporary
• Covered employers?
• Covered employees?
• Same Repayment in Tax Credits as EPSLA?
  – Any caps?
• Reinstatement rights?
ONLY ONE TYPE OF FMLA QUALIFYING EVENT:

CHILD CARE ISSUES DUE TO COVID-19
HELP!....

What If We Can’t Afford Any of This???
What If:

Employee Reports Testing Positive for COVID-19?
Next Steps...

- Instruct infected employee to STAY HOME!
- Encourage employee to:
  - Self-quarantine
  - Contact qualified health care provider
    - Is 14-day quarantine enough?
- ADA Considerations
What Else Should We Do?

- Questions to Ask Infected Employee
- Determine Relevant Windows of Time
  – Before Diagnosis
  – After Diagnosis
- Mitigation Measures
  – Close the office/facility?
What Do We Say To...

• Employees identified as having come into contact with infected employee?
• All other employees?
• Infected employee who wants to return to work after claiming to have recovered?
What If:

Employee Reports Being Exposed to Someone Positively Diagnosed with COVID-19?
Thank you!

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