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Return to Workplace Webinar Series

Legal and Regulatory Considerations

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Today's Topics

- 1 Employment practice liability claims

- 2 Telecommuting & employer requirements

- 3 Managing employees who refuse to return to work

- 4 EEOC protections for high-risk individuals

- 5 Employee leaves under FFCRA

- 6 Notifying employees of COVID-19 exposure

- 7 OSHA required recording of COVID-19 cases



Centers for Disease
Control and Prevention
National Center for
Health Statistics





Employment practices liability insurance (EPLI) covers businesses against claims by workers that their legal rights as employees have been violated.

~Ill.org

Employment Practices Liability Claims

- Discrimination
- Harassment
- Failure to employ or promote
- Wrongful discipline
- Wrongful termination

Scenarios

1

We chose to have all employees work remotely through the end of 2020. Several new employees will begin in July 2020. How do we complete the I9 form and verify documents without being able to see them?

2

Our employees will return to the office beginning July 15, 2020. Due to physical distancing and occupancy requirements, staff will not be in the workplace each day of the week. One employee will work 3 days in the office and 2 days from home. This schedule will be effective as long as physical distancing is required. What telecommuting practices should we have in place?

Scenarios

1

I asked an employee to return to the workplace and they said they aren't able to return, due to challenges with limited public transportation. Am I required to hold this employee's job, or can I end employment?

2

The shelter in place order is lifted and I asked my employee to return to one of our retail stores. The employee declined citing their health and provided a note from their physician. Is this employee eligible for leave under the Family First Coronavirus Response Act? If so, can the employee also use their company provided sick leave?

Overview:

- Effective April 1, 2020 – December 31, 2020
- Post & distribute DOL employee notice
- Provide up to 2 weeks (80 hours) of paid sick leave @ regular rate of pay
- Provide up to 12 weeks of paid sick leave @ 2/3 rate of pay
- Tax credits to reimburse employers
- Exemption for small employers

Eligible for COVID-19 related leave if:

Subject to federal, state or local quarantine order

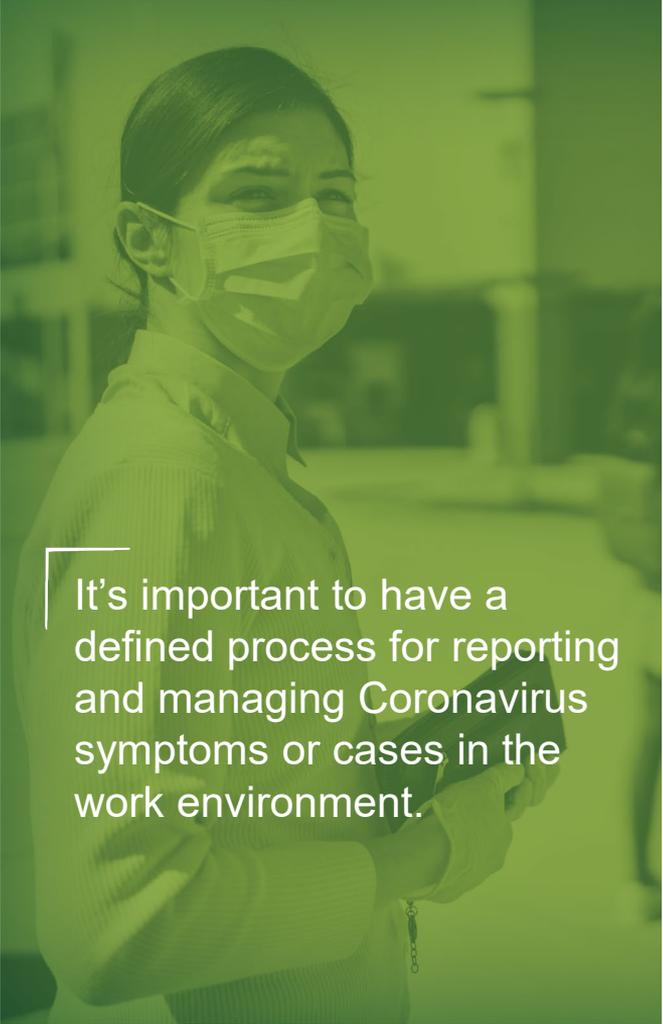
Has been advised by health care provider to self-quarantine

Is experiencing COVID-19 symptoms and seeking medical diagnosis

Is caring for individual subject to order in (1) or self-quarantine in (2)

Is caring for their child whose school or care provider is unavailable due to COVID-19

COVID-19 in the Workplace



It's important to have a defined process for reporting and managing Coronavirus symptoms or cases in the work environment.

- 1 Have a consistent health screening process
- 2 Know how & where to isolate employees who display symptoms at work
- 3 Understand CDC guidelines for discontinuing home isolation
- 4 Develop a process for notifying exposed employees
- 5 Engage in thorough cleaning & disinfecting
- 6 Follow OSHA requirements for documenting cases

Resources



- **ABD:** [COVID-19 insights](#)
- **CDC:** [Discontinuing home isolation](#)
- **DOL:** [FFCRA Leave FAQs](#)
- **EEOC:** [COVID-19 & the ADA](#)
- **Forbes:** [Remote work & best practices](#)
- **Manatt:** [Mitigating risk as your employees return to work](#)
- **OSHA:** [Documenting COVID-19 cases](#)
- **USCIS:** [Temporary policies related to COVID-19](#)

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Thank You!

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