



COVID 19 EMPLOYMENT LAW OVERVIEW

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Not legal advice, laws and information may change.

INTRODUCTION AND OVERVIEW:

Purpose of Discussion:

Outline of legal issues, primarily relating to employment matters

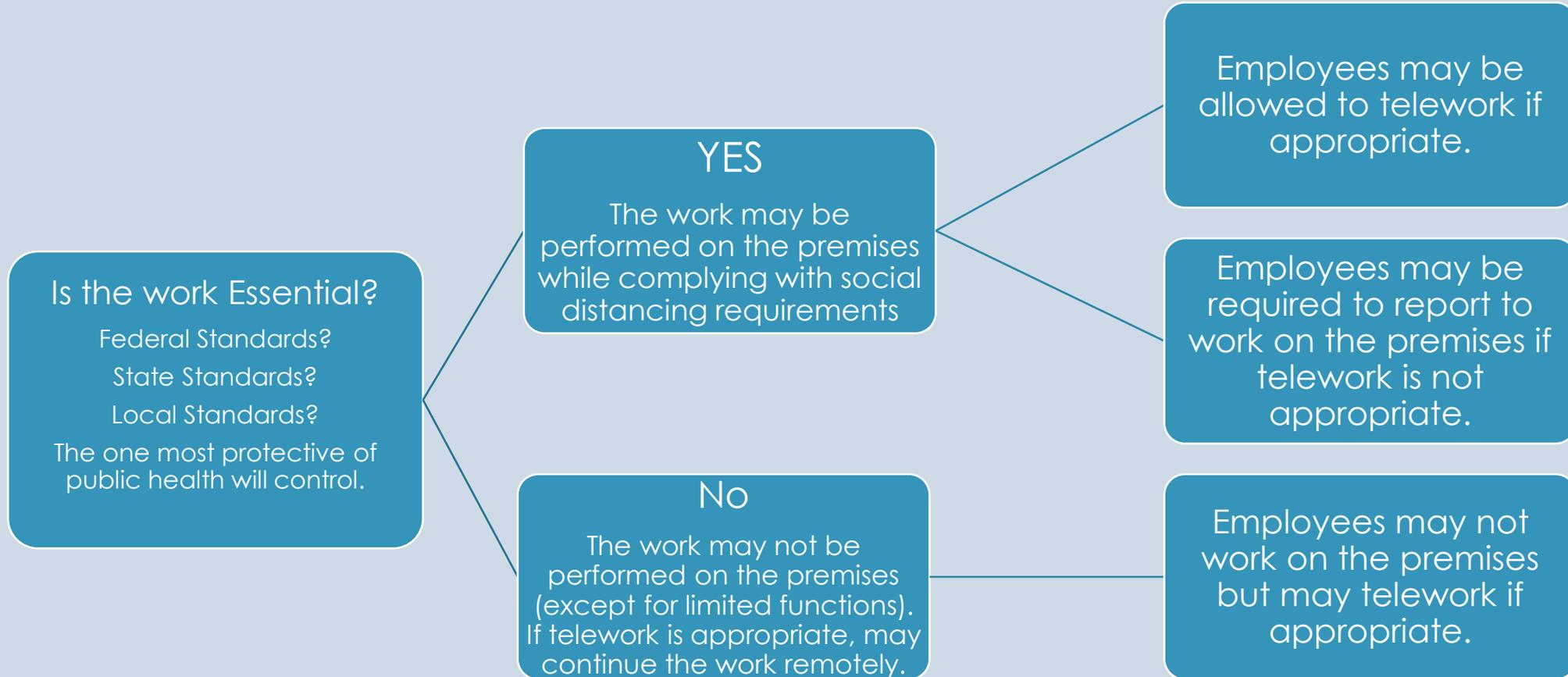
To provide an approach to decision-making and problem-solving in a chaotic, uncertain and changing environment, understanding that many decisions are being made for us

With consideration given to:

Planning and decisions in navigating the situation (many decisions have already been made and affect future action and options)

Planning and decisions in emerging from this situation (which of course is difficult given all the uncertainty)

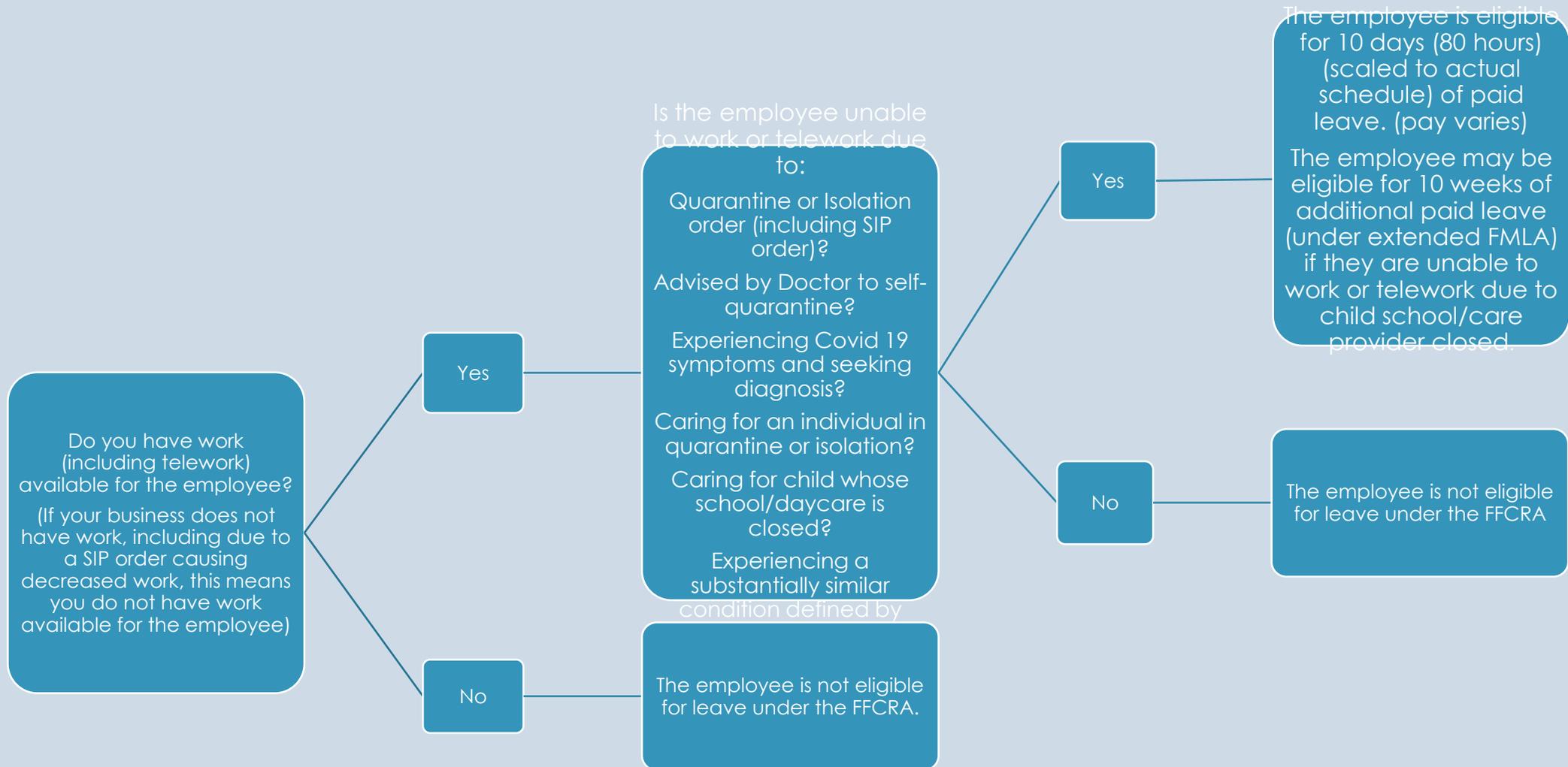
Can you continue operations under the shelter in place order?



CAN THE EMPLOYEE TAKE COMPANY PROVIDED LEAVES?

- Employer provided sick leaves
- PTO
- Vacation
- Other/Discretionary

Is the employee eligible for leave under the FFCRA?



FFCRA LIMITED LEAVE DUE TO SHELTER IN PLACE

	Essential Worker (has a job that is Essential)	Non-Essential Worker (has a job that is not Essential)
Employer has work for the employee and there is a SIP order	Effectively cannot use the FFCRA leave b/c they would be allowed to go to work due to the Essential work status. (only if the worker is quarantined due to illness would they be able to take FFCRA leave)	Potentially can use the FFCRA leave b/c they are not able to work due to SIP order
Employer has work for the employee and there is NOT a SIP order	Can use the FFCRA leave if employee is quarantined or isolated	Can use the FFCRA leave if employee is quarantined or isolated
Employer has NO WORK for the employee (includes lack of work due to shut down of non-essential work per shelter in place order) and there is a SIP order	They cannot use the FFCRA leave b/c employee is unable to work not due to SIP order, but instead due to no work	They cannot use the FFCRA leave b/c employee is unable to work not due to SIP order, but instead due to no work
Employer has NO WORK for employee and there is NOT a SIP order	They cannot use the FFCRA leave b/c employee is unable to work not due to SIP order, but instead due to no work	They cannot use the FFCRA leave b/c employee is unable to work not due to SIP order, but instead due to no work

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

FFCRA POSTER

Post It – even if closed

Distribute to ALL employees

-Email

-Mail

-Paycheck enclosure

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

▶ PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- 2/3 for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at 2/3 for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

▶ ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.*

▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

- | | |
|---|---|
| <ol style="list-style-type: none">1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;2. has been advised by a health care provider to self-quarantine related to COVID-19;3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); | <ol style="list-style-type: none">5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
|---|---|

▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully

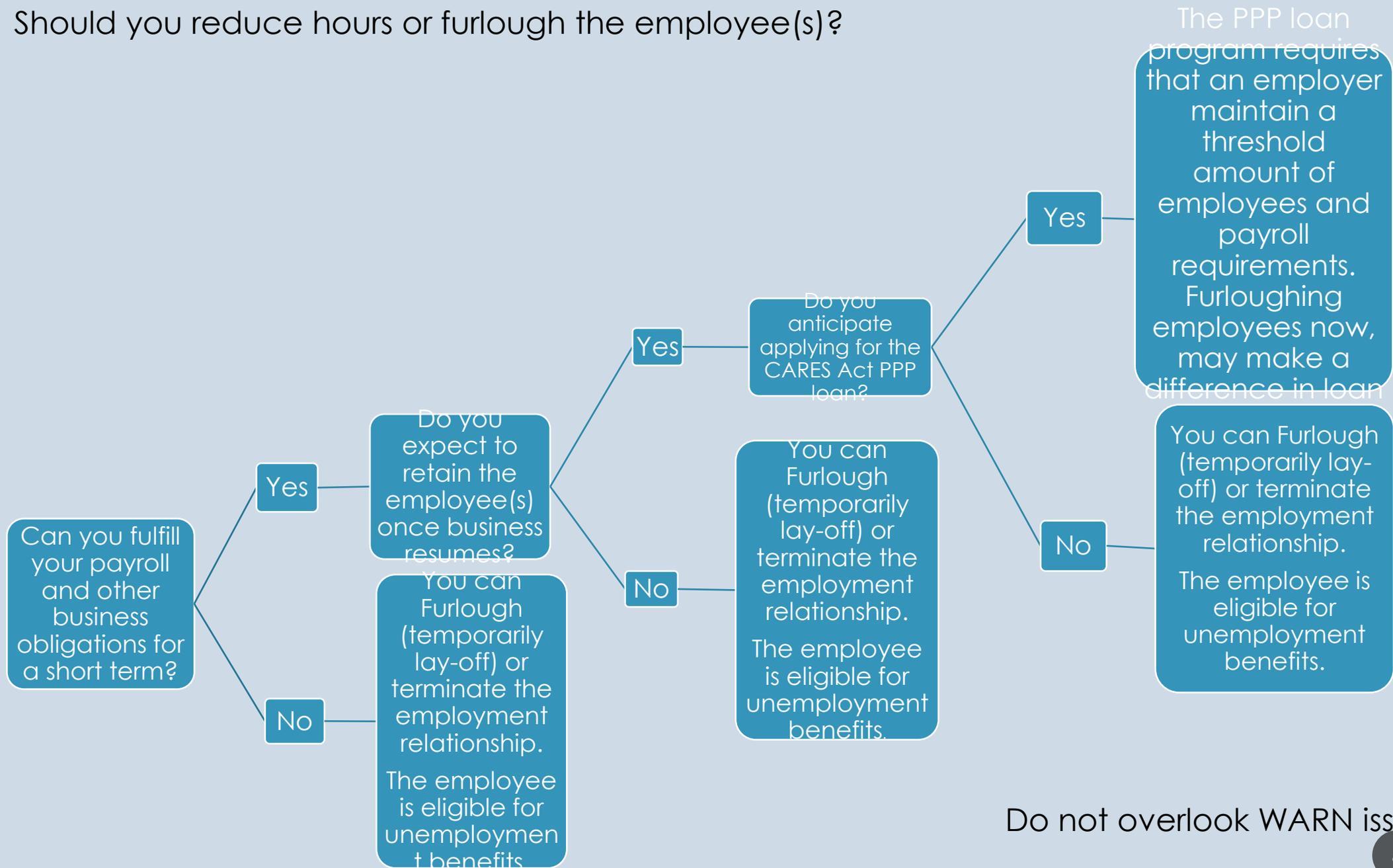


WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd



Should you reduce hours or furlough the employee(s)?



Do not overlook WARN issues

CARES ACT

- Extended Unemployment:
 - Independent contractors, Self-employed, Gig workers
 - Extra \$600 per week in unemployment insurance benefits
- Payroll protection program (PPP) Loans
 - Who
 - Payroll/employee requirements
 - Unknown

OPERATIONAL ISSUES

- Operational Issues
 - Telework
 - Availability and implementation issues
 - Maintaining a safe work place and access by employees
 - Hiring and return to work
 - April 10 quarantine order
- Other Issues
 - WARN
 - Unemployment

RESOURCES

- Federal
 - DOL: <https://www.dol.gov/>
 - EEOC: <https://www.eeoc.gov/>
 - CDC: <https://www.cdc.gov/>
- State
 - EDD: <https://edd.ca.gov/>
 - CA OSHA: <https://www.dir.ca.gov/DOSH/>
 - Sonoma County: <https://sonomacounty.ca.gov/Home/>

QUESTIONS?

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