



Taming the COVID-19 Chaos: What Employers Need to Know PART 2

Webinar Attendees:

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Taming the COVID-19 Chaos: What Employers Need to Know PART 2

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Status of Government Orders

- Federal state of emergency
- State restrictions:
 - Closure of schools
 - Ban on gatherings of more than 25 people
 - Closure of restaurants, bars, etc.
 - Bay Area: shelter in place orders

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Federal Legislation Update – H.R. 6201

- Initially passed by house on 3/14, revised on 3/16
- Now headed to the Senate
- Timeline for and specifics of bill – TBD
- Possibility of additional federal aid

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Federal Legislation Update – H.R. 6201

- Emergency paid sick leave
- Covers a variety of COVID-related absences including school closures
- 80 hours of paid sick time (prorated for part-time employees)
- Does not apply to large employers; exemptions available for health care employers and small businesses
- Paid at employee's regular rate up to \$511/day with a \$5,110 max or \$200/day with a \$2,000 max depending on reason for leave

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Federal Legislation Update – H.R. 6201

Paid family and medical leave

- Up to 12 weeks
- Now only applies to school/child care closures
- First 10 days are unpaid (maybe)
- After that – 2/3 of employee's regular rate, up to \$200/day, with a \$10,000 max
- Does not apply to large employers; exemptions available for health care employers and small businesses

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Termination vs. Temporary Layoff/Furlough

- Final paycheck issues
 - Timing
 - Accrued but unused PTO
- COBRA / impact on benefits
- Oregon sick leave
- Be honest with employees about likelihood they will come back
- What about employees already on protected leave?

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Unemployment Insurance

- Washington:
 - Expanded coverage for COVID
- Oregon:
 - Benefits may be available for temporary layoff, even if not looking for work
- California:
 - Expanded unemployment benefits
 - Waived one-week waiting period

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Unemployment Resources

- Washington:
<https://esdorchardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/newsroom/COVID-19/covid-19-scenarios-and-benefits.pdf>
- Oregon:
https://www.oregon.gov/employ/Documents/EDPUB190_0320.pdf
<https://www.oregon.gov/employ/Pages/COVID-19.aspx>

WARN Act Considerations

- Federal WARN Act requires that employers with 100+ employees provide 60-day notice of certain mass layoffs and plant closings
 - Exception for “unforeseeable business circumstances”
- Oregon and Washington track federal law
- California: no clear exemption

Employer Screening

- Can you exclude employees exhibiting symptoms?
- Can you exclude vendors, suppliers, or customers exhibiting symptoms?
- Be mindful of confidential medical information

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Can I Send a Sick Employee Home?

- YES!
 - If you **reasonably believe** an employee is sick, you can and should send the employee home
- Be consistent and deliberate
 - You need to send others who exhibit the same symptoms home, too

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Can Employees *Choose* to Stay Home?

- Potential protections under sick time, OFLA, FMLA
- Generally unpaid time off if no PTO
 - But...remember partial weeks for exempt employees
 - And...pending federal legislation

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Social Distancing at Work

- Consider how to implement social distancing for employees who are still coming in to work
- Modify or stagger break/lunch times
- Space out work stations
- Stagger work schedules
- Clean/disinfect high touch areas (door handles, elevator buttons, etc.)

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If an Employee Tests Positive

- Find out who was exposed to the employee in last 14 days
- Quarantine exposed workers
- Provide notice to potentially impacted employees, vendors, customers, etc.
- Facility cleaning
- What if employee is out because of symptoms or is being tested but no positive result yet?
- What if an employee is scared to come to work?

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Work from Home Considerations

- Remind non-exempt employees to track hours
- Remind exempt employees to report all days on which they perform any work
- Be clear about temporary nature of WFH (if applicable)
- Remind supervisors to be careful about non-discrimination

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Supporting Employees Who Are Off Work

- Options to support employees financially:
 - Increasing sick banks for COVID-related purposes
 - Additional sick banks at reduced pay (e.g. 50-67%)
 - Employer-funded loan or grant program in cases of financial hardship
 - Donation of PTO to a pooled bank
 - Layoffs to allow for unemployment
 - Pending federal legislation

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Resources

- <https://www.stoel.com/legal-insights/special-reports/coronavirus-resource-center>
- <https://www.who.int/emergencies/diseases/novel-coronavirus-2019>
- <https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- <https://www.cdc.gov/coronavirus/2019-ncov/downloads/2019-ncov-factsheet.pdf>
- https://www.eeoc.gov/facts/pandemic_flu.html
- <https://www.dol.gov/agencies/whd/flsa/pandemic>

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More Resources

- <https://www.oregon.gov/boli/WHD/OST/pages/index.aspx>
- <https://www.governor.wa.gov/issues/issues/covid-19-resources/covid-19-resources-businesses-and-workers>
- <https://www.osha.gov/Publications/OSHA3990.pdf>

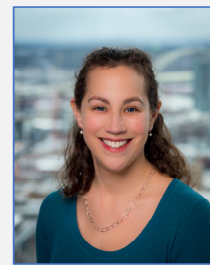
Questions?



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