

## EMPLOYMENT LAW AND COVID-19: WHAT PROVIDERS NEED TO KNOW



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# OVERVIEW

- Staffing Issues
- Leave and Sick Time Issues
- Layoff/Furlough Issues
- Wage and Hour Issues

# STAFFING ISSUES

- **Continuing in-person operations**
  - “Essential business”
  - Not subject to in-person work restrictions

# STAFFING ISSUES

- **Requiring employees to report to work**
  - General rule
  - ADA considerations
  - Practical considerations
  - Older employees (Matilda's law)

# STAFFING ISSUES

- **Keeping sick employees out of work**
  - Disclosure of symptoms, diagnosis, exposure
  - Can take appropriate actions
  - CDC guidance
  - Practical considerations

# STAFFING ISSUES

- **Notifying employees of potential exposure in the workplace**
  - General notice
  - Privacy considerations

# LEAVE AND SICK TIME ISSUES

- **New York State Paid Sick Leave**
  - All employers, regardless of size
  - Order of quarantine/isolation by state health authority
  - “14 days” paid sick leave
  - Paid Family Leave

# LEAVE AND SICK TIME ISSUES

- **Families First Coronavirus Response Act**
  - Effective today...
  - <500 employees
  - Snapshot approach
  - Who counts?
  - Eligibility and benefits
  - Not retroactive
  - Tax credits
  - How does the FFCRA interact with regular FMLA?
  - How does the FFCRA interact with NYS law?



# LEAVE AND SICK TIME ISSUES

- **Additional Leave Issues**
  - Local law
  - PFL, FMLA
  - Reasonable accommodations
  - Employer-provided PTO

# LAYOFF/FURLOUGH ISSUES

- **Layoff vs. furlough**
  - Definitions and expectations
  - Benefit implications
  - Unemployment insurance

# WAGE AND HOUR ISSUES

- **Reduction in pay and hours**
  - Exempt and non-exempt employees
- **Increases in pay**
  - Hourly rate, bonus, stipend, PTO
- **Work from home issues**
  - Non-exempt employee hours

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