



ABOUT OUR COVID-19 SPECIAL WEBINAR SERIES

Welcome to Haynes and Boone, LLP's special webinar series on what businesses need to know in the wake of COVID-19. This program is part of a series of webinars we will be hosting on a weekly basis to keep you informed on important legal updates.

We invite you to bookmark our [COVID-19 webpage](#) to sign up for upcoming webinars.

haynesboone

AUSTIN
CHARLOTTE
CHICAGO
DALLAS
DALLAS - NORTH
DENVER
FORT WORTH
HOUSTON
LONDON
MEXICO CITY
NEW YORK
ORANGE COUNTY
PALO ALTO
SAN ANTONIO
SHANGHAI
THE WOODLANDS
WASHINGTON, D.C.

The Impact of the Coronavirus (COVID-19) on the Workplace Webinar

Tuesday, March 31, 2020

Panel Members

Jason Habinsky – Partner, Haynes and Boone, LLP | New York

Matthew T. Deffebach – Partner, Haynes and Boone, LLP | Houston, Orange County

Tamara I. Devitt – Partner, Haynes and Boone, LLP | Orange County, Palo Alto

Moderator

Jennifer Beth Ingram, Counsel, Haynes and Boone, LLP | San Antonio

haynesboone

Remember the ABCs of COVID-19

BUILDING BLOCKS FOR DEVELOPING A COVID-19 EMPLOYER RESPONSE PLAN

Employer Best Practices

OSHA CONCERNS FOR ESSENTIAL BUSINESSES

- Determine if location is under Federal or state OSHA guidelines
 - Generally, employers have a duty to protect employees against known hazards
- Conduct hazard assessment
 - Risk level of workforce
 - Necessity of personal protective equipment
 - Always follow CDC guidance

Sick Leave Dos and Don'ts

DO

- Look at whether the employee can work from home
- Extend sick leave to cover absences of sick employees (paid or unpaid)
- Take employee safety concerns seriously
- Follow CDC and health department guidelines

DON'T

- Be inflexible
- Apply policies inconsistently
- Ignore leave laws
- Fail to actively encourage sick workers to stay home
- Ignore an order to close business
- Ignore employees' safety concerns

FFCRA, E-FMLA, and ESL: So Many Initials, So Much Confusion

FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)

- Only applies to employers with fewer than 500 employees
- Expands FMLA into E-FMLA for emergency temporary expansion of FMLA to cover leaves needed for care of children out of school due to COVID-19
- E-FMLA also makes weeks 3 through 12 of its effective period paid leave
- Creates Emergency Sick Leave (ESL) for 2 weeks of paid sick leave for childcare and other leave related to COVID-19
- Provides for tax credits related to paid leave provisions in the Act
- Healthcare providers and emergency responders can elect to exclude employees from FFCRA, but must elect same treatment for both E-FMLA and ESL

Layoffs, Furloughs, and Other Reductions

- Be mindful of WARN Act and states' mini-WARN Acts
 - Federal WARN Act applies if laying off 50 or more employees in a 30-day period
 - 60-day notice period still applies; must claim exception due to COVID-19
- Unemployment Insurance
 - Modified by DOL and most states to allow UI for employees furloughed or reduced hours due to COVID-19
- CARES Act
 - Paycheck Protection Program loan may be available to cover payroll

No Discrimination

- Ensure that all policies and practices are non-discriminatory and consistently enforced
 - No singling out employees based on national origin for temperature checks
 - No singling out women for WFH productivity expectations
 - No singling out employees based on race for allowance of requested leave of absence

Accreditations Information

- CLE
 - For CLE credit, please email [Shana Sanders](#) with the code word and your licensing information (State and Bar No.) so she can properly record attendance.
- HRCI and CPE
 - For HRCI and CPE credit, please email [Debra Shniderson](#).

Thank You

Speaker contact information:



Jason Habinsky

Partner | Chair – Labor and Employment Practice Group
New York
T: 212.918.8995
jason.habinsky@haynesboone.com



Tamara I. Devitt

Partner
Orange County | Palo Alto
T: 949.202.3060
tamara.devitt@haynesboone.com



Matthew T. Deffebach

Partner
Houston | Orange County
T: 713.547.2064
matthew.deffebach@haynesboone.com



Jennifer Beth Ingram

Counsel
San Antonio
T: 210.978.7414
jennifer.ingram@haynesboone.com

haynesboone

Join us for our next webinar:

COVID-19: Evaluating Insurance Coverage and Recent Legislative Developments Webinar

Tuesday, April 7, 2020

9:00 a.m. – 10:00 a.m. PT

10:00 a.m. – 11:00 a.m. MT

11:00 a.m. – 12:00 p.m. CT

12:00 p.m. – 1:00 p.m. ET

[Learn more or register here.](#)

haynesboone