

## Laura O'Donnell in CNN Business and Bloomberg Law: What Does it Mean to be Furloughed'

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**PRACTICES** Labor and Employment, Employment Litigation

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Haynes Boone Partner [Laura O'Donnell](#) talked with *CNN Business* and *Bloomberg Law* about companies furloughing thousands of workers due to the economic fallout from the Coronavirus pandemic and how the emergency paid-leave laws may lead to private suits by employees disputing coverage.

Here is an excerpt from *CNN Business*:

A layoff is a separation of employment that can be either temporary or permanent. This means the worker is not kept on the company's payroll, but could be rehired at a later date.

A furloughed worker is still considered an employee, but they have been forced to take a break from work without pay or to reduce their hours.

Furloughs tend to last less than six months since any period longer than that could trigger employment laws that mandate companies to provide the type of advance notification that can be required ahead of mass layoffs, according to Laura O'Donnell, partner at law firm Haynes Boone.

Furloughed workers also usually get to keep their seniority status and return to the same pay level when they are brought back.

Generally, furloughed workers' retirement benefits stay in place for as long as they are on the payroll, but the status of their health coverage can depend on the company's plans. Many require employees to work a certain number of hours to be eligible for coverage, but some insurance companies are loosening their requirements for furloughed workers due to the outbreak, O'Donnell said.

To read the full article, click [here](#).

Here is an excerpt from *Bloomberg Law*:

Attorneys on both sides of labor and employment cases warn that companies should prepare for a potential onslaught of private litigation from workers covered by new paid-leave mandates under federal Coronavirus-relief law.

While many workers may find it difficult to bring individual suits because the returns may not outweigh the costs of litigation, they may instead try to band together as a class, said Laura O'Donnell, a Texas-based management attorney for Haynes Boone.

"If an employer failed to give leave to a group of workers, I could see litigation around that," O'Donnell said. "That dollar value would be greater, and I could see that being more appealing to plaintiffs' attorneys."

The DOL's rule confirmed that cases to recover sick time may be brought under the Fair Labor Standards Act's collective-action provisions, she said. Because those standards are considered to be more lenient for workers to meet, in comparison to class actions under Rule 23 of the Federal Rules of Civil Procedure, a plaintiff's counsel may be more inclined to bring such claims, she added.

To read the full article, click [here](#).