HR STRATEGY: CONTINGENCY PLANNING DURING THE CRISIS

BRIAN J. MULLIN, ESQ
EMPLOYMENT LAW ISSUES AND COMPLIANCE

WORKPLACE SAFETY

• OSHA
  • General duty to maintain a safe workplace
  • Plan, Prepare and Respond
    • Basics: social distancing, increased cleaning and disinfecting of work areas, hand washing/hand sanitizer, face masks, limiting unnecessary interaction, controlling access
    • Flexibility, expect changes in the work environment
  • https://www.osha.gov/Publications/OSHA3990.pdf
EMPLOYMENT LAW ISSUES AND COMPLIANCE  
WORKPLACE SAFETY

• Basic rule - If sick, stay home
• Monitoring employees – screening and reporting
  • Temperature (100.3*)
  • Travel
• Interactions – contacts
• Notice of infection
• Confidentiality
EMPLOYMENT LAW ISSUES AND COMPLIANCE

WAGE & HOUR

- Exempt vs. Non Exempt
  - Responsibility to control working hours
  - Record keeping
- Potential Challenges/Issues
  - Work from home
  - Reduced hours/closings
  - Reductions in pay
EMPLOYMENT LAW ISSUES AND COMPLIANCE

WAGE & HOUR

• Pay and Benefit Issues
  • Layoff, furlough, closings
  • Final pay
  • Continuation of benefits
EMPLOYMENT LAW ISSUES AND COMPLIANCE

LIABILITY ISSUES

• Workers’ Compensation
• Employment Discrimination
• FFCRA – Emergency FMLA Expansion & Paid Sick Leave
  • Leave administration and compliance
  • Potential claims
    • EFMLA = FMLA
    • EPSL = FLSA
THANK YOU!

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