



Coronavirus:
Update and Discussion on Continuing Legal
and Practical Issues Related to COVID-19

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Introduction



Peter A. Jones
Deputy Chair, Labor & Employment
pjones@bsk.com
Syracuse, NY

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Taking Stock of the Pandemic

Disease Developments, Treatment, Vaccines,
Projections and Timelines



Hermes Fernandez

Member
hfernandez@bsk.com
Albany, NY



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Employment Litigation – Claims to Watch For



Katherine S. McClung

Member
kmcclung@bsk.com
Rochester, NY



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COVID-19 Risks: Employment Litigation



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Layoffs and Returns to Work

- WARN Act
- Discriminatory methodology



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Reasonable Accommodations

- Working remotely
 - Technology
- Additional protections in the workplace
 - Filtration systems
 - Higher level or different type of PPE
 - Changes to workspace



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Wage and Hour

- Compensation for all hours worked for remote employees
- Meal breaks
- Business expenses
- Salary level requirement for certain exempt employees
- Improper overtime calculation – hazard pay, non-discretionary bonuses
- Payment for pre-shift or post-shift sanitation or hygiene protocols
- Payment for screening time???



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COVID-19 Leave Laws

- Failure to provide leave as required
- Failure to calculate the regular rate correctly
- Failure to calculate the correct number of hours
- Retaliation for taking COVID-19 leave



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Other Leave Laws

- Family and Medical Leave Act
- New York Paid Family Leave
- Leave as an accommodation under the Americans with Disabilities Act and New York Human Rights Law
- Workers' Compensation
- New York Disability Benefits

- Coming Very Soon: New York Paid Sick Leave



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Other Claims

- Discriminatory practices or enforcement of policies
- Whistleblower claims
- Breach of contract



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Employer COVID Liability Update



Adam P. Mastroleo

Member
amastroleo@bsk.com
Syracuse, NY



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Unemployment Recap – Where are We?



Mallory A. Campbell

Associate
mcampbell@bsk.com
New York, NY



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Relief Programs – Check-In on Status and Things to Keep in Mind



Kate Chmielowiec

Associate
kchmielowiec@bsk.com
Syracuse, NY



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Taking Stock of the Pandemic

Hermes Fernandez, hfernandez@bsk.com

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Kate McClung, kmcclung@bsk.com

Employer COVID Liability Update

Adam Mastroleo, amastroleo@bsk.com

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Mallory Campbell, mcampbell@bsk.com

Relief Programs

Kate Chmielowiec, kchmielowiec@bsk.com



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