



# Coronaphobia: Employment Law And HR Concerns Related To The Coronavirus Outbreak

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# Coronavirus: HR considerations

Can we ask employees to stay home if we suspect they have coronavirus?



# Coronavirus: HR considerations

Can we ask employees to stay home if we suspect they have been exposed to coronavirus?



# Coronavirus: HR considerations

Can we ask employees to inform us if they have come in contact with someone who has or is suspected to have coronavirus, or is quarantined?





# Coronavirus: HR considerations

Do we need to pay non-exempt employees who stay home?

And does it matter *why* they are staying home?



# Coronavirus: HR considerations

Do we need to pay exempt employees who stay home?

And does it matter *why* they are staying home?



# Coronavirus: HR considerations

Are we required to provide an unpaid leave of absence?



# Coronavirus: HR considerations

Are we required to allow employees to take their sick, vacation, or PTO time?





# Coronavirus: HR considerations

Is coronavirus a  
“serious health  
condition” under the  
FMLA?



# Coronavirus: HR considerations

Is coronavirus a  
disability under the  
ADA?



# Coronavirus: HR considerations

Can we furlough employees?

(What the heck is a furlough anyway?)



# Coronavirus: HR considerations

Is the company liable if we don't shut down and someone catches the virus?





# Coronavirus: HR considerations

Can we tell other employees about an employee who has or may have coronavirus?



# Coronavirus: HR considerations

Can we require employees to provide medical clearance before returning to work?



# Coronavirus: HR considerations

If there is a vaccine,  
can we require our  
employees to get it?



# Coronavirus: HR considerations

Can we prohibit employees from wearing masks or gloves?





# Coronavirus: HR considerations

Is there a risk of employees being harassed because of the coronavirus?



# Coronavirus: HR considerations

Can we fire employees  
who have the  
coronavirus?



# Coronavirus: HR considerations

Can we impose travel restrictions? What if the employee's duties are to travel, e.g. sales?



# Coronavirus: HR considerations

Can we prevent visitors and guests from our premises if we believe they have coronavirus, or otherwise?





## **Steps To Consider *Now***

- Ø **Identify a team of decision makers**
- Ø **Ensure you can effectively communicate with employees during and outside of work.**



## **Steps To Consider *Now***

- Ø Identify which employees can or should work from home, and resolve the logistics.**
- Ø Notify employees that you want to work from home.**



## **Steps To Consider *Now***

- Ø **Identify** which employees you will expect to come to work.
- Ø **Notify** employees that you want to come to work.



## Steps To Consider *Now*

- Ø Consider how to handle a *mandatory* shutdown (state of emergency).



## **Steps To Consider *Now***

- Ø Begin the discussion of whether or not non-exempt employees will be paid**
- Ø Consider rotating schedules to “share the pain”**





# Steps To Consider *Now*

- Ø Travel restrictions
- Ø Implementing “no contact” policies such as
  - Ø No more shaking hands or social contact
  - Ø No more community food in the pantry (cakes, bagels, cookies, etc.)



## **Steps To Consider *Now***

- Ø Notify employees now that they must disclose if they have the virus, or if a family member or friend has it or is quarantined (whether or not it is voluntary)**



## **Steps To Consider *Now***

- Ø **Keep employees informed to the extent you can, but make it clear this is a rapidly changing situation, so . . .**
- Ø **Don't commit to any policy being permanent.**





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