OPEN FOR BUSINESS!

DISCLAIMER: This session is for training purposes only and does not constitute legal advice. For more specific guidance, contact Winters Law Firm at 803-581-8190 or Gignilliat Savitz & Bettis at 803-799-9311.

The information provided here today is fluid and subject to change almost immediately after posting this. Please check back for updates periodically.
THE CORONAVIRUS PANDEMIC BEGINS

- THIS IS NO BIG DEAL
- WE WILL JUST REOPEN
- SKEWED NUMBERS/CONSPIRACY THEORY
- WE’LL BE FINISHED WITH THIS NONSENSE IN JUNE
FACTS

• Unprecedented times
• We’re not just flinging open the doors
• Considerations:
  • Health/Safety
  • Security
  • Legal

FINALLY!!! BUT ARE WE READY?
Still being asked to practice social distancing

Still being asked to limit movements outside of home

MODIFICATION OF HOME OR WORK

FOR TRAINING PURPOSES ONLY. NOT TO BE DUPLICATED WITHOUT PERMISSION.

GETTING OUR EMPLOYEES BACK TO WORK

- Recalling furloughed employees
- Employers have a RIGHT to recall workers
- Recalling reduced hours employees
- What do we do with the reluctant employee?
- I’m scared to come back to work
- I don’t want to come back to work...

FOR TRAINING PURPOSES ONLY. NOT TO BE DUPLICATED WITHOUT PERMISSION.
RETURNING HIGH RISK EMPLOYEES

High risk employees may include:

1. Older employees (65+)
2. Employees with serious underlying health conditions
3. Some pregnant employees

FOR TRAINING PURPOSES ONLY. NOT TO BE DUPLICATED WITHOUT PERMISSION.

MANAGING RETURNING EMPLOYEES

▶ Consider staggering work schedules so that employees can maintain social distance at work stations
▶ Sick = fever of 100.4 or greater and respiratory issues. STAY HOME!
▶ Clean high touch surfaces often

FOR TRAINING PURPOSES ONLY. NOT TO BE DUPLICATED WITHOUT PERMISSION.
WHAT IF AN EMPLOYEE GETS SICK?

▶ If an employee is confirmed to have Covid-19, employers should inform fellow employees of possible exposure but maintain ADA confidentiality
  ▶ Employees may need 14-day quarantine—need to speak with DHEC to determine the risk
  ▶ Work station where employee was should be isolated for 24 hours then disinfected

WHAT IF AN EMPLOYEE GETS SICK?

▶ When is employee “exposed”?
  ▶ What is “close contact”?
▶ When is it safe for sick employee to return to work?
EMPLOYEES WHO REFUSE OFFER OF WORK

- Address on case-by-case basis but if they refuse to work you must report to SCDEW so unemployment benefits end.

- Employees who used FMLA under the new emergency law are not eligible to use it again—they only get 12 weeks during a one year period.

SAFETY PRECAUTIONS FOR EMPLOYEES

- Temperature testing
- Require the use of masks
- Require COVID-19 testing
- Social Distancing, regular handwashing, etc. Don’t forget the EAP!
SCREENING THE PUBLIC BEFORE ENTERING A COUNTY BUILDING OR FACILITY

- Citizen temperature checks?
- Mask requirement?
  - Deny entry for refusal?

The pandemic has created the need to revise many policies along with the creation of new policies:

1. Safety policies
2. Telework
3. Cross Training
4. Coronavirus
5. Benefits
6. Return to Work

COVID 19 POLICIES
SO WHEN IS IT SAFE TO RETURN?

Unconfirmed COVID-19 with illness
Confirmed COVID-19 with no illness
Confirmed COVID-19 with illness but no hospitalization
Confirmed COVID-19 with illness and hospitalization

LEGAL
- OSHA
- ADA
- WORKERS COMPENSATION
- DISCRIMINATION ISSUES
- HARASSMENT
- ABSENTEEISM
- OH MY!!!!!!!!!!!!!!!!!!!!!!!!!!!!
STILL HAVE TO WORRY ABOUT COMPLIANCE!

- Mandatory Quarantine – Non-exempt – paid for work performed; Exempt – paid weekly salary unless NO work performed in that week

- Remote Work – require your employees to maintain time records.

FAIR LABOR STANDARDS ACT

FOR TRAINING PURPOSES ONLY. NOT TO BE DUPLICATED WITHOUT PERMISSION.
PROVIDES $150 BILLION IN DIRECT AID TO STATE AND LOCAL GOVERNMENTS

- South Carolina received $1.996 Billion
- Local governments could apply directly <500,000 population
- For reimbursement of COVID-19 related expenses incurred between March 1-December 30, 2020

CARES ACT

FOR TRAINING PURPOSES ONLY. NOT TO BE DUPLICATED WITHOUT PERMISSION.

WHAT DO WE DO?

- DOCUMENT
- DOCUMENT
- DOCUMENT