



## EMPLOYMENT COVID-19 ALERTS

### [DOL Updates FFCRA Regulations, Effective 9/16/2020, in Response to Federal Court Decision](#)

In early August, a New York federal court struck down a number of Department of Labor (DOL) regulations applying the new Families First Coronavirus Response Act (FFCRA) as invalid. Last week, the DOL responded with an updated rule, effective September 16th.

### [EEOC Provides Additional Guidance on ADA Compliance During COVID-19](#)

The Equal Employment Opportunity Commission (EEOC) has once again updated its guidance regarding employees returning to work during the COVID-19 pandemic. A revised Q&A document published on September 8, 2020, addresses another set of common questions that have arisen under the Americans with Disabilities Act (ADA) and other federal antidiscrimination laws.

### [Federal Court Strikes Down DOL's FFCRA Regulations](#)

Last week, a New York federal court struck down a number of Department of Labor (DOL) regulations applying the new Families First Coronavirus Response Act (FFCRA) as invalid. The Court determined the regulations exceeded the DOL's regulatory authority.

### [Department of Labor Adds to Still-Growing Body of Guidance on the Families First Coronavirus Response Act](#)

On Monday, July 20, 2020, the Department of Labor issued new guidance under the Families First Coronavirus Response Act (FFCRA) which covers to remote work and additional issues related to the COVID-19 pandemic.

### [EEOC Updates COVID-19 Guidance on Accommodating Employees Who Are Disabled, Pregnant, or Over 65](#)

The Equal Employment Opportunity Commission (EEOC) has once again updated its guidance regarding employees returning to work during the COVID-19 pandemic. A revised Q&A document published on June 11, 2020, addresses several common questions that have arisen under federal anti-discrimination laws.

### [OSHA Revises Guidance for Reporting COVID-19 Cases](#)

On May 19, 2020, the Occupational Safety and Health Administration (OSHA) issued revised enforcement guidance for recording cases of COVID-19. Generally, OSHA requires certain high-risk industries, such as manufacturing, to record work-related injuries and illnesses. Employers with 10 or fewer employees and certain employers in low hazard industries have no recording obligations.

### [EEO-1 Report Deadline Pushed Back to 2021](#)

The United States Equal Employment Opportunity Commission has announced that it will push back to 2021 its annual collection of demographic data from private employers with 100 or more workers, the EEO-1 report.

### [EEOC Updates COVID-19 Guidance on "High-Risk" Employees Returning to Work](#)

The Equal Employment Opportunity Commission (EEOC) has issued new guidance regarding "high-risk" employees returning to work during the COVID-19 pandemic. A revised Q&A document published on May 7, 2020, addresses the question of when an employer may bar an employee from the workplace because he or she is at higher risk of severe illness or even death from contracting COVID-19.

### [Key Issues to Address in Returning to Work](#)

Businesses preparing to reopen their doors and return their workforces must be aware of various state and federal requirements with which compliance is required. Our Roetzel Reopen America Readiness ("RRAR") Team has been working diligently to compile and organize the rapidly evolving federal and state guidance, regulations, directives and orders relating to the real time developing issues associated with the reopening of America.





## **[Illinois Workers' Compensation Commission Repeals Emergency Rule](#)**

On Monday, April 27, 2020, the Illinois Workers' Compensation Commission repealed the Emergency Rule they adopted on April 16th that shifted the burden of proof onto employers of health care providers, first responders and other essential personnel whose employees contract the COVID-19 virus and file a worker's compensation claim.

## **[EEOC Updates COVID-19 Guidance to Address Employers Reopening for Business](#)**

As many employers prepare to reopen for business following government-mandated shutdowns, the Equal Employment Opportunity Commission (EEOC) has updated its guidance for employers on issues related to COVID-19. A revised Q&A document published by the EEOC on April 17, 2020, answers common questions from employers regarding employees returning to work and reasonable accommodations for individuals at greater risk from COVID-19.

## **[FLSA Common Pitfalls; Employers Beware](#)**

There has undoubtedly been an uptick in Fair Labor Standards Act (FLSA) wage-and-hour class and collective actions. Given the increase in FLSA related actions, the complexity related to the below-referenced issues, and the steep penalties for violations, now may be the time for a wage-and-hour audit to proactively address any possible issues and discuss best practices.

## **[Department of Labor Issues Additional Guidance to Employers Related to COVID-19 Issues](#)**

The Department of Labor (DOL) has issued yet more guidance to employers relative to issues raised by the COVID-19 pandemic. The latest round of guidance covers employer reporting of cases of COVID-19 and guidelines applicable to the supplemental unemployment benefits contained in the CARES Act.

## **[NLRB Postpones Effective Date of Election Protection Final Rule Until July 31, 2020](#)**

On March 31, 2020, the National Labor Relations Board (NLRB) announced that it had finalized three amendments to its rules and regulations to protect employees' autonomy concerning representation. These amendments include changes to the NLRB's blocking charge policy, voluntary recognition bar, and Section 9(a) recognition in the construction industry.

## **[OSHA Highlights 10 Infection Prevention Measures in New Poster](#)**

The Occupational Safety and Health Administration (OSHA) has produced a [new poster](#) which highlights 10 infection prevention measures that employers can implement to protect the safety and health of workers.

## **[Legislation Introduced to Add COVID-19 for Workers' Compensation](#)**

Recently, legislation was introduced to add COVID-19 to the list of scheduled diseases contained in Ohio Revised Code 4123.68. Additionally, a rebuttable presumption has also been proposed as well.

## **[Frequently Asked Questions on Leave, Pay, and Health Insurance for Illinois Employers and Employees](#)**

There have been a number of changes to Illinois and Federal wage, benefit and leave laws since the beginning of the COVID-19 pandemic. This alert discusses some of the frequently asked questions ("FAQs") that employers and employees have raised regarding these laws.

## **[Freezing a Defined Benefit Plan to Reduce Current Year Contribution Obligation](#)**

Defined benefit pension plans, including cash balance plans, require a contribution each year, which is primarily used to fund the benefits which participants accrue (i.e., earn) during the plan year. The annual required contribution may also include an amount needed to make up a shortfall in a prior year in the investment return on plan assets.

## **[How the CARES Act Impacts Employee Benefits](#)**

The CARES Act signed into law on March 27, 2020 includes several changes that impact retirement plans and executive compensation. The law provides participants impacted by the COVID-19 pandemic with expanded rights related to distributions and loans from their retirement plans.





## [IRS Extends Deadline to Restate 403\(b\) Plans](#)

403(b) plans were originally required to be restated by March 31, 2020 in order to comply with current law. In response to the COVID-19 pandemic, the IRS announced that this deadline has been extended to June 30, 2020 for plan sponsors to restate their 403(b) plans.

## [IRS Announces Payroll Tax Credits to Offset Payroll Costs of COVID-19 Related Paid Leave](#)

Under the Families First Coronavirus Response Act (“FFCRA”), signed by President Trump on March 18, 2020, employers with less than 500 employees (“Eligible Employers”) are generally required to provide up to 80 hours of paid sick leave to an employee for coronavirus-related care of the employee or their family members and additional 10 weeks of paid leave at two-thirds of the employee’s pay to care for their child due to a coronavirus-related school closing or child care unavailability.

## [In-Person Requirements Relative to Form I-9 Deferred if Workplace is Operating Completely Remotely](#)

Last week, the U.S. Department of Homeland Security (DHS) announced that it will temporarily defer the requirement for employers to review Form I-9 documents in-person with new employees for employers and workplaces that are operating completely remotely.

## [Department of Labor Issues Guidance on Families First Coronavirus Response Act](#)

On March 24th, 2020, the U.S. Department of Labor published guidance for employers regarding compliance with the Families First Coronavirus Response Act, which takes effect on April 1st, 2020. Generally, the Act provides up to 80 hours of emergency paid sick leave to an employee unable to work for a reason related to the coronavirus, including that the employee is quarantined, the employee is experiencing symptoms of the coronavirus, or the employee is caring for an individual subject to quarantine.

## [Unemployment Benefits: What Employers Need to Know](#)

Learn more about what employers need to know about unemployment benefits in Ohio and Illinois.

## [The New Families First Coronavirus Response Law](#)

On the evening of March 18, 2020, President Trump signed into law the Families First Coronavirus Response Act. This law requires all public employers and private employers with less than 500 employees to provide emergency paid sick leave and extended paid caregiver leave to employees who are absent from work for reasons related to the coronavirus.

## [Four Legal Pitfalls of Employees Working from Home Due to Coronavirus](#)

Working remotely can help prevent the spread of disease; however, it also comes with legal risks of which all employers should be aware. Below are four potential legal pitfalls of employees working from home due to the coronavirus.

## [Attention Employers: Federal Legislation Appears Imminent Expanding Employee Paid Sick Leave in Response to Coronavirus](#)

In the early morning hours of March 14, 2020, the U.S. House of Representatives passed H.R. 6201 the “Families First Coronavirus Response Act” by a vote of 363 to 40. House Speaker Nancy Pelosi announced that a deal had been reached with the Trump Administration regarding the details of the legislation.

## [Employment Law Q&A](#)

With the spread of the coronavirus, employers everywhere are looking for ways to continue business operations while keeping their employees safe. Below are some questions employers may have regarding workplace safety, workers’ compensation and OSHA if such situations arise.

