




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

A Bond Webinar Series
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Introduction



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School Reopening – What We Know and What We Don't Know (Up to this Point)



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Higher Education Reopening – Assessing the Difficult Issues



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Impact of PPP on Transactions – Considerations, Pitfalls, etc. for Your Transaction



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Update from Albany



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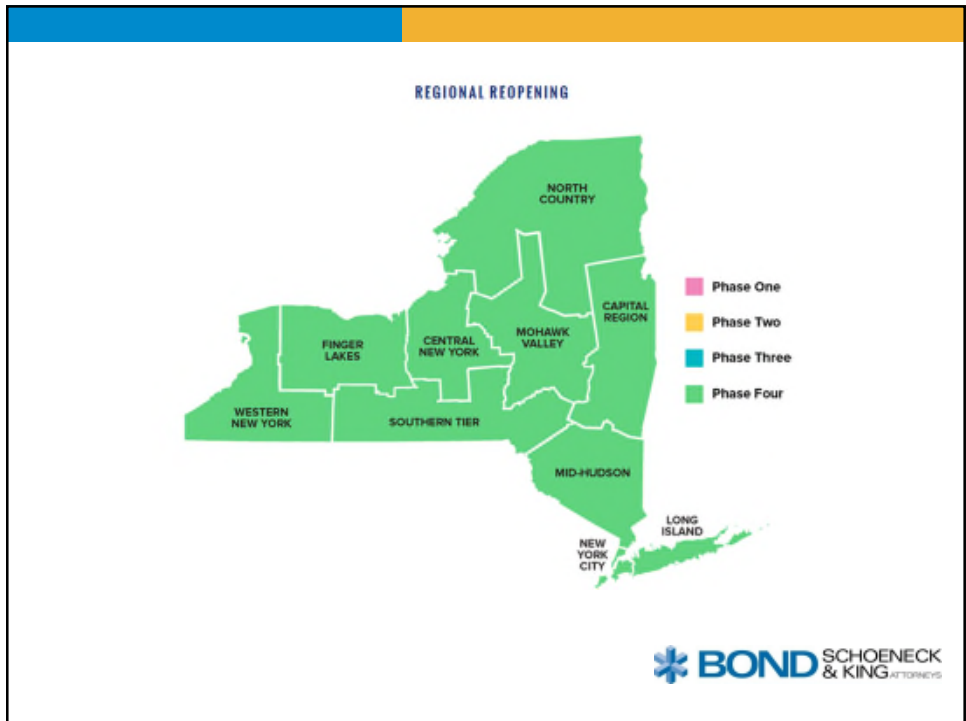
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What else has happened in Albany?

- Executive Order 202.52 and State Liquor Authority Guidance
 - Purpose: Food must be purchased with alcohol.
 - Food may be a “shareable food item” that would “sufficiently serve the number of people in the party.”
 - Manufacturers with on premise service privileges: sandwiches, soups, other such foods... food that is ordinarily consumed without the use of tableware and can be conveniently consumed (cheese, fruits, vegetables, chocolates, breads, mustards, crackers).
 - On premise retailers: sandwiches, soups or other foods.



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Travel Advisory Update

- Alabama (added 6/24/20)
- Arkansas (added 6/24/20)
- Arizona (added 6/24/20)
- California (added 6/30/20)
- Florida (added 6/24/20)
- Georgia (added 6/30/20)
- Iowa (added 6/30/20)
- Idaho (added 6/30/20)
- Kansas (added 7/7/20)
- Louisiana (added 6/30/20)
- Minnesota (added 7/14/20)
- Mississippi (added 6/30/20)
- North Carolina (added 6/24/20)
- Nevada (added 6/30/20)
- New Mexico (added 7/14/20)
- Ohio (added 7/14/20)
- Oklahoma (added 7/7/20)
- South Carolina (added 6/24/20)
- Tennessee (added 6/30/20)
- Texas (added 6/24/20)
- Utah (added 6/24/20)
- Wisconsin (added 7/14/20)
- Note: Delaware was removed from the list on 7/14/20



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Managing COVID-Related Retaliation Claims



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Why Worry?

- Nature and frequency of retaliation claims
- Nature of the pandemic
 - Unknown risks
 - Sympathy
 - Return to work is a change after 5 months
 - Millions of high-risk transactions (layoffs and recalls)
 - Tight job market (self-protection, looking backwards)



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Why Worry?

- Compliance Not a Bright Line
 - Executive orders, statutes, regulations
 - Reopening plans and rules
 - Application of existing statutes to the pandemic
 - Federal statutes FMLA, OSHA, ADA, NLRA, FFCRA, FLSA.
 - New York state statutes—NYSHRL, Worker’s Comp, Labor 740 and 741.



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Preventative Steps

- Follow the safety rules and your plan
- Update impacted policies (teleworking, accommodation, EEOC guidance, etc.)
- Think broad accommodation
- Slow to fire, slow to force changes
- If no accommodation is made, document the process and reasons
- Investigate complaints, document the fix or findings
- Dust off complaint procedures and train and educate supervisors
- Be mindful of intervening events, temporal proximity and avoiding adverse action



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Managing COVID Related Retaliation Claims

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