

# Human Resources Weekly Digest

May 5, 2020

## Protecting Trade Secrets During the Pandemic

“As more employees are furloughed and laid-off during the COVID-19 pandemic, now is the ideal time to update your trade secret protection program. After all, taking company information is easy for an insider: forward emails to a personal account, copy files from a company laptop to a USB drive, or use a smart phone to scan paper documents. So how often does this happen? The Ponemon Institute surveyed nearly 1,000 Americans who left an employer during the 2007-08 financial crisis. The survey found that 59% took company data, 67% admitted to using their former employer’s confidential data to find a new job, and 68% intended to use company information on a new job. The current risks are much greater because entire workforces have transitioned to working from home.” [Full Article](#)

*Paul Hastings*

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## EEOC Provides Updated Guidance on COVID-19 Testing

“Employers continuing to operate as essential businesses under the various state closure orders, or that are now beginning to plan to reopen or return workers as restrictions are scheduled to ease or phase out in various jurisdictions, are increasingly focused on how best to screen employees for COVID-19 as they report to work. Many jurisdictions are recommending (and some are requiring) employee temperature screenings and other measures. With COVID-19 testing becoming more accessible and a realistic option

for employers in parts of the country, some employers are exploring whether they can make COVID-19 testing a component of their employee screening and mitigation plans.” [Full Article](#)

*Ogeltree Deakins*

### **States Expand Workers’ Compensation Law for “Front Line” Workers in Response to COVID-19**

“Employers should be aware of recent changes in state workers’ compensation laws which expand protections for “front-line” workers in response to the ongoing COVID-19 pandemic. These laws make it easier for certain categories of employees to obtain workers’ compensation benefits for COVID-19 infections.” [Full Article](#)

*Hogan Lovells*

### **DWZ- Drinking While Zooming (and Other Telework Dilemmas)**

“By now we probably all have seen the YouTube Video of poor Danny, who finished his Zoom video meeting with his colleagues and forgot to end the call as he walked away from the screen, his colorful boxer short underwear in plain sight (along with his backscratching stretch to loosen his muscles). Or the son of the late Steve Reeve of Superman fame (Will), a reporter who was spied at the end of a news piece he broadcasted from home without any suit pants! Ah, Danny and Will! But, other things are happening while employees work from home that raise concerns. For example, the employee who during a conference call is slurring his speech as if intoxicated.” [Full Article](#)

*Shawe Rosenthal*



### **The “Laker Effect” Continues: Ongoing Uncertainty with PPP Borrowers’ Uncertainty Certification**

Probably the best known provision of the CARES Act is the creation of the forgivable payroll protection program (PPP) loan, but the devil truly has been in the details and those trying to keep up with the changing landscape could be forgiven if they throw their hands up in frustration. While it initially appeared that Congress had greatly expanded the pool of eligible borrowers, PPP funds were quickly depleted and a backlash flared up when it came to light that some publicly-traded companies had been early beneficiaries. Comments by the Treasury Secretary and others, followed by a somewhat cryptic FAQ, dictated that borrowers exercise caution when representing the effect of current economic uncertainty on their business.” [Full Article](#)

*Lane Powell*



### **OSHA State Plan Agencies Issue COVID-19 Guidance**

“Over the past several months, the federal Occupational Safety and Health Administration (OSHA) has steadily issued guidance to both employers and agency officials on strategies to navigate regulatory matters related to the COVID-19 pandemic, as we have discussed [here](#), [here](#), [here](#), and [here](#). However, federal OSHA is not the only government agency addressing the crisis at hand. Below is an outline of efforts OSHA State Plan agencies have also implemented, as of April 23, 2020, to address COVID-19 issues in the workplace. Should you operate in any one or more of these jurisdictions, you will want to be cognizant of the guidance outlined below.” [Full Article](#)

*Squire Patton Boggs*

## State & International Compliance

### CALIFORNIA



#### California COVID-19 Emergency Local Paid Sick Leave Chart

"In response to COVID-19, local governments across California have enacted various measures to expand paid sick leave to workers in their jurisdictions. We've compiled a chart summarizing the COVID-19 local paid sick leave laws passed in California to date, including Emeryville, Los Angeles, San Francisco, and San Jose." [Full Article](#)

*Davis Wright*

### NEW YORK



#### New York Issues Guidance on Face Masks for Essential Business Employees

"Governor Cuomo recently issued an Executive Order directing essential businesses to provide face coverings to their employees when in direct contact with customers or members of the public, at the expense of the employer. The New York State Department of Health (NYSDOH) just issued guidance for such essential businesses to comply with the order." [Full Article](#)

*Fisher Phillips*

### MINNESOTA



#### Minnesota Legislative Update: COVID-19 Testing Initiated

"Governor Walz announced an agreement with the University of Minnesota and the Mayo Clinic to expand the state's ability to test for COVID-19. The agreement is intended to significantly expand testing capacity and the coordination of testing, with \$36 million in initial funding authorized by the Governor. New executive orders extending school closures through the remainder of the current school year, while also allowing additional businesses to open beginning Monday, April 27." [Full Article](#)

*Faegre Drinker*

### CONNECTICUT



#### Faces Masks are the Rule in the Connecticut Workplace

"On April 17, 2020, Governor Ned Lamont issued Executive Order 7BB requiring state residents "who are unable to or do not maintain a safe social distance of approximately six feet from every other person" in a public place to "cover their mouth and nose with a mask or cloth face-covering." [Full Article](#)

*Ogeltree Deakins*

### VIRGINIA



#### Virginia Continues Sweeping Employment Reforms

"Although Virginia's recent amendments to its Human Rights Act have garnered the most media attention, Gov. Ralph Northam has also signed or proposed amending several other laws that will significantly impact Virginia employers. Most notably, Gov. Northam signed a new law prohibiting employers from entering or enforcing noncompetition agreements with certain employees, strengthened protections for employees protesting illegal activity or cooperating with law enforcement, and proposed that the first in a series of increases to the state minimum wage take effect on May 1, 2021." [Full Article](#)

*McGuire Woods*