

Weekly Digest

• July 28, 2020 •

Human Resources

Three Big Unsettled Pandemic Labor Law Questions

"As the surreal times of 2020 continue and the COVID-19 global pandemic shows no immediate signs of dissipating, many pressing labor law questions facing American employers remain in limbo. Three big issues on this front are: 1) whether a company or union can force "telebargaining;" 2) how much flexibility management has with implementing changes in the workplace as a result of the virus; and 3) logistics for union elections. Let's look at each one in turn." [Full Article](#)

Barnes & Thornburg



U.S. Department of Labor Releases New FMLA Forms and Requests Public Input on Existing Regulations

"The U.S. Department of Labor ("DOL") has released new and significantly revised versions of its model notice of rights, certification, and designation forms under the federal Family and Medical Leave Act ("FMLA"). According to a press release by the DOL, the new forms, which are now currently in effect and can be found on the DOL's website, seek to "streamline" the prior forms by making them 'simpler and easier for employees, employers, leave administrators and healthcare providers to understand and use.'" [Full Article](#)

Proskauer

In This Digest

PAGE 1

Three Big Unsettled Pandemic Labor Law Questions

By, Barnes & Thornburg

U.S. Department of Labor Releases New FMLA Forms and Requests Public Input on Existing Regulations

By, Proskauer

PAGE 2

Boy, I Need a Vacation: FAQs Regarding Employee Travel and PTO

By, Seyfarth Shaw

Employers, Are All Of Your Employees Requesting FFCRA Leave This Fall?

By, Fisher Broyles

NLRB OKs Emergency COVID-19 Work Rule Changes and Greenlights Employee Property Searches

By, Phelps

3 Steps to Improve Succession Planning in the Entire Organization

By, Frost Brown Todd

PAGE 3

State & International Compliance Updates

Boy, I Need a Vacation: FAQs Regarding Employee Travel and PTO

“Between states reopening and summer vacation beginning, employers have wondered what say they have over their employees’ use of PTO. Below are some of most frequently asked questions from employers about employee vacation in light of the pandemic. As Seyfarth has noted throughout the pandemic, businesses seeking to reopen must square reopen plans with the vast maze of guidance issued by jurisdictions across the nation.” [Full Article](#)

Seyfarth Shaw



Employers, Are All Of Your Employees Requesting FFCRA Leave This Fall?

“My county’s school board just made an announcement: my 15-year-old will not be attending school with his friends, in person, this fall. There is no half and half option. It’s all remote, period. He will not be playing hockey either, a fact that has him unhappy. What does this have to do with employment law? Well, a lot actually. Why? Because of the Families First Coronavirus Response Act (FFCRA).” [Full Article](#)

Fisher Broyles

NLRB OKs Emergency COVID-19 Work Rule Changes and Greenlights Employee Property Searches

“The National Labor Relations Board (NLRB) recently made several important announcements that impact employers. It released a batch of advice memos detailing advisory attorneys’ answers to discrete COVID-19-related questions raised by field officials. It also ruled on employer rights to search employee property.” [Full Article](#)

Phelps



3 Steps to Improve Succession Planning in the Entire Organization

“For many organizations, risk management includes succession planning. One objective is to avoid or reduce the interruption to the organization and maintain momentum toward achieving objectives. Another is to avoid unnecessary loss of knowledge and experience due to the sudden and unexpected departure of valuable personnel. The business organizations that plan for the next generation of leaders are a step ahead, and a growing number of organizations are engaged in this forethought and planning. Yet too many organizations are focused solely on the C-Suite leaders and ignore the greater wealth of information and experience that is lost every year from the rank and file. Here are three things a business organization can do to impact the bottom line, in many cases to a greater degree than planning for the next CEO.” [Full Article](#)

Frost Brown Todd

STATE & INTERNATIONAL COMPLIANCE

COLORADO



Two New Colorado Bills Expand Paid Leave Coverage and Protect Employees Who Raise Health and Safety Concerns

"On July 14, 2020, Colorado Governor Jared Polis signed two bills requiring Colorado employers to take immediate action: the Healthy Families and Workspaces Act (HFWA) and the Public Health Emergency Whistleblower (PHEW) law. The HFWA expands paid leave coverage in a way that impacts nearly all Colorado employers, in both the short and longer terms." [Full Article](#)

Baker Hostetler

CALIFORNIA



Real Households of California: Issues with Domestic Workers

"When we think of California employers encountering complex issues during the COVID-19 pandemic, images of retail, service, and other types of businesses come to mind. But one special type of employer needs to be mindful of California law: the family who employs workers to support the household as nannies, chefs, security personnel, personal assistants, and personal caregivers. We highlight below some of the key issues for California families to consider as they cross the threshold from family to employer." [Full Article](#)

Seyfarth Shaw

VIRGINIA



COVID-19 Update: Virginia Passes First-in-Nation Workplace Protection Requirements

"On July 15, 2020, the Virginia Safety and Health Codes Board passed first-in-the-nation codified emergency temporary standards (the Standards) establishing requirements for employers to control, prevent, and mitigate the spread of SARS-CoV-2 (COVID-19) in the workplace. The Standards were issued at the direction of the Governor to create enforceable regulations. With these Standards, the Virginia Occupational Safety and Health (VOSH) Program will enforce requirements similar in many ways to guidance issued by the CDC and OSHA." [Full Article](#)

Hogan Lovells

PENNSYLVANIA



New Pennsylvania Order Mandates Telework, But to What Extent?

"On July 15, 2020, Governor Wolf and the Pennsylvania Department of Health issued orders "directing mitigation measures" in response to a reported rise in COVID-19 cases in Pennsylvania. Both orders included the following mandate requiring telework: "Unless not possible, all business are required to conduct their operations in whole or in part remotely through individual teleworking of their employees[.]" [Full Article](#)

Reed Smith

ILLINOIS



WTA Requires Illinois Employers to Report Adverse Judgments and Administrative Rulings Regarding Harassment and Discrimination by Oct. 31, 2020

"On Aug. 21, 2019, Governor Pritzker signed the Workplace Transparency Act (WTA) into law, thereby amending Section 5/2-108 of the Illinois Human Rights Act. This section requires that each employer annually report all adverse judgments and administrative rulings against it to the Illinois Department of Human Rights (IDHR). The IDHR recently issued guidance in the form of frequently asked questions (FAQs), available here, clarifying a number of details regarding this new reporting requirement." [Full Article](#)

Taft