

EMPOWERING AMBITION<sup>SM</sup>

---

Does **Green** Always Mean Go?

What Philadelphia Area Businesses Need to  
Know About Preparing for Workplace Reopening

Presented by

Bill Duff and Alex Nassar

RCCB Employment Group



Royer Cooper  
Cohen Braunfeld LLC

# Resumption of Operations



- Current status of state re-opening
- Staggering shifts and maximum occupancy
- Federal, state, and local guidelines (CDC/EEOC/ADA/OSHA/State and local authorities)
  - Screening employees and visitors
  - Sending employees home
  - Return to work protocols
  - Employee privacy and confidentiality of medical information
  - Social distancing
  - Protective equipment
  - Disinfecting
  - Quarantine
- Occupational Safety and Health Administration (OSHA) reporting requirements



Royer Cooper  
Cohen Braunfeld LLC

# CONTINUING PERSONNEL CONSIDERATIONS

- Who to re-hire, and in what capacity?
- Non-discriminatory plans for rehire or, conversely, future layoffs or furloughs
- Classification issues and wage and hour implications (be mindful of how employees were classified pre-layoff)
- Changes in compensation structure
- Employment terms and written policies going forward (PTO and flexible scheduling)
- Remote work arrangements
- Employee business or personal travel
- Group health plan administration
- Maximizing Payment Protection Plan loan forgiveness



Royer Cooper  
Cohen Braunfeld LLC

# COVID-19 RELATED PAID LEAVE AND ACCOMMODATIONS

- Medical leave
- Childcare leave
- Intermittent leave?
- Reimbursement to employers for paid leave
- Potential interactions with return to work
- Americans With Disabilities Act considerations



Royer Cooper  
Cohen Braunfeld LLC

# REFUSAL TO RETURN TO WORK

- Employee entitlement to continuing unemployment benefits after refusing re-hire
- Impact on Payment Protection Plan loan forgiveness
- Employee “concern” over return to work
- Americans With Disabilities Act, Occupational Safety and Health Administration, and National Labor Relations Act implications



Royer Cooper  
Cohen Braunfeld LLC

# EMPLOYER LIABILITY

- Workers' Compensation
- Americans With Disabilities Act
- OSHA
- National Labor Relations Act



Royer Cooper  
Cohen Braunfeld LLC

# QUESTIONS OR COMMENTS?

William B. Duff

[wduff@rccblaw.com](mailto:wduff@rccblaw.com)

Alex Nassar

[anassar@rccblaw.com](mailto:anassar@rccblaw.com)

[www.rccblaw.com](http://www.rccblaw.com)



Royer Cooper  
Cohen Braunfeld LLC