



KEY ISSUES FOR EMPLOYERS IN THE COMING WEEKS

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In these uncertain and confusing times, where regulation and guidance changes daily, it helps to have a team in your corner that can navigate the shifting legal landscape while also protecting the needs of your business. At Hyland Levin Shapiro, our employment practice group is constantly analyzing the latest developments impacting our clients' business operations and workforces.

Our employment practice group is addressing a wide variety of COVID-19 related issues on a daily basis. We are particularly focusing on issues of critical importance to businesses both now and in the coming weeks as operations resume. If not addressed correctly, these issues can give rise to costly litigation that could cripple the recovery effort.

Be Ready to Address Key Issues:

- **Personal Protective Equipment** — The use of this equipment by employees and how employers will handle the use, distribution and effects of that equipment, including requests for accommodation related to PPE.
- **Breaks in Service** — Employers will be faced with questions about breaks in service impacting leave accrual and eligibility, performance reviews, and bonuses.
- **Recalls & “Reverse Reductions in Force”** — Employers who took steps to reshape their workforce due to the impact of COVID-19 will have to address undoing those steps and restoring the workforce, including which employees are brought back first and upon what basis.
- **Hiring and Re-Hiring** — Employees may refuse to return choosing instead to remain on unemployment (as they are “earning” more); there may be changes in compensation terms, changes in worker classification or status, and whether re-hires are treated as new hires.
- **Privacy Concerns** — Employers will be required to balance protecting their workforce through temperature checks, medical questionnaires, medical testing and contact tracing with employee privacy rights and administrative burden.

Update Your Policies and Procedures — To ensure businesses are protecting their operations and their employees, sound policies and procedures are needed now more than ever. Our practice group reviews employee handbooks and policies to ensure compliance with the constantly evolving employment law landscape, and to ensure an employer's policies are not hiding or creating unforeseen legal or financial exposure.

Prepare for the Litigation Surge — Employers are bound to face new claims arising out of the impact of COVID-19. However, employers should also be prepared for an increase in old but unreported claims as unemployed or struggling employees seek to recoup lost compensation.

Our employment group is available to consult and navigate businesses on these and any other workforce related concerns. Our employment group is focused on minimizing business disruption and additional losses as a key step in navigating the “new normal.”