

COVID-19 Update for Employers

March 25, 2020

The Senate's Coronavirus Aid, Relief, and Economic Security Act ("CARES Act")

This legislation, which is expected to be passed in the next day or so, is the most significant legislation action taken to address the COVID-19 pandemic. While the full details have yet to be released, this legislation is expected to include billions of dollars in aid to small businesses, an expansion of unemployment benefits, and direct payments to taxpayers. We continue to monitor the outcome of this bill and will provide more information once enacted into law.

The U.S. Department of Labor's ("DOL") Families First Coronavirus Response Act Notice and Guidance

The new DOL Families First Coronavirus Response Act Notice is available for download here: https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf. By law, each employer must post and keep this notice posted in conspicuous places on the premises of the employer where notices to employees are customarily posted. If you have questions about the poster, the DOL has a FAQ page available here: <https://www.dol.gov/agencies/whd/pandemic/ffcra-poster-questions>.

The DOL has also provided preliminary guidance on the Families First Coronavirus Response Act, which includes the Emergency Family Medical Leave Act and Emergency Paid Sick Leave Act. The guidance includes a list of FAQs and answers, which is available at: <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>.

Oakland County Health Order Requiring Employee COVID-19 Screenings

Oakland County executive and health officials issued an order requiring screening procedures for employees of essential businesses and implementing social distancing protocols for employees and customers, beginning at 12:00 p.m. on March 25, 2020 for at least the next three weeks (April 13, 2020).

This Order builds from Governor Whitmer's "Stay Home, Stay Safe" Executive Order, to reduce the transmission of COVID-19. Under this Order, all businesses and operations remaining open in Oakland County, Michigan under the "Stay Home, Stay Safe" order must:

1. Develop and implement a daily screening program for all staff.

- a. Screening criteria must include the following questions:
 - i. Are you experiencing any of the following symptoms: fever, cough, shortness of breath, sore throat, or diarrhea? When a touchless thermometer is available, a temperature check is strongly recommended in lieu of verbal confirmation.
 - ii. Have you had close contact in the last 14 days with someone diagnosed with COVID-19?
 - iii. Have you travelled internationally or domestically in the last 14 days?
- b. A "yes" to any of the screening questions above requires the employee to stay home for:
 - i. 3 days with no fever and 7 days since first symptom
 - ii. 14 days if close contact with a diagnosed case of COVID-19
 - iii. 14 days following travel
2. Develop and implement a plan to manage and control social/physical distancing (at least 6 ft spacing) for employees working alongside one another and customers waiting in lines within or outside the business.
3. Limit capacity inside facilities to provide for social distancing of customers and between customers and employees, including but not limited to visual markings, signage, entrance limits, and specialized hours.
4. Publish this order at entrance of the facility and to the members of the public at large by all reasonable means available. The text of the order is available here: [https://www.oakgov.com/Documents/News/Health%20Order%20for%20screening%20at%20businesses%202020-05%20\(002\).pdf](https://www.oakgov.com/Documents/News/Health%20Order%20for%20screening%20at%20businesses%202020-05%20(002).pdf).

GMH's Coronavirus Task Force is here to answer your questions. While GMH is complying with Governor Whitmer's Order, we are working remotely and available to assist you. Please contact any of the below lawyers for more Coronavirus support.

THE LOCAL, STATE AND FEDERAL GOVERNMENT REQUIREMENTS RELATED TO COVID-19 MAY CHANGE, AND ADDITIONAL GUIDANCE, RULES, LAWS AND REGULATIONS MAY BE ISSUED OR AMENDED, AT ANY TIME. ACCORDINGLY, OUR GUIDANCE OR POSITION ON THESE TOPICS MAY ALSO CHANGE, WITH OR WITHOUT NOTICE, AND THE ABOVE INFORMATION IS FOR EDUCATIONAL PURPOSES ONLY AND SHOULD NOT BE INTERPRETED OR RELIED UPON AS LEGAL ADVICE. EACH SITUATION IS UNIQUE AND SHOULD BE REVIEWED WITH THE ASSISTANCE OF COMPETENT PROFESSIONALS.



Elizabeth "Liza" A. Favaro
(Employment, Insurance, Supply Chain)

(248) 457-7181
efavaro@gmhlaw.com



Bruce W. Haffey
(Corporate, M&A, Supply Chain)

(248) 457-7140
bhaffey@gmhlaw.com



Alexander Lebedinski
(Health Care, Immigration)

(248) 457-7058
alebedinski@gmhlaw.com



James Y. Rayis
(International)

(248) 457-7173
jrayis@gmhlaw.com



Nina M. Jankowski
(Employment)

(248) 457-7183
njankowski@gmhlaw.com