

**OHIO MUNICIPAL LEAGUE – OHIO MUNICIPAL ATTORNEYS ASSOCIATION
COVID19 and EMPLOYMENT AND PERSONNEL ISSUES AS OF MARCH 22, 2020**

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The following is a bullet list of issues facing public employers with the rapid changes required for employers to respond to the COVID 19 epidemic and the changes in law and operations. **Several factors must be considered when reviewing this list:**

1. Form of government: statutory or charter
2. Existing union contracts
3. Declarations of emergency by federal, state, local officials
4. Essential services including
 - a. Police
 - b. EMS
 - c. Fire
 - d. Water and Wastewater
5. Tax collections
6. Open meetings and public records requests

By no means of importance is the following partial list of the issues raised by employers regarding the impact of work restrictions and shutdowns.

1. Alternate work arrangements
 - a. Modified/rotating schedules
 - i. Required alternate work
 - b. Remote work
 - i. Computer security
 - ii. Access
2. Exclude employees from work
 - a. Returning employees to work
 - b. Alternate work schedules
3. Returning employees to work restrictions/requirements
 - a. Medical release

4. Pay during emergency / no work
 - a. Administrative leave with pay – RC 124.388 and/or
 - b. “on-call status”
5. Paid time off options for employees excluded from work – use of
 - a. sick leave,
 - b. vacation leave,
 - c. other paid leaves
6. Required use of paid leaves for employees who “self-quarantine”
 - a. Leaving work
 - b. Lack of medical documentation
7. Overtime considerations and costs
 - a. Statutory
 - i. Fair Labor Standards Act
 1. Exempt employees
 2. Non-exempt employees
 - b. Union contracts
 - c. Ordinances/resolutions
8. Quarantine at work – essential employees
9. Worker’s Compensation – occupational disease: BWC policies
10. Unemployment Compensation – ODJFS policies
 - a. Reimbursement of unemployment costs
 - b. Waiting period
 - c. Severance pay
11. Temperature testing of employees
 - a. Practical issues
 - b. Confidentiality of any records maintained
12. Union contracts
 - a. Force majeure
 - b. Emergency suspension of contract provisions

- c. Exigent circumstances
- d. Grievances and Arbitrations
- e. Collective Bargaining Act – SERB
 - i. Unfair labor practice charges – obligation to negotiate

13. Layoffs and/or furloughs

- a. Labor contracts
- b. Civil service law provisions
- c. Classified and unclassified employees

14. Family First Coronavirus Response Act - FFCRA

- a. Emergency Family Medical Leave Act Expansion – EFMLEA
- b. Emergency Paid Sick Leave Act – EPSLA

15. Family Medical Leave Act – FMLA

- a. Serious medical condition
- b. Immediate family
- c. Expansion for “emergencies” under EFMLEA

16. Americans With Disabilities Act – ADA