

Vinson & Elkins

MAY 2020

MANAGING THE MODERN WORKPLACE THROUGH COVID-19

Energy Series

velaw.com



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You got your PPP loan. Now what?

MAXIMIZING PPP LOAN FORGIVENESS

- Eligible Payroll Costs
- FTE Ratio
 - Compare average FTE during 8-week Covered Period with
 - Average FTE from either (i) 2/15/2019 to 6/3/2019; OR 2) 1/1/2020 to 2/29/2020
 - Safe Harbor Rule
- Salary Reduction
- Rehired Employees

When does a furlough become a layoff?

WHEN DOES A FURLOUGH BECOME A LAYOFF?

- What is the difference between a furlough and a layoff?
- What are the potential issues when reducing hours or salary?
- Do we need to send WARN notices?

**What is different about furloughing or laying off
expatriate employees?**

WHAT IS DIFFERENT ABOUT FURLOUGHING OR LAYING OFF EXPATRIATE EMPLOYEES?

- What are the terms of the applicable employment and expatriate agreements and policies?
- Does foreign law apply to the expatriate employee's employment relationship?
- If foreign law applies (or might apply), what issues should employers consider when looking at furloughs or layoffs?

What should the “Return to Work” plan look like?

“ONE SIZE DOES NOT FIT ALL”

- Put together a TEAM
- Put together a PLAN
- Implement your PLAN
- Management of Change

How do I handle testing and other medical inquiries?

HOW DO I HANDLE TESTING AND OTHER MEDICAL INQUIRIES?

- What can an employer ask about symptoms?
- To temperature test or not to temperature test?
- What other screening options are available?

What do you do with the employee who refuses to come back?

WHAT DO YOU DO WITH THE EMPLOYEE WHO REFUSES TO COME BACK?

- Why won't the employee return to work?
- What are the options for dealing with an employee who refuses to return?
- What legal risks should employers consider when deciding which option to select?

What should I expect from my unions?

DEALING WITH UNIONS AND CONCERTED ACTIVITY

- Furloughs, Layoffs and Schedule Changes
- Safety
- Concerted Activity

What happens if my returning employees get sick?

WHAT HAPPENS IF MY RETURNING EMPLOYEES GET SICK?

- Do employers have to report cases of COVID-19?
- Does workers' compensation protect employers from liability related to workplace transmission of COVID-19?
- Returning to work after testing positive for COVID-19

What can go wrong with teleworking?

WHAT CAN GO WRONG WITH TELEWORKING?

- How should layoffs, performance and disciplinary issues be handled with respect to employees who work remotely?
- Can employers monitor employees who work remotely and what legal issues could arise?

What are your questions?

THANK YOU

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