Corporate Sponsors:

DOL Establishes Coronavirus Resources Web Page

The US Department of Labor (DOL) has developed a web page with links to labor and employment related resources to help employers deal with legal issues related to the COVID-19 coronavirus.

Topics include: workplace safety; wages, hours and leave; and unemployment insurance. There is also a section with links to current news and general resources.

For more information and to access the links visit the DOL website.

DHS Relaxes I-9 Verification Requirements During COVID-19 National Emergency

The Department of Homeland Security (DHS) has announced that it will relax the in-person verification requirements for the Form I-9, Employment Eligibility Verification, for employees operating remotely due to COVID-19.

Employers will not be required to review an employee’s identity and/or employment authorization documents while in the employee’s physical presence.

Employers must inspect the Section 2 documents remotely (over video link, fax or email, etc.) and obtain, inspect, and retain copies of the documents, within three business days, for purposes of completing Section 2.

To review the news release in it’s entirety, visit the DHS website.
OSHA Allows Healthcare Employers to Suspend N95 Annual Fit-Testing

The Occupational Safety and Health Administration (OSHA) issued temporary enforcement guidance addressing the fit-testing requirements in the agency’s respiratory protection standard.

The guidance applies to healthcare workers using N95 respirators to protect them from COVID-19.

OSHA field offices will exercise enforcement discretion concerning the annual fit testing requirement provided employers meet a series of requirements.

Visit the [OSHA website](http://www.osha.gov) to view the memorandum.

CARES Act Has Labor Relations Implications

There are several important labor law provisions impacting employers with more than 500 employees in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

Among them are the requirement for employers to make a good faith certification that they will comply with the following:

- The employer must certify that it will remain “neutral” in any union organizing effort for the term of a loan obtained under the Act.
- The employer must certify that it will not “abrogate” existing collective bargaining agreements for the term of the loan (not to exceed five years) plus two years after completing repayment of the loan.

The Act does not define the terms “neutral” or “abrogate”.

For more information, visit the [Leech Tishman website](http://www.leechtishman.com).

DOL Issues FAQs Under FFCRA

As required under the Families First Coronavirus Response Act (FFCRA), the U.S. Department of Labor’s (DOL’s) Wage and Hour Division has published an updated set of 59 questions and answers, Families First Coronavirus Response Act: Questions and Answers, that provide additional guidance concerning teleworking.
arrangements and intermittent leave under the Emergency Family and Medical Leave Expansion Act and the Emergency Paid Sick Leave Act, both of which are included in the Families First Coronavirus Response Act (FFCRA).

To view the FFCRA Questions and Answers, visit the DOL website.

DOL Issues Three New Opinion Letters

The U.S. Department of Labor (DOL) has published three new opinion letters that address compliance issues related to the Fair Labor Standards Act (FLSA).

An opinion letter is an official, written opinion by the DOL’s Wage and Hour Division on how a particular law applies in specific circumstances presented by the person or entity that requested the letter.

The opinion letters recently issued are:

- FLSA2020-3: Addressing excludability of longevity payments from the regular rate of pay.
- FLSA2020-4: Addressing excludability of referral bonuses from the regular rate of pay.
- FLSA2020-5: Addressing excludability of an employer’s contributions to a group-term life insurance policy from the regular rate of pay.

All three opinion letters provide further clarity on the DOL’s recent final rule on FLSA regular rate requirements, which allows employers to more easily offer perks and benefits to their employees (see Healthcare Council's January 2020 HR Newsletter).

To read the opinion letters, please visit the DOL website.