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ALERT: OPEN FOR BUSINESS: COVID-19 RELATED LEGAL CONSIDERATIONS AS BUSINESS RESUMES

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As the governors of Pennsylvania and New Jersey begin taking steps to ease the restrictions on the operation of non-essential businesses, there are many pitfalls for employers to be aware of:

- The Families First Coronavirus Response Act, in effect until December 31, 2020, generally applies to employers with less than 500 employees and provides for paid sick leave and expanded family leave provisions. As employees return to work, additional issues regarding applicability of the Act may arise, particularly with regard to child care concerns. There are a number of intricacies to this statute that could impact its applicability to your business, including a broad exemption for employees of “health care providers.”
- Issues relating to the employer’s obligations under OSHA and Governors’ Executive Orders to keep a safe work environment for both employees and customers. All businesses are required to follow guidance from the CDC and DOH for social distancing and cleaning.
- Recently-enacted state and local laws giving employees the right to leave and paid sick time for COVID-19 related issues. New amendments and regulations meant to address COVID-19 have modified employer’s already-existing obligations to provide leave and paid sick time to New Jersey and Philadelphia employees. On May 1, 2020, a bill was introduced into the Philadelphia City Council that, if enacted into law, would require employers to provide employees with emergency health leave for COVID-19 related reasons.
- Employee concerns implicating the Americans with Disabilities Act and the Family Medical Leave Act, particularly with employees calling out sick with potential COVID-19 symptoms and how employers can safely permit employees to return to work who have recovered from COVID-19.

Dilworth Paxson’s Labor & Employment Group has been advising employers of all sizes throughout this pandemic and is ready to provide practical advice to help your business comply with the applicable laws and regulations as you navigate the unique circumstances presented by COVID-19.

For more information on appropriate steps to take and policies to implement, or to address issues arising for you on this or any related topic, please contact [Katharine Hartman](#), [Danielle Goebel](#) or any member of Dilworth’s [labor and employment](#) team.