

Employment Law Corner

Monthly Report



FOLEY & FOLEY^{PC}
ATTORNEYS AT LAW

December 2020 – Volume 4

December Updates

1. Travel during COVID-19

2. New CDC and Massachusetts DPH Guidelines

3. Away with the FFCRA?

4. Gov. Baker's new updates

The COVID-19 Rundown for 2020:

To say 2020 was a whirlwind is an understatement. We've borne the brunt of the many changes to our day to day lives because of COVID-19, especially in the workplace. Complications with safety of employees and clients, social distancing and mask wearing, leave under the FFCRA, and reductions in force have been hot topics of this year. While a vaccine is being discussed, COVID-19 is likely still going to be an issue for many employers in the new year. Here are some of the most recent changes and updates to keep in mind before 2020 is over and some that will still be pertinent for 2021.

How to Manage Holiday Travel of Employees During COVID-19

With Thanksgiving behind us, there has been a marked increase in COVID-19 cases around the country, and many states are making their out of state travel orders stricter.

Only Hawaii has remained on Massachusetts' lower-risk state [list](#), meaning that anyone returning to Massachusetts from any other state must quarantine for a period of 14 days, or get tested 72 hours period to entering Massachusetts, or 7 or 10 days depending on the guidance discussed below.

Even if your worker provides critical infrastructure services, the worker must quarantine for 14 days when not performing work or commuting to work. The worker cannot rely on the exemption from the quarantine requirement if the reason they traveled out of state was for personal reasons or vacation.

What Can Employers Do?

Employers may not be able to completely prohibit holiday travel. Employers can provide notice to employees that they discourage out-of-state travel, and inform employees of quarantine requirements upon their return.

Employers can require employees to inform them if they do travel out of state, and place restrictions on returning to the physical workplace upon their return. You can require your employees to receive a COVID-19 test before reporting back to work, and require employees to work remotely while they are subject to state Travel Orders.

If remote work is not an option, and employees need to quarantine under a Travel Order, your employee can take FFCRA leave through the end of December.

Per the Massachusetts Department of Health, employers can choose amongst options for employees who are considered essential workers or critical to infrastructure. The quarantine time can be:

7 days, negative test taken on day 5

10 days if no symptoms up to that point

14 days

They also state the risks with each

5% risk for 7-day quarantine of disease development

1% risk for 10-day quarantine for disease development

Minimal risk for 14-day quarantine for disease development

New Quarantine Guidance from the CDC and Massachusetts Department of Public Health

The CDC [updated their guidance](#) on quarantining and the [Massachusetts Department of Health](#) followed suit for close contacts of COVID-19 exposure. The CDC continues to recommend that any individual who has had close contact to quarantine for a period of 14 days after the last contact, watch for fever and other symptoms, and stay away from others. Close contact is still defined as within six feet of an infected person for at least 15 minutes during a 24-hour period.

While the CDC and DPH still recommend the 14-day quarantine period, it now provides other quarantine alternatives, depending on local availability of COVID-19 testing. For people without symptoms, quarantine can end:

- On day 10, without testing; or
- On day 7, after receiving a negative test result.

In the last few weeks, the CDC has also changed its guidance on repeat COVID-19 testing. People who have tested positive for COVID-19 do not need to quarantine or get tested again for up to three months as long as they do not develop new symptoms of COVID-19. If someone does develop new symptoms during that 3-month period, they will need to follow quarantining and testing guidelines.

FFCRA Expiration and It's Possible Future

Back in April of this year, Congress passed the Families First Coronavirus Response Act which allowed for two types of leaves, Emergency Paid Sick Leave and Emergency Family and Medical Leave. Everyone has been riding the wave of information, updating definitions from the DOL, managing leaves for employees, and applying for tax credits. The law is set to expire on December 31, 2020, and we have yet to hear of an extension. However, this is likely not the last time we will have a leave law regarding COVID-19, and it would be good to watch what will happen within the first 100 days of the new administration.

Governor Baker's New Updates

Governor Baker recently [announced](#) as of yesterday, December 8, 2020, that we will be rolling back from Phase III step 2 to Phase III step 1. The industries this announcement impacts are amusement parks or theme parks, indoor and outdoor water parks, and indoor recreational activities like laser tag, trampoline parks, roller skating, and obstacle courses. Also limiting the office space to 40% capacity.

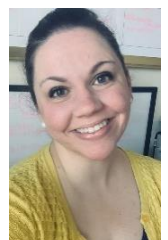
He also reiterated the mask mandate which is that everyone is to wear a mask in public, while at work in public or communal areas, and keep a mask on while sitting at a restaurant when one is not eating.

Need more on COVID-19?

We've got what you need for COVID-19. From policies, mandates, trainings, and safety plans, we've got a toolkit ready to help you implement what you need. [Contact Us](#) to purchase one of our COVID-19 Toolkits or sign up for our General Counsel On-Call Triage Service, where for a monthly fee, you have unlimited access to our attorneys for any of your employment law questions!

Wendy Hansen

Wendy has a background in both employment law litigation and human resources. At Foley & Foley, she helps manage the firm's On-call triage service which helps support over 1,700 clients across the country manage difficult employment law questions. She has also conducted over 50 webinars on several Employment Law topics.



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