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COVID-19 Employment Question of the Day

Legal Update

03.25.2020

Fredrikson & Byron's Employment & Labor Department keeps you updated with a "COVID-19 Employment Question of the Day." The featured questions are taken from our day-to-day conversations with (collectively) hundreds of employers in Minnesota, Iowa, North Dakota and around the country, both large and small.

If you have questions, contact your Fredrikson and Byron Employment & Labor attorney.

Subscribe to Updates

July 6, 2021

By Brian T. Benkstein

What is all the buzz about Federal OSHA's new COVID-19 Emergency Temporary Standard for healthcare providers?

Answer to July 6 Question

March 23, 2021

By Kendra D. Simmons

What should employers know about the American Rescue Plan?

Answer to March 23 Question

March 16, 2021

By Pamela Abbate-Dattilo

What does the Governor's March 12, 2021, Executive Order mean for Minnesota employers?

Answer to March 16 Question

December 21, 2020

By Kendra D. Simmons and Anne M. Radolinski

What should employers know about vaccinations and whether to require them?

Answer to December 21 Question

December 5, 2020

Can your employer require you to get a COVID-19 vaccination?

Bridget Penick addresses this and other pandemic-related employment law issues in an episode of the "Iowa Business Report," a weekly half-hour radio program featuring interviews about business, government, the economy, jobs, trade and investments.

[Listen to Interview](#)

October 2, 2020

By Anne M. Radolinski and Erin M. Edgerton

Do employers have any reporting requirements under OSHA with respect to COVID illnesses and death?

Answer to October 2 Question

September 29, 2020

By Bridget R. Penick and Kendra D. Simmons

What is the new Iowa guidance on when to quarantine due to COVID-19 if masks/face coverings were worn?

Answer to September 29 Question

September 18, 2020

By Bridget R. Penick and Bryan J. Morben

To what extent may a company regulate employees' use of social media?

Answer to September 18 Question

September 15, 2020

By Bridget R. Penick and Kendra D. Simmons

What do health care employers need to know about the revised definition of health care providers who can be exempted from FFCRA leave?

Answer to September 15 Question

September 10, 2020

By Robert C. Boisvert and Erin M. Edgerton

Once there is a COVID-19 vaccine, can an employer mandate that its employees be vaccinated?

Answer to September 10 Question

August 28, 2020

By Emily S. Pontius and Kendra D. Simmons

How should employers handle requests for FFCRA leave related to schools starting with online, hybrid and optional online programs?

Answer to August 28 Question

August 14, 2020

By Kendra D. Simmons, Bridget R. Penick and Teresa M. Thompson

I understand the health care provider definition of the FFCRA has been challenged. What do I need to know about this?

Answer to August 14 Question

July 30, 2020

By Brian T. Benkstein

Given the prevalence of remote work during the pandemic, is working from home now presumed to be reasonable disability accommodation?

Answer to July 30 Question

July 24, 2020

By Kristin LeBre, Penny S. Oleson and Erin M. Edgerton

What do I need to know about the Minnesota Governor's Mandatory Face Covering Order?

Answer to July 24 Question

July 23, 2020

By Bridget R. Penick and Olivia N. Norwood

What does the DOL's new COVID-19 guidance say about return to work and remote work?

Answer to July 23 Question

July 21, 2020

By Nancy S. Anton and Penny S. Oleson

When traveling domestically for business, will my employee be required to self-quarantine at the destination or upon return?

Answer to July 21 Question

July 8, 2020

By Emily S. Pontius and Lukas S. Boehning

Should an employer respond to a report that an employee has made racist or other offensive remarks online?

Answer to July 8 Question

July 8, 2020

By Pamela Abbate-Dattilo and Bryan J. Morben

What are the requirements for a Minnesota “Preparedness Plan” in order to reopen a business or continue operating a critical business?

Answer to July 8 Question

July 2, 2020

By Bridget R. Penick

Can employers require COVID-19 antibody testing before an employee may re-enter the workplace?

Answer to July 2 Question

July 1, 2020

By Erin M. Edgerton and Teresa M. Thompson

What is the DOL’s new FFCRA leave tool for employees?

Answer to July 1 Question

June 29, 2020

By Teresa M. Thompson

Is an employee entitled to an accommodation to avoid exposing a family member who is at higher risk of severe illness from COVID-19 due to an underlying medical condition?

Answer to June 29 Question

June 23, 2020

By Emily S. Pontius

Is it okay to postpone anti-discrimination training while employees work remotely?

Answer to June 23 Question

June 22, 2020

By Mary M. Krakow and Edgar R. Ocampo

As an employer, should I be concerned about identify theft in connection with unemployment benefits?

Answer to June 22 Question

June 22, 2020

By Bridget R. Penick and Kendra D. Simmons

Do businesses have any protection from COVID-related lawsuits?

Answer to June 22 Question

June 17, 2020

By Emily S. Pontius

What is the latest OSHA guidance on face coverings in the workplace?

Answer to June 17 Question

June 16, 2020

By Bridget R. Penick

Must employers begin physically inspecting I-9 documents for workplaces continuing to operate remotely due to COVID-19 concerns, even if states are permitting workplaces to reopen?

Answer to June 16 Question

June 12, 2020

By Penny S. Oleson and Teresa M. Thompson

Can another business perform a COVID-19 health screen on my employee before allowing the employee onsite?

Answer to June 12 Question

June 9, 2020

By Ashley R. Thronson and Edward Q. Cassidy

An employee has tested positive for COVID-19. Do I need to record this on an OSHA log?

Answer to June 9 Question

June 8, 2020

By Kristin LeBre and Teresa M. Thompson

What do I need to know about the Walz Executive Order issued on Friday, June 5, 2020?

Answer to June 8 Question

June 5, 2020

By Sten-Erik Hoidal and Megan A. Bowman

Do I need to worry about employee privacy if I implement health screenings, contact tracing or similar protective measures when my employees return to work?

Answer to June 5 Question

June 3, 2020

By Bridget R. Penick

Is there specific guidance for employers to manage COVID-19 in office buildings?

Answer to June 3 Question

June 2, 2020

By Teresa M. Thompson

I am bringing employees back to the workplace. What safety measures should I have in place?

Answer to June 2 Question

May 26, 2020

By Pamela Abbate-Dattilo, Erin M. Edgerton and Erin M. Byom

How will employment decisions affect my company's PPP loan forgiveness?

Answer to May 26 Question

May 21, 2020

By Pamela Abbate-Dattilo and Kendra D. Simmons

How is COVID-19 affecting disputes over non-competes and other restrictive covenants?

Answer to May 21 Question

May 20, 2020

By Sten-Erik Hoidal and Nadja Baer

What should companies do to mitigate the security risks of a remote workforce?

Answer to May 20 Question

May 19, 2020

By Brian T. Benkstein and Erin M. Edgerton

What COVID-19 precautions should your business document?

Answer to May 19 Question

May 18, 2020

By Bridget R. Penick

Since states are permitting workplaces to reopen, must employers begin physically inspecting all I-9 documents?

Answer to May 18 Question

May 15, 2020

By Teresa M. Thompson and Erin M. Edgerton

How do the new Minnesota executive orders impact my business as we look to return to work?

Answer to May 15 Question

May 15, 2020

By Kristin LeBre and Erin M. Edgerton

If an employer is conducting daily employee health screenings, how long must it keep the screening records?

Answer to May 15 Question

May 13, 2020

By Teresa M. Thompson

What steps can we take proactively to prepare to return employees to the workplace?

Answer to May 13 Question

May 11, 2020

By Ingrid N. Culp and Kendra D. Simmons

During the summer months, when school is not actually “closed,” is an eligible employee entitled to paid leave under the FFCRA if the employee needs to care for his/her child(ren) because the child(ren)’s summer programming has been cancelled?

Answer to May 11 Question

May 8, 2020

By Pamela Abbate-Dattilo, Erin M. Edgerton and Erin M. Byom

How will employment decisions affect my company’s PPP loan forgiveness?

Answer to May 8 Question

May 7, 2020

By Mary M. Krakow and Penny S. Oleson

When will the Equal Employment Opportunity Commission (EEOC) website portals open for the required EEO-1, EEO-3 and EEO-5 workforce surveys?

Answer to May 7 Question

May 6, 2020

By Teresa M. Thompson

I am concerned about legal claims from employees or their family members who may allege that the employee contracted COVID-19 at the workplace and then spread it to family members. Does an employer have the right to require employees to waive such claims as a condition of returning to work?

Answer to May 6 Question

May 5, 2020

By Bridget R. Penick

Can employers complete I-9 forms with expired List B documents during the COVID-19 pandemic?

Answer to May 5 Question

May 1, 2020

By Anne M. Radolinski and Jade B. Jorgenson

How does Minnesota's Second Return to Work Order for Non-Critical Sectors (Executive Order 20-48) issued on April 30, 2020, affect my business?

Answer to May 1 Question

April 30, 2020

By Kristin LeBre and Bryan J. Morben

What are some best practices for conducting employee screening in response to COVID-19?

Answer to April 30 Question

April 28, 2020

By Kristy L. Albrecht, Joseph M. Sokolowski and Mary M. Krakow

Please explain the intersection of Families First Coronavirus Response Act (FFCRA) and the Fair Labor Standards Act (FLSA), which sets the federal wage and hour rules for employers. Specifically, does reducing an eligible exempt employee's salary to two-thirds their daily rate of pay, capped at \$200, as allowed under FFCRA, put the employee's exempt status at risk under the FLSA?

Answer to April 28 Question

April 27, 2020

By Pamela Abbate-Dattilo, Kendra D. Simmons and Ashley R. Thronson

What kind of litigation will arise out of COVID-19, and what can employers do now to prepare?

Answer to April 27 Question

April 24, 2020

By Anne M. Radolinski and Erin M. Edgerton

How does Minnesota's Return to Work Order for Non-Critical Sectors (Executive Order 20-40) issued on April 23, 2020, affect my business?

Answer to April 24 Question

April 23, 2020

By Jessica D. Manivasager and Debra J. Linder

Can employers provide tax-free financial assistance to their employees during the COVID-19 outbreak?

Answer to April 23 Question

April 22, 2020 - Part 1

By Mary M. Krakow and Emily S. Pontius

What are best practices when you are ready to recall furloughed employees?

Answer to April 22 - Part 1 Question

April 22, 2020 - Part 2

By Pamela Abbate-Dattilo and Bryan J. Morben

Can a furloughed employee refuse to come back to work when recalled?

Answer to April 22 - Part 2 Question

April 21, 2020

By Immigration Group

How can your company's actions impact your nonimmigrant employees?

Answer to April 21 Question

April 20, 2020

By Mark D. Salisbury

My company was either ineligible for, or did not receive, a loan under the Small Business Administration's Paycheck Protection Program (PPP). Is there other financial relief we may be overlooking under the CARES Act?

Answer to April 20 Question

April 17, 2020

By Anne M. Radolinski and Erin M. Edgerton

How do your PTO policies interact with furloughs, Emergency Paid Sick Leave (EPSL) and expanded FMLA (EFMLEA) under the Families First Coronavirus Response Act (FFCRA)?

Answer to April 17 Question

April 16, 2020

By Kendra D. Simmons

How will the post-COVID workplace be affected by current work situations, and what should I do now to prepare?

Answer to April 16 Question

April 14, 2020

By Kristy L. Albrecht and Beverley L. Adams

Under what circumstances do I need to include a COVID-19 case as a recordable event for purposes of OSHA's record-keeping requirements?

Answer to April 14 Question

April 13, 2020

By Bridget R. Penick

Does a loan under the CARES Act loan program limit an employer's right to oppose a union?

Answer to April 13 Question

April 10, 2020

By Emily S. Pontius and Erin M. Edgerton

Should I consider a short-time compensation or voluntary shared work program as an alternative to layoffs?

Answer to April 10 Question

April 9, 2020

By Ashley R. Thronson, Beverley L. Adams and Penny S. Oleson

If an employee contracts COVID-19, is he or she entitled to receive workers' compensation benefits?

Answer to April 9 Question

Minnesota Stay-At-Home Update: April 9

By Teresa M. Thompson and Lukas S. Boehning

Minnesota's Governor issued a stay-at-home Order on March 25, 2020, and then extended this order on April 8, 2020. How do I know if my employees are exempt from travel restrictions as critical sector employees under the stay-at-home Order?

Answer to Updated Question

April 8, 2020

By Joseph M. Sokolowski

Can I deduct from, or reduce, the salary of an exempt employee without losing exempt status during these uncertain and unprecedented times?

Answer to April 8 Question

April 7, 2020

By Brian T. Benkstein

How do the FFCRA Emergency Paid Sick Leave and Emergency Family Medical Leave Act provisions work together?

Answer to April 7 Question

April 6, 2020

By Ashley R. Thronson

Can an essential worker self-quarantine and refuse to come to work because they are afraid of contracting the virus?

Answer to April 6 Question

April 3, 2020

By Kristy L. Albrecht and Bryan J. Morben

Under what circumstances may a small employer who employs fewer than 50 employees be exempt from the leave provisions under the FFCRA?

Answer to April 3 Question

April 2, 2020

By Kristin LeBre, Debra J. Linder and Edgar R. Ocampo

What is the difference between a furlough and a layoff and how do we know which term to use?

Answer to April 2 Question

April 1, 2020

By Emily S. Pontius and Olivia N. Norwood

What is the process for obtaining the tax credit for COVID-19 related leave paid under the Families First Coronavirus Response Act (FFCRA)?

Answer to April 1 Question

March 31, 2020

By Nancy S. Anton, Anne M. Radolinski and Penny S. Oleson

I am a covered federal contractor/subcontractor subject to the various federal affirmative action laws, including Executive Order 11246, Section 503 of the Rehabilitation Act and Section 4212 of the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA). I heard there is an exemption from all OFCCP obligations, and my affirmative action plan year is coming to end. Do I need to

update my affirmative action plans this year, or do I qualify for this exemption?

Answer to March 31 Question

March 30, 2020

By Pamela Abbate-Dattilo and Edgar R. Ocampo

How will unemployment in Minnesota be impacted by the Coronavirus Aid, Relief, and Economic Security Act (the CARES Act)?

Answer to March 30 Question

March 27, 2020

By Emily S. Pontius and Kendra D. Simmons

What do we need to know about the DOL's Families First Act Model Notice and what do we need to do now?

Answer to March 27 Question

March 26, 2020

By Teresa M. Thompson and Lukas S. Boehning

Minnesota's Governor issued a "stay-at-home" Order on March 25, 2020. How do I know if my employees are exempt from travel restrictions as critical sector employees under the stay-at-home Order?

Answer to March 26 Question

March 25, 2020

By Pamela Abbate-Dattilo

Do we have more guidance yet on how the Department of Labor will interpret key provisions of the Families First Coronavirus Response Act?

Answer to March 25 Question