



## GKWW is Here to Help During COVID-19

To Our Clients and Colleagues:

The continuously shifting sands have left everyone trying to keep up with the current status of the COVID–19 Outbreak and what it means for their lives, their businesses, and their well-being. Gardiner Koch Weisberg & Wrona is keeping up with new legislation and pressing legal issues to help you navigate into an uncertain future. Our diverse areas of practice mean that we're well-equipped to address whatever issues you might encounter in the coming days, weeks, and months.

### ***Congress Passes H.R. 6201, the Families First Response Act***

On the employment side, the U.S. Senate voted to send the first major federal law to President Trump's desk in an effort to mitigate the impact COVID-19 has on the country. The law contains two provisions that all employers should be aware of right away—federally mandated paid sick leave and additional Family & Medical Leave Act ("FMLA") protections for employees who must miss work for COVID–19-related reasons.

First, the Act requires employers to provide full-time employees 2 weeks of paid sick leave for an employee who must miss work as a result of COVID–19 because:

- (1) the employee is subject to a federal, state, or local quarantine or isolation order;
- (2) a health care provider has advised the employee to self-quarantine;
- (3) the employee is having COVID–19 symptoms and is seeking diagnosis;
- (4) the employee is caring for someone else who subject to (1) or (2); or
- (5) the employee is caring for a child whose school or child-care services are unavailable.

Pay for leave under (1)–(3) must be at the employee's regular rate while employees who must miss work for (4) or (5) are to be paid at two-thirds of their regular rate. All leave required under the Act is in addition to any paid leave or time off employers already provide their employees.

Second, Congress broadened the scope of FMLA to include "public health emergency leave" for employers with fewer than 500 employees and to include employees who must take leave for COVID–19-related reasons. Leave taken under the new provision is unpaid for the first 10 days and paid thereafter at two-thirds of the employee's regular rate for up to 12 weeks. Employees who take Public health emergency leave enjoy the same job-protection benefits guaranteed under FMLA generally. Employers who must provide paid sick leave or FMLA leave under the Act are eligible for tax credits in the amounts paid.

GKWW is here to help you understand what this means for your business and will continue to stay on top of the latest employment law developments.

## ***What Impact Does COVID-19 Have on Contractual Obligations?***

Many business contracts, vendor agreements, insurance policies, and leases contain provisions that excuse a party from performing in the event of natural disasters. These provisions also may allow non-performance in the event that government emergency actions prevent performance. Whether a contract to which you are a party will allow your company or the other party to avoid liability depends upon the contractual language. Many of our clients have been showing us their contracts and asking for our opinion.

## ***Injury Claims***

Personal injury claims and wrongful death claims are certain to arise from COVID-19 issues. If someone contracts the virus because of the negligence of a company or employer, there may be a claim made.

## ***Specific Businesses***

Some of our clients are particularly hit hard with some of the governmental regulations limiting congregations of people. These companies have had to consider restructuring their businesses, laying off employees, delaying payments to vendors and suppliers, voiding or delaying purchases of equipment, renegotiating leases, and even bankruptcy. Restaurants, landlords, religious institutions, event companies, not-for-profit entities, and the like have been suffering.

**GKWW's lawyers are addressing COVID-19 issues every day. We stand ready to assist you through this difficult time.**



We're highly experienced, we're efficient, we're ethical – we get things done. We are proud of the results we've achieved for our clients. We invite you to browse [our website](#) for additional details about who we are and what we've accomplished. Then call us for a consultation to see how we might be of service to you.

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