

Is Your Food Company Taking the Necessary Steps In This Coronavirus Crisis?

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A Brave New Format

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From Today's news (4/1/2020)

CNN BUSINESS

Markets Tech Media Success Perspectives Videos

What happens to our food supply if American farmers can't farm?

By [Danielle Wiener-Bronner](#), [CNN Business](#)

Updated 2:10 PM ET, Tue March 31, 2020

American farmers are concerned.

The coronavirus pandemic is posing a threat to their livelihoods, as it is for many others across the globe. But unlike some shelf-stable goods producers, farmers have very little flexibility. They're on a strict planting and harvesting schedule and cannot ramp up or decrease production at will.

<https://www.cnn.com/2020/03/31/business/food-supply-disruption-coronavirus-us/index.html>

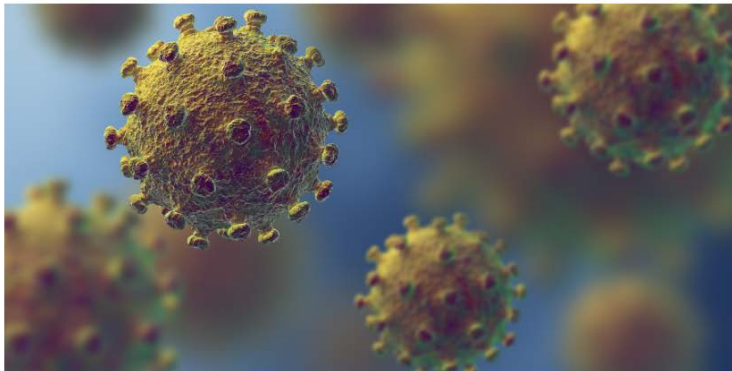
Stay updated about Coronavirus. The law is changing hourly. Do not rely on these materials without checking with counsel.



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Coronavirus Resource Center

March 2020

As the 2019 Novel Coronavirus (COVID-19) outbreak continues to unfold governments, economies, businesses, and countries are being adversely affected. Many companies are therefore also facing significant and urgent business and legal challenges so we have created a resource center to provide information that may be helpful in decision making.

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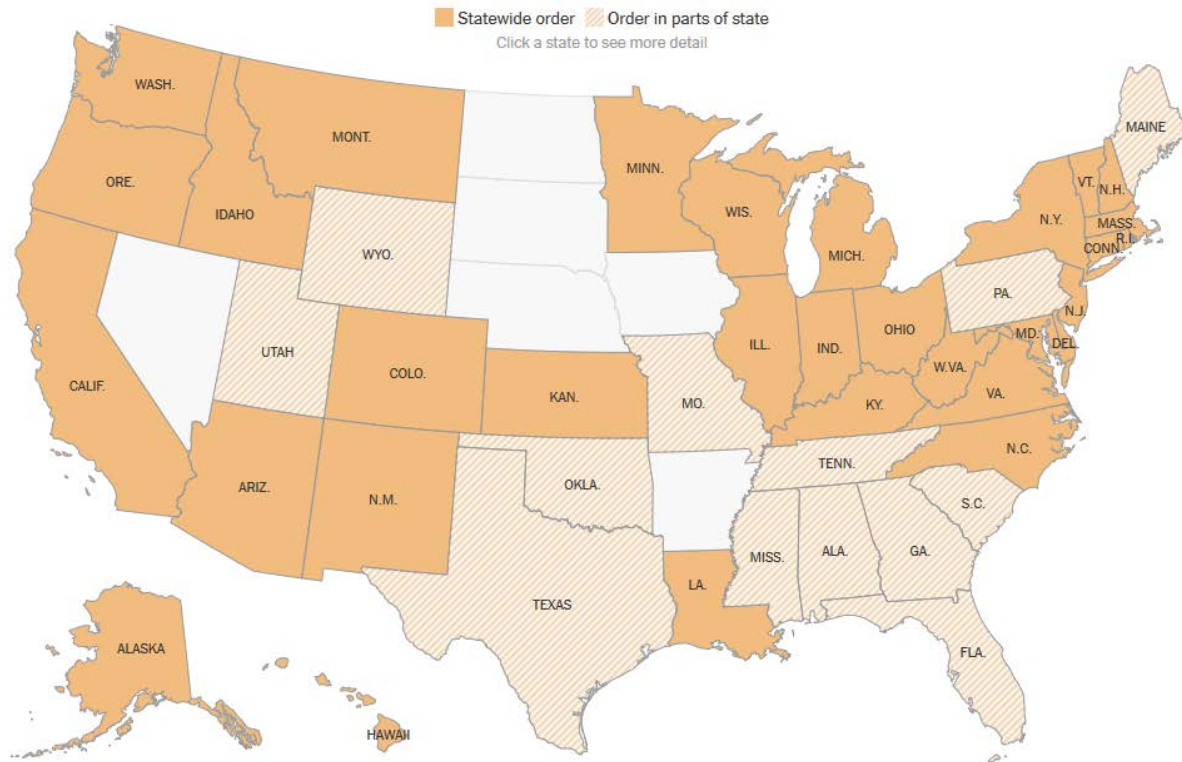
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www.Dorsey.com/Coronavirus

Shelter/Stay in Place Orders

See Which States and Cities Have Told Residents to Stay at Home

By Sarah Mervosh, Denise Lu and Vanessa Swales Updated March 30, 2020



<https://www.nytimes.com/interactive/2020/us/coronavirus-stay-at-home-order.html>

Shelter/Stay in Place Orders

- Be aware of the essential business **and minimum basic operations** exemptions for your jurisdiction
 - Essential businesses should issue a letter to employees who will be required to travel to get to work including contact information for the employer
- Employees who are unable to work because of a shelter in place or stay at home order will likely be eligible for unemployment benefits
- Can vendors/suppliers be exempt in full or part?

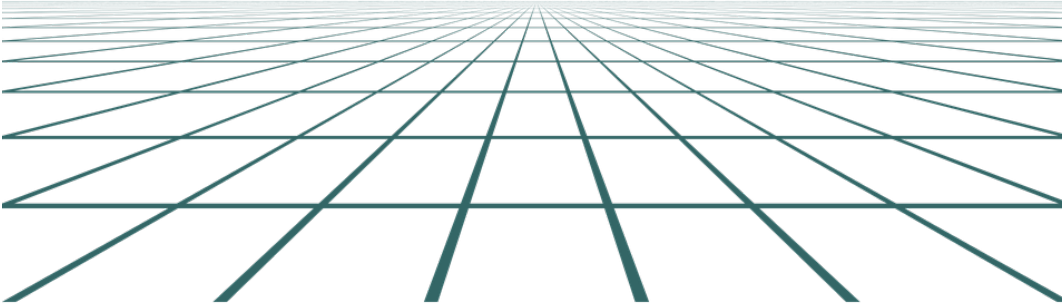


Entering the facility

- **Who can enter the facility?**
- **How about vendors?**
- **On what schedule?**
- **What special requirements? Hand washing? Sanitation? Cleaning?**



Inside the facility



Cleaning upon a positive test

Coronavirus Disease 2019 (COVID-19)

CDC > Coronavirus Disease 2019 (COVID-19) > Schools, Workplaces & Community Locations



Coronavirus Disease 2019 (COVID-19)


- Symptoms & Testing +
- Prevent Getting Sick +
- Daily Life & Coping +
- If You Are Sick +
- People Who Need Extra Precautions +
- Frequently Asked Questions
- Travel +
- Cases & Latest Updates +

Cleaning and Disinfecting Your Facility

Everyday Steps, Steps When Someone is Sick, and Considerations for Employers

How to clean and disinfect



 **Wear disposable gloves to clean and disinfect.**

Clean

- **Clean surfaces using soap and water.** Practice routine cleaning of frequently touched surfaces.

<https://www.cdc.gov/coronavirus/2019-ncov/prepare/disinfecting-building-facility.html>

Returning to work

- CDC and other **guidelines are evolving rapidly**
- People with COVID-19 who have stayed home (home isolated) can stop home isolation under the following conditions:
- ***If no test***, employee can leave home after these three things have happened:
 - No fever for at least 72 hours AND
 - other symptoms have improved (e.g., cough or shortness of breath) AND
 - at least 7 days have passed since your symptoms first appeared
- ***If will be tested***, employee can leave home after these three things have happened:
 - You no longer have a fever (without the use medicine that reduces fevers) AND
 - other symptoms have improved AND received two negative tests in a row, 24 hours apart.

<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>

Emergency Sick Leave (4/1/20)

- Applies to smaller employers (1-499 employees)
- Two weeks of paid sick leave (80 hours)
- 100% of regular rate of pay up to \$511 per day and \$5,110 in the aggregate
- Eligibility:
 - have been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or
 - are experiencing symptoms of COVID-19 and are seeking medical diagnosis
- This likely includes self-quarantine

Emergency Sick Leave (4/1/20)

- **Two weeks of paid sick leave (80 hours)**
- **100% of regular rate of pay up to \$200 per day and \$2,000 in the aggregate**
- **Eligibility:**
 - **Caring for an individual who is subject to a quarantine or isolation order, or who was advised by health care provider to self-quarantine due to COVID-19-related concerns;**
 - **Caring for son or daughter due to school or child care closures or unavailability; or**
 - **Experiencing a “substantially similar condition” as specified by the Secretary of Health and Human Services**
 - **Does not apply to employees who are not working because the employer does not have work for them (e.g. furlough)**

Emergency FMLA (4/1/20)

- **Applies to smaller employers (1-499 employees)**
- **Employee must be employed for 30 calendar days**
 - Bill pending in U.S. House could eliminate this requirement
- **Two weeks of unpaid family leave; ten weeks paid (12 total)**
 - Can use two weeks of emergency paid sick leave in place of unpaid leave
- **2/3 of an employee's regular rate of pay up to \$200 per day or \$10,000 in the aggregate**
- **Eligibility**
 - Caring for son or daughter under 18 years old whose school / care is closed, or child care provider unavailable, due to COVID-19 related reasons
 - Again, does not apply where employee isn't working

Layoff? Or Furlough?

- 1. Both furloughed and laid off employees are likely eligible for UI benefits (but, depends on the state in which they live)**
- 2. Both furloughed and laid off employees are ineligible for paid leave under the FFCRA**
- 3. Employers will be “made whole” for paid leave payments as quickly as possible**
- 4. Potentially huge risks where furloughed employees aren’t given health benefits**
- 5. Furlough makes it more difficult for employees to take 401(k) loans**

Plant closings (or mass layoffs) and the Federal WARN Act

- **Employers are only required to provide notice if a “plant closing” or mass layoff would last six months.**
- **Even then, the WARN Act provides exceptions where a plant closing or mass layoff is caused by unforeseen circumstances.**
- **Economic or supply conditions may make a temporary plant closing permanent.**
- **It is critical to provide notice of a plant closing or mass layoff as soon as possible and to ensure that notice complies with the WARN Act, and to take advantage of WARN Act exceptions where applicable.**
- **Remember the 90 day look back rule for aggregating layoffs.**
- **Also beware of state Mini-WARN Act requirements.**

CARES Act

- **Signed into law on March 27.**
- **If employee is laid off and rehired, they may become eligible for FMLA leave**
- **Employers receive employment tax retention credits for keeping employees on payroll; may lose loan forgiveness for layoffs or salary reductions**
 - **But, forgiveness can be regained if employees are rehired by June 30, 2020**
- **Advance refunds of payroll credits to businesses for paid leave under FFCRA (ok to withhold payments)**
- **Significant expansion of unemployment benefits available to workers (including independent contractors)**

CLE Code

“We have some lawyers participating today that need a CLE code for verification. The CLE Code for this April 1 webinar is _____.”

Who Wants More Credit? CLE Credit, That Is!

Complete the sign in sheet included in the reminder email (sent yesterday) and return to hubble.michelle@dorsey.com.

We will send CLE Certificates to those who return the form.

Questions?



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