

Dealing with Employee and Member Reports of COVID Symptoms or Sickness at Private Clubs

June 25, 2020

Presented by:

Jonathan Judge, Partner, Atkinson, Andelson, Loya, Ruud & Romo

Moderated by:

Joe Trauger, Vice President of Government Relations, National Club Association

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Henry Wallmeyer

**President and CEO
National Club Association**



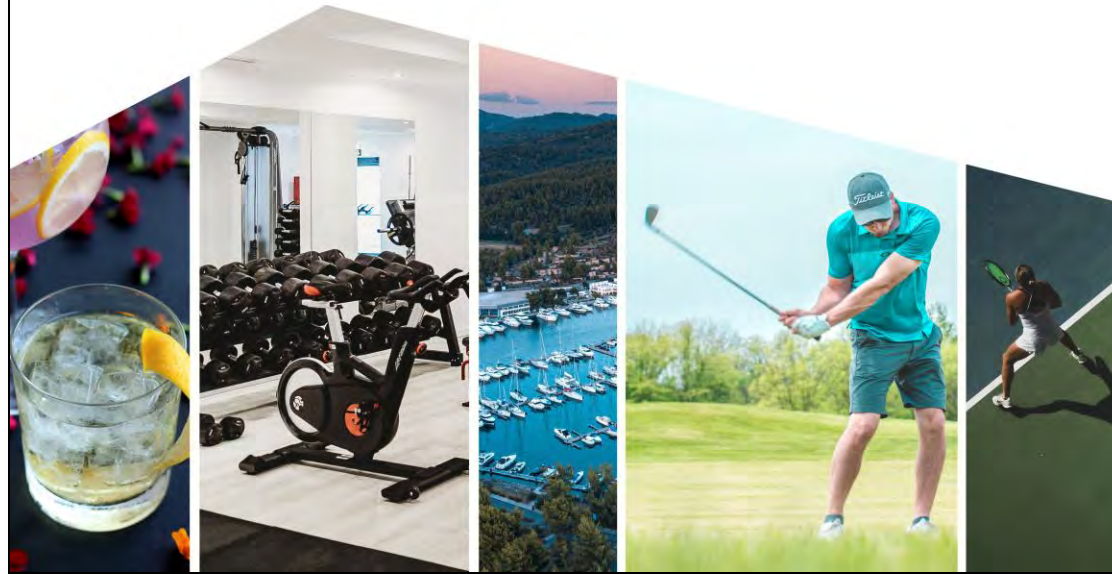
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Reopening Blueprint

Blueprint for Reopening Private Clubs

A Compendium of Resources and Guidance

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Joe Trauger

**Vice President of Government Relations
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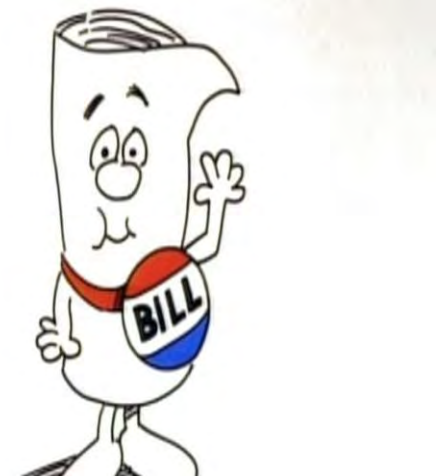
A Slow Walk to July

- After quick action on a \$3 trillion package in the House the Senate pumped the brakes.
- No action likely until after Independence Day.
- Earliest mid-July - August

What's In the Mix?

- State and Local Budgets
- Individual Payments
- PPP – expires June 30 – what's next?
- ERTC – NCA Supports Bipartisan Enhancement of Program
- PHIT Act?
- Federal Reserve Main Street Lending Program – NCA comments

Senate is in session this week. The House is in session with votes on police reform and DC Statehood this week.



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This Time It's Different



- An estimated 100,000 businesses have already closed permanently
- Demographics of hardest hit with unemployment at the lower rungs of income
- Disproportionately Black and Hispanic after historically low unemployment
- College degrees or higher unemployment at about 7.5 percent
- Moody's estimates at least another \$1 trillion is needed to avoid collapse
- Social and Political Unrest
- Presidential Election
- House and Senate Election

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Lots of Unknowns



- Schools open or closed this Fall – how does that affect childcare and return to work
- Will there be local or regional stay at home orders reinstated
- Case rates are rising again – 6/23 higher than any days so far except two in April
- Will people go back to work unless they absolutely have to
- State and Local Governments Will be looking for revenue – sales and withholding hits
- Property Taxes
- NCA State Legislative Response Manual

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Jonathan Judge

Partner

Atkinson, Andelson, Loya, Ruud & Romo



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Dealing with Reports of COVID, COVID Symptoms, or Sickness

June 25, 2020

PRESENTED BY:
Jonathan Judge, Partner



Meet Jonathan

- **Jonathan Judge** advises employers in various labor and employment law matters, including drug testing, mass layoffs (WARN), disparate impact analysis, immigration compliance, trade secrets, privacy, technology in the workplace, piece rate compensation, municipal and state sick leave, local, state and federal minimum wage law, and the Patient Protection and Affordable Care Act.
- Mr. Judge provides pro bono legal work for employers through Public Counsel and is a member of several Orange County industry organizations.



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Agenda

Dealing with Reports of COVID, COVID Symptoms, or Sickness

What do you do when:

- Employee says they are sick
- Employee or member is sick or reports positive COVID19 test
- Employee or member reports they think someone else is sick or has COVID

Sick Employees

What do you do when employee says they are sick:

- Encourage sick employees to stay home
- Send sick employee home immediately
- Symptoms? (cough, fever, difficulty breathing, chills, muscle pain, headache, sore throat, or recent loss of taste of smell)
- Employee should call a healthcare provider and seek medical advice
- Clean the area where the person worked and the tools and equipment they used prior to use by others



Notice to Employees & Members

To all employees and members:

- You should avoid entering Club facilities if you have a cough, fever, or other COVID-19 symptoms.
- You must maintain a minimum six-foot distance from non-family members.
- You must wear face covering at all times on the premises.
- If you sneeze or cough, please do so into your elbow.
- Do not shake hands or engage in any unnecessary physical contact.

Sick or Positive COVID test

What do you do when employee or member is sick or reports positive COVID19 test:

- Gather information:
 - When did symptoms start?
 - Was employee/member exposed to COVID19?
 - With whom did employee come in to close contact (within 6 feet / 10 or more minutes) in the two days prior to first symptoms?



Sick or Positive COVID test

What do you do when employee or member is sick or reports positive COVID19 test:

- Communicate with others:
 - Notice to those exposed
 - Notice to others
 - Maintain confidentiality (no name, no position, no other identifying information)

Sick or Positive COVID test

When can employee / member return?

- Testing-based strategy
- Symptom-based strategy
- Time-based strategy (for those without symptoms)

Sick or Positive COVID test

Symptom-based strategy - Ensure employees / members do not return to work until both of the following occur:

- At least three full days pass with no fever (without the use of fever-reducing medications) and improvement in respiratory symptoms.
- At least ten full days pass since symptoms first appeared.

Sick or Positive COVID test

Testing-based strategy - Ensure employees / members do not return to work until the following occurs:

- Resolution of fever without the use of fever-reducing medications;
- Improvement in respiratory symptoms (e.g., cough, shortness of breath); and
- Negative results of an FDA Emergency Use Authorized COVID-19 molecular assay for detection of SARS-CoV-2 RNA from at least two consecutive respiratory specimens collected at least 24 hours apart (total of two negative specimens)
- A test-based strategy is contingent on the availability of ample testing supplies and laboratory capacity as well as convenient access to testing.

Sick or Positive COVID test

Time-based strategy:

- Positive test but no symptoms
- At least 10 days have passed since the date of their first positive COVID-19 diagnostic test assuming they have not subsequently developed symptoms since their positive test.
- If they develop symptoms, then the symptom-based or test-based strategy should be used.
- Note, because symptoms cannot be used to gauge where these individuals are in the course of their illness, it is possible that the duration of viral shedding could be longer or shorter than 10 days after their first positive test.

Reports about others

What do you do when employee or member reports they think someone else is sick or has COVID:

- Gather information
- Monitor for symptoms / sickness
- Send sick employees home immediately



FFCRA Refresher

- FFCRA Paid Sick Leave (PSL): 6 qualifying reasons
 - (1) Employee subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
 - (2) Employee advised by a health care provider to self-quarantine due to concerns related to COVID-19.
 - (3) Employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
 - (4) Employee caring for individual subject to an order as described in (1) or advised as in (2).
 - (5) Employee unable to work/telework because caring for son/daughter due to school/child care closure.
 - ~~(6) Employee experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.~~
- FFCRA Emergency Family and Medical Leave Act (EFMLA): 1 qualifying reason
 - Employee unable to work/telework because caring for son/daughter due to school/child care closure

Thank You

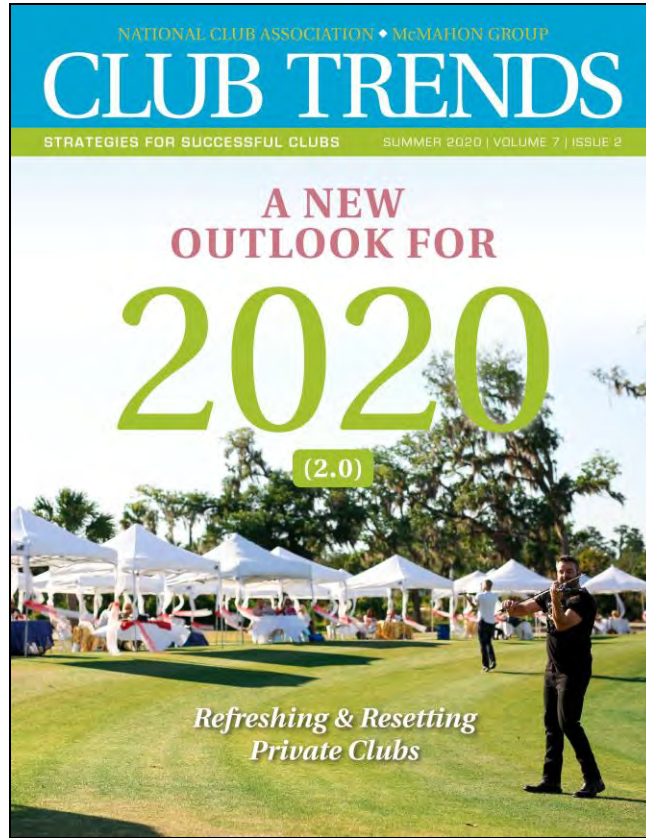
For questions or comments, please contact:

{ Jonathan Judge, Partner }
562-653-3556
jjudge@aalrr.com }

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