

IN THE KNOW

Bulletins for Benefits & HR Professionals

July 15, 2020



Message From Courts to CEOs: Stay In Your Lane

“A CEO who becomes entangled in human resources functions by terminating an employee in a distant locale could expose himself to personal jurisdiction (and personal liability) there, the D.C. Circuit Court of Appeals recently held in *Urquhart-Bradley v. Mobley*, No 19-7716 (D.C. Cir. June 30, 2020). The message to executives is clear: a termination conversation could count as sufficient contacts for purposes of personal jurisdiction, even if the employee being terminated is in another state and even if the conversation itself was via telephone and not in person.” [Full Article](#)

Baker & McKenzie LLP



U.S. Supreme Court Broadens Application of Ministerial Exceptions in Employment Discrimination Lawsuits

“On July 8, 2020, the Supreme Court, in *Our Lady of Guadalupe School v. Morrissey-Berru*, held that the First Amendment bars courts from considering employment discrimination claims brought by teachers against their faith-based employers where their job duties include teaching religion. The Court clarified the application of the ministerial exception delineated in *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*.” [Full Article](#)

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Notice 2020-54 Requires Reporting of Qualified Sick Leave Wages and Qualified Family Leave Wages Under FFCRA

“The Families First Coronavirus Response Act (“FFCRA”) mandates employers of fewer than 500 employees provide two types of paid leave and includes two employer social security tax credits equal to the amount of paid leave that the employer is required to provide to employees related to the COVID-19 pandemic. (See earlier coverage.) Yesterday, in Notice 2020-54, the IRS announced that employers will have to report wages paid for leave mandated under the FFCRA either on Forms W-2 or on a separate statement.” [Full Article](#)

Covington & Burling LLP

DOL Issues Guidance on Eligibility for FFCRA Paid Leave for Summer Camp and Program Closures

“On June 26, 2020, United States Department of Labor (USDOL) Wage and Hour Administrator Cheryl Stanton issued Field Assistance Bulletin No. 2020-4 (FAB 2020-4) regarding the Families First Coronavirus Response Act (FFCRA) and leave eligibility for employees due to the closure of summer camps and programs.” [Full Article](#)

Davis Wright Tremaine LLP



NLRB Overturns Pre-Discipline Bargaining Obligation

“In 2016, the Obama-era National Labor Relations Board (NLRB) took the unprecedented step of requiring, subject to limited exceptions, that an employer provide notice and an opportunity to bargain to a newly certified union before imposing “discretionary” serious discipline, meaning discipline, such as suspension or discharge, which is “not controlled by preexisting, non-discretionary employer policies or practices.” In a welcome decision for employers, the NLRB recently overruled that precedent and restored the previous standard providing that an employer has no duty to bargain before imposing discretionary serious discipline so long as the discipline is materially consistent with the employer’s established policy or practice.” [Full Article](#)

DLA Piper

Question of the Day: Responding to Inappropriate Online Employee Conduct



“An upcoming election, a pandemic and continuing protests provide employees with plenty of controversial topics to discuss. As an employer, you may receive a report that an employee has made racist or other offensive remarks online. In this post, we provide some considerations for how to respond and investigate reports of inappropriate online conduct by employees.” [Full Article](#)

Fredrikson & Byron, P.A.

State & International Compliance

CALIFORNIA

California Fireworks: Sacramento, Santa Rosa, and San Mateo County Enact Emergency Paid Sick Leave Ordinances



“In the span of just over one week, three local governments in Northern California enacted emergency paid sick leave ordinances. The City of Sacramento enacted its ordinance on June 30, 2020, while the City of Santa Rosa and San Mateo County enacted their laws on July 7. Santa Rosa's ordinance took effect immediately, July 7, and San Mateo County's law took effect the following day, July 8.” [Full Article](#)

Littler Mendelson P.C.

CALIFORNIA

Testing California Employees for COVID-19



“In an effort to keep their employees, customers, clients, and others safe, businesses are considering whether to require their employees to submit to testing for COVID-19 or antibodies.” [Full Article](#)

Davis Wright Tremaine LLP

FLORIDA

New Florida Law Shortens Time for Filing Certain Discrimination Claims

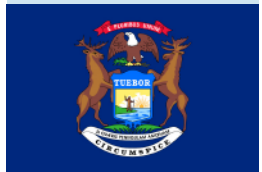


“On June 30, 2020, Florida Governor Ron DeSantis signed into law CS/HB 255 which, among other things, amends the Florida Civil Rights of 1992 (FCRA) to statutorily define the limitations period by which a plaintiff must file a lawsuit alleging a violation of the FCRA in situations where the Florida Commission on Human Relations (FCHR) has failed to issue a determination on a charge of discrimination (Charge) within 180 days of the Charge's filing.” [Full Article](#)

Ford & Harrison LLP

MICHIGAN

Updated Protections for COVID-19 Response Employees: The Differences Between the Prior Emergency Rules and Recent Executive Orders



“There have been nearly 70,000 confirmed or probable COVID-19 cases in Michigan. This figure includes over 6,150 deaths. While other areas of the country are experiencing significant increases in confirmed COVID-19 cases, Michigan appears to have flattened the curve for the time being.” [Full Article](#)

Foster Swift Collins & Smith PC

OHIO

Ohio Extends Unemployment Benefits



“There is good news and bad news when it comes to Ohio's unemployment situation.” [Full Article](#)

Graydon Head & Ritchey LLP