

# IN THE KNOW

Bulletins for Benefits & HR Professionals



August 12, 2020

## EEOC Issues Guidance on Opioid Addiction in Employment

“The U.S. Equal Employment Opportunity Commission (EEOC) issued two technical assistance documents on August 5, 2020, addressing accommodation issues under the Americans with Disabilities Act (ADA) for employees who use opioid medications or may be addicted to opioids.” [Full Article](#)

*Jackson Lewis, P.C.*



## DOL Issues Guidance for Certain Federal Contractors on Paid Sick Leave and Expanded Family and Medical Leave under FFCRA

“On August 3, 2020, the U.S. Department of Labor issued FAQs providing guidance on Families First Coronavirus Response Act (FFCRA) compliance for employers with Federal government service contracts covered by the McNamara-O’Hara Service Contract Act (SCA) and federal construction contracts covered by the Davis-Bacon Act.” [Full Article](#)

*Littler Mendelson P.C.*

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## Can Employers Be Liable for COVID-19 Cases?

“Legal claims based upon possible COVID-19 exposure in the workplace are increasingly being asserted.” [Full Article](#)

*Thompson Coburn LLP*



## Federal Appellate Courts Apply Different Analyses of “Transitory and Minor” Impairments Under the ADA

“The U.S. Court of Appeals for the Fifth Circuit found that an employee’s impairment lasting less than six months was “transitory and minor,” and therefore she was not entitled to the protections of the Americans with Disabilities Act. The Fifth Circuit’s holding, however, is at odds with that of the Third Circuit, which we discussed in the June 2020 E-Update.”

[Full Article](#)

*Shawe Rosenthal LLP*



## EEOC Update: The Commission Resumes Issuance of Charge Closure Documents

“On August 3, 2020, the EEOC announced in a press release that it will resume issuing charge closure documents, or “Notices of Right to Sue.” The Commission had previously suspended issuing closure documents as a result of the COVID-19 pandemic in an effort to help preserve the rights of charging parties and employers.” [Full Article](#)

*Seyfarth Shaw LLP*

## No COVID Extension: VETS-4212 Filing Deadline is September 30, 2020

“Although the 2020 EEO-1 deadline was extended due to the pandemic, contractors and subcontractors who have a current contract covered by the Vietnam Era Veterans’ Readjustment Assistance Act (VEVRAA) or had a contract as of January 1, 2020, must file a VETS-4212 report by September 30, 2020.” [Full Article](#)

*Michael Best & Friedrich LLP*

# State & International Compliance

## MASSACHUSETTS



### Massachusetts Department of Paid Family and Medical Leave Releases Final Regulations

“Following a truncated period of public comment and hearings, the Massachusetts Department of Family and Medical Leave (Department) released the final regulations under the Massachusetts Paid Family and Medical Leave Law (PFML), effective July 24, 2020.” [Full Article](#)

*Little Mendelson P.C.*

## CALIFORNIA



### California Department of Public Health Issues COVID-19 “Employer Playbook”

“On July 24, 2020, the California Department of Public Health (“CDPH”) issued guidance entitled “COVID-19 Employer Playbook For a Safe Reopening.” The CDPH then revised the 32-page Employer Playbook a week later, on July 31st.”

[Full Article](#)

*Sheppard, Mullin, Richter & Hampton LLP*

## NEW YORK



### New York Court Vacates Four Provisions of the FFCRA Final Rule

“Earlier this week a federal court in New York vacated four key provisions of the U.S. DOL’s Final Rule implementing the Families First Coronavirus Response Act.

In April, the State of New York sued the DOL claiming that the DOL had exceeded its statutory authority in a way that denied FFCRA leave to eligible employees. The District Court largely agreed with the state of New York and vacated four provisions of the DOL’s Final Rule.” [Full Article](#)

*Breazeale, Sachse & Wilson, L.L.P.*

## WASHINGTON



### Extended Rights for “High-Risk” Employees in Washington State

“As the COVID-19 pandemic continues, Washington State Governor Jay Inslee has extended and clarified a proclamation granting high-risk employees the right to decline to return to the workplace.” [Full Article](#)

*Foster Garvey P.C.*

## WISCONSIN



### Immediate Action Required for Employers Seeking Relief From Unemployment Insurance Benefits Charged to Their Accounts Due to COVID-19

“The Wisconsin Department of Workforce Development (“DWD”) has announced that employers may qualify for relief from COVID-19-related unemployment insurance (“UI”) benefits that were charged to their accounts between May 17, 2020 to June 30, 2020, but they must act fast due to filing deadlines.” [Full Article](#)

*Quarles & Brady LLP*