

**EMPLOYMENT LAW**

## **Quarantines, Layoffs, Returning to Work: How Employers Leapt the Legal Hurdles of 2020**

By Allen Smith, J.D. | December 16, 2020

During the coronavirus pandemic of 2020, employers struggled with how to respond to the health crisis and economic downturn while remaining in compliance with the law. Among other things, companies sought information about the ins and outs of requiring workers to

self-quarantine, as well as whether and how to implement furloughs, layoffs or pay cuts.

Several significant labor relations developments, including the largest settlement in the National Labor Relations Board's (NLRB's) history, made the news, as well. Here are seven of the most-read *SHRM Online* employment law articles of 2020, with extra resources that employers can use in their workplaces.

## No. 1

**When May Employers Require Workers to Self-Quarantine?** ([www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-self-quarantine.aspx](http://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-self-quarantine.aspx))

Employers could require workers to stay away from the workplace during the maximum incubation period of the virus. As the pandemic spread, employers wondered where to draw the line between employees returning from countries with low-risk assessment levels and those with high travel alert levels.

[*SHRM members-only toolkit: COVID-19 Ready-Resource Tools and Samples* ([www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/covid-19-ready-resource-tools-and-samples.aspx](http://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/covid-19-ready-resource-tools-and-samples.aspx))]

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## No. 2

**Weathering Coronavirus:**

**Furloughs, Layoffs or Pay Cuts?** ([www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-furloughs-layoffs-or-pay-cuts.aspx](http://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-furloughs-layoffs-or-pay-cuts.aspx))

Businesses that saw significant revenue losses due to the coronavirus pandemic had to weigh some stark options: furloughs, reductions in hours and pay cuts, or layoffs. Furloughs often were the best option for those that could afford them. But for some, layoffs were unavoidable.

[*SHRM resource spotlight: Coronavirus and COVID-19* ([www.shrm.org/ResourcesAndTools/Pages/communicable-diseases.aspx](http://www.shrm.org/ResourcesAndTools/Pages/communicable-diseases.aspx))]



# No. 3

## Revise Policies to Facilitate

[Return to Work \(www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-facilitate-return-to-work.aspx\)](http://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-facilitate-return-to-work.aspx)

Before employees started returning to onsite work facilities after the spring lockdowns, employers created or revised policies to address a range of critical workplace issues, including employee relations and benefits. Companies mandated social distancing and set capacity limits on meeting rooms, for example, and some required the checking of employees' temperatures when they arrived each day.

*[HR Magazine article: Profiles of the Pandemic ([www.shrm.org/hr-today/news/hr-magazine/fall2020/pages/how-hr-professionals-made-a-difference-during-the-pandemic.aspx](http://www.shrm.org/hr-today/news/hr-magazine/fall2020/pages/how-hr-professionals-made-a-difference-during-the-pandemic.aspx))]*

# No. 4

## When and How to Pay

[Quarantined Workers \(www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/when-and-how-to-pay-quarantined-workers-during-covid.aspx?\\_ga=2.122556297.328246068.1607944882-648101867.1605205968\)](http://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/when-and-how-to-pay-quarantined-workers-during-covid.aspx?_ga=2.122556297.328246068.1607944882-648101867.1605205968)

If a company requires an employee to quarantine, must it pay that employee for the time? Whether the quarantine is due to close contact with someone who tested positive, or because the employee traveled to a coronavirus hot spot, the answer depends on several factors, including whether the employer is subject to the Families First Coronavirus Response Act.

*[SHRM members-only HR Q&A: How Does the Families First Coronavirus Response Act (H.R. 6201) Impact Employers? ([www.shrm.org/resourcesandtools/tools-and-samples/hr-qa/pages/how-does-the-families-first-coronavirus-response-act-hr-6201-impact-employers.aspx#%3a~%3atext=Covered%20employers%20must%20provide%20full%2cover%20a%20two-week%20period.](http://www.shrm.org/resourcesandtools/tools-and-samples/hr-qa/pages/how-does-the-families-first-coronavirus-response-act-hr-6201-impact-employers.aspx#%3a~%3atext=Covered%20employers%20must%20provide%20full%2cover%20a%20two-week%20period.))]*

# No. 5

## NLRB Gives Employers More Leeway to Fire Workers for Profane Outbursts

[\(\[www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/nlrb-gives-employers-more-leeway-to-fire-workers-for-profane-outbursts.aspx\]\(http://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/nlrb-gives-employers-more-leeway-to-fire-workers-for-profane-outbursts.aspx\)\)](http://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/nlrb-gives-employers-more-leeway-to-fire-workers-for-profane-outbursts.aspx)

The NLRB gave employers more flexibility to discipline or fire employees for abusive conduct when they are engaging in otherwise protected activity under federal labor law.

*[SHRM members-only toolkit: Complying with U.S. Labor Relations Laws in Non-Union Settings ([www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/lawsinnonunionsettings.aspx](http://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/lawsinnonunionsettings.aspx))]*

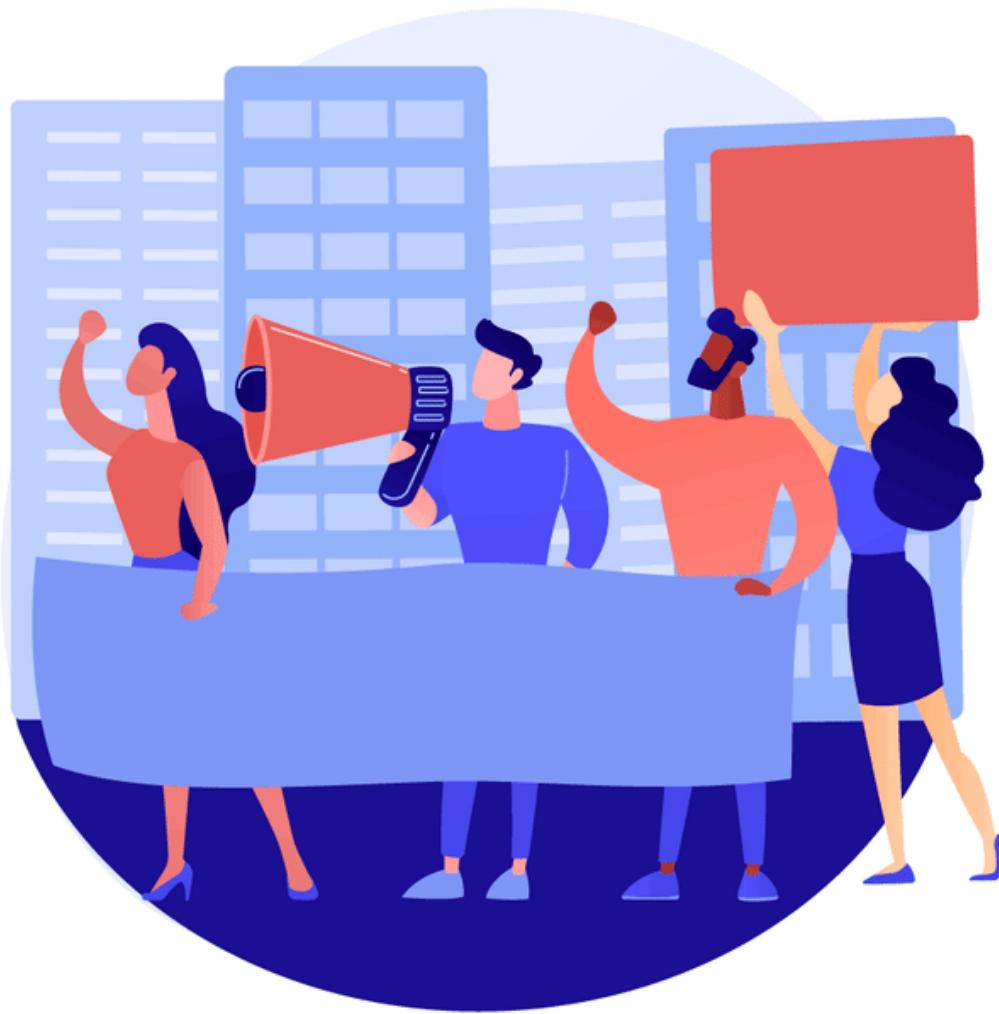
# No. 6

## CNN Joint-Employer Settlement Is Largest in NLRB's History: \$76 Million

[\(\[www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/nlrb-cnn-joint-employer-settlement.aspx\]\(http://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/nlrb-cnn-joint-employer-settlement.aspx\)\)](http://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/nlrb-cnn-joint-employer-settlement.aspx)

CNN reached the largest settlement ever with the NLRB, agreeing to pay \$76 million after the network ended the contracts of unionized camera operators in 2003. The settlement, the biggest in the agency's 84-year history, demonstrates the importance of the definition of "joint employer."

[SHRM members-only toolkit: *Preparing for the Possibility of Union Organizing* ([www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/possibilityofunionorganizing.aspx](http://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/possibilityofunionorganizing.aspx))]



## No. 7

### NLRB Makes Voting

Out Unions Easier ([www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/nlrb-makes-voting-out-unions-easier.aspx?\\_ga=2.123660041.328246068.1607944882-648101867.1605205968](http://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/nlrb-makes-voting-out-unions-easier.aspx?_ga=2.123660041.328246068.1607944882-648101867.1605205968))

The NLRB issued a final rule that will make it easier for unionized workers who are dissatisfied with their unions to vote them out. The final rule “definitely creates more opportunities for decertification efforts by employees,” said attorney David Pryzbylski. Employees, not employers, are the ones who express their dissatisfaction with unions through decertification elections, he explained.

[Need help with legal questions? Check out the new SHRM LegalNetwork ([www.shrm.org/ResourcesAndTools/business-solutions/Pages/LegalNetwork.aspx](http://www.shrm.org/ResourcesAndTools/business-solutions/Pages/LegalNetwork.aspx)).]

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