

February 2021

Changes in Employment Law: What to Expect Under the Biden Administration.



Throughout his campaign, President Biden proclaimed his support for various legislative and regulatory proposals that would have a significant impact on labor and employment law: from pay equality and increases in minimum wage to misclassification and additional anti-

FIRM NEWS

VIRTUAL LUNCH AND LEARN:

7 Essential Qualities of
Forward Thinking
Companies
March 4, 2021 12pm
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LAST WEBINAR:

What Every Employer
Needs to Know?

discrimination protections. We believe that employers should expect new and amended workplace laws and regulations in 2021. Below is a summary of a handful of initiatives that the Biden administration is likely to prioritize.

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HIGHLIGHT:

Marital and Family Law
Review Course

RECENT BLOGS



Alimony and Supportive Relationships

Have you ever questioned if the alimony payments you pay or receive can be terminated or modified based on a supportive relationship? Alimony can be modified if your ex-spouse, the “obligee” is cohabitating or engaged in a supportive relationship with another.

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The 4 Most Common Causes of Business Litigation

When businesses fail to take charge of their legal issues, they open themselves up to lawsuits from other parties. Anything is possible, which is why it's important for you to minimize risk in all aspects of your business.

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Are you considered a



Joint Employer?

Are you considered a Joint Employer under the Fair Labor Standards Act (FLSA)? If you are, you may be joint and severally liable for another employer's employees' wages and overtime.

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Helpful Tips:



Employer Update New CDC COVID-19 Quarantine Recommendations

The CDC released an update to its Clinical Considerations for Use of mRNA COVID-19 Vaccines Currently Authorized in the United States on February 10, 2021. This update by the CDC changes the manner in which fully vaccinated individuals need to respond upon a direct exposure to COVID-19. As such it is important for employers to be aware of this change and take it into consideration when determining how they wish to proceed with the COVID-19 policies they are currently implementing in the workplace.

Up until this CDC update, the same guidance has been implemented for vaccinated and unvaccinated individuals. Now, the CDC recommendations state that individuals that are vaccinated and come into contact with someone suspected or confirmed to have COVID-19 are not required to quarantine if they meet all of the following criteria:

- Are fully vaccinated (meaning have received both vaccine doses and it has been over 14 days since their receipt of the second dose);
- Are within 3 months following receipt of the last dose in the series
- Have remained asymptomatic since the current COVID-19 exposure

Fully vaccinated individuals who do not quarantine after an exposure should still be on the look out for COVID-19 symptoms for 14 days following the exposure. If they experience

symptoms, they should be evaluated and tested for COVID-19 before returning to work.

Individuals who do not meet all of the criteria are still required to follow current quarantine guidance after exposure to someone with suspected or confirmed COVID-19. With this update in mind, employers should consider updating their current COVID-19 workplace policies specifically as it pertains to quarantining procedures. They should be taking into account their employees vaccination status.

As per guidance released on December 16, 2020 by the U.S. Equal Employment Opportunity Commission (EEOC), employers are permitted to ask employees about their COVID-19 vaccination status without triggering any implications of the American Disabilities Act. As per EEOC guidance, asking employees whether they have received the vaccine or not does not constitute a disability-related inquiry because it is not likely to elicit information about a disability suffered by the employee. Employers should keep in mind however, that subsequent questions by the employer such as asking why the employee has chosen not to get vaccinated could reasonably be expected to elicit information about disabilities and thus would in fact be subject to the relevant ADA standard that the question be “job-related and consistent with business necessity”.

It is important to note that the CDC guidance about preventative and protective measures such as “wearing a mask, staying at least 6 feet away from others, avoiding crowds, avoiding poorly ventilated spaces, covering coughs and sneezes, washing hands often, remains the same for vaccinated individuals. Due to the rapidly changing information on COVID-19 and the vaccine, employers should continue to closely track new CDC guidance on COVID-19 safety issues to determine whether changes in their workplace policies and procedures are needed.

Our firm offers in-person and virtual consults if you have any questions or concerns relating to employment law, as well as any corporate, commercial, employment, construction or family law issues, please feel free to call our office at 305-460-0145 or to schedule a consultation.



Last Webinar:

On February 10, 2021 our Managing Partner, Regina Campbell, Esq. conducted the “What Every Employer Needs to Know” webinar. This webinar covered a variety of key employment law subjects crucial for employers to have knowledge about such as:



Highlights:

Our associate attorney, Laura Pereira, Esq., attended this year's virtual Marital and Family Law Review Course. The two-day course was held at the end of January and extensively delved into various family law and marital topics as well as nuances in the law. Some of the topic discussed in the review course

- Necessary forms:
I-9's, W-4's and W-9's;
- Wages and compensation;
- Improper classification of employees;
- Time keeping;
- Employee record keeping;
- Employment agreements and policies;
- Compliance; and
- Mitigation of liability and risks.

If you were not able to tune into the webinar last week, do not worry! You can view the full webinar [here](#).

were:

- Children's issues;
- Enforcement and contempt;
- Marital agreements and child custody agreements;
- Modifications;
- Taxation;
- Appellate procedure'
- Domestic violence;
- Parentage;
- Annulments;
- Cohabitation; and
- Interspousal torts

It was a great opportunity for our associate to gain new knowledge and refresh existing knowledge about family law. We are always striving to keep refining our skills and knowledge for the benefit of our clients.



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