



Dealing with the Coronavirus in Your Landscape or Lawn Care Business

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PANEL OF EXPERTS

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HR & LEGAL Q & A

As a Matter of Current Federal Employment Law, Must Employers Permit Employees to Work From Home As A Result of COVID-19 Diagnosis?

Short Answer: No.

- COVID-19 Diagnosis is Not a Disability Under the ADA
- But, COVID-19 Diagnosis May Exacerbate a Disability, And Require Accommodation
- Disability and Accommodation Process is Always Case by Case

HR & LEGAL Q & A

As A Matter of Current Federal Employment Law, What Should an Employer Consider Prior to Agreeing to Work From Home Arrangements?

- Wage and Hour Concerns
 - Non-Exempt
 - Exempt
- Clear Communications and Not Setting An Entitlement
- Non-Discriminatory Application
- Other Considerations

HR & LEGAL Q & A

As A Matter of Current Federal Employment Law, What Should an Employer Consider Prior to Agreeing to Work From Home Arrangements?

Model Text To Incorporate in Work From Home Arrangements:

“Due to the unusual circumstances in our community caused by COVID-19, we are [assigning/permitting] you to work remotely for a temporary period [at your request and/or on a trial basis]. We are [assigning/permitting] remote work at this time even though some of your job’s usual essential functions may not be able to be completed remotely.”

HR & LEGAL Q & A

As a Matter of Current Federal Employment Law, What Should an Employer Consider If Facing a Downturn?

- Reduction of Hours/Work
 - Non-Exempt
 - Exempt
- WARN Triggers
- Non-Discriminatory Layoff Procedures
- Communication

HR & LEGAL Q & A

What is Going on with the Families First Coronavirus Response Act?

- Current Status Update
- Key Provisions of Both
 - Applies to employers with fewer than 500 employees
 - Effective date of not later than 15 days after enactment
 - Sunset of December 31, 2020

HR & LEGAL Q & A

What is Going on with the Families First Coronavirus Response Act?

- Emergency Family and Medical Leave Expansion Act
 - Only for employees unable to work or telework due to need to care for child under 18 years old due to child care provider or school closure related to the COVID-19 health emergency.
 - Employees are eligible if they've been on payroll for 30 days; no hours worked requirement.
 - 12 week entitlement.
 - First 10 days of leave are unpaid (but likely to be covered by Emergency Paid Sick Leave Act).
 - Subsequent days are 2/3 the employee's regular rate of pay for the number of hours the employee would have normally been scheduled to work, up to a cap of \$200 per day and \$10,000 in the aggregate.
 - Secretary of Labor may issue regulations to exempt business of fewer than 50 employees if providing leave "would jeopardize the viability of the business as a going concern."
 - Employers of fewer than 50 employees in a 75 mile radius cannot be subject to civil suit.

HR & LEGAL Q & A

What is Going on with the Families First Coronavirus Response Act?

- Emergency Paid Sick Leave Act
 - Paid Sick Leave must be provided to employees unable to work due to:
 - federal, state, local quarantine or isolation order related to COVID-19
 - health care provider has told employee to self-quarantine related to COVID-19
 - employee has symptoms of COVID-19 and is seeking a medical diagnosis
 - employee is caring for an individual subject to a quarantine or isolation order or who has been told by a health care provider to self-quarantine
 - employee is caring for child under 18 years old due to child care provider or school closure related to the COVID-19 health emergency
 - employee experiencing substantially similar conditions as specified by Secretary of HHS, in consultation with Secretaries of Labor and Treasury.
- Full time employees entitled to 80 hours of paid leave
- Part time employees entitled to the number of hours they work, on average, over a two week period.
- No carryover
- Employer may not require an employee to use any existing paid time off (vacation, sick, etc.) policy in place of this one or prior to this one.

Questions?



Sam Steel, Ed.D.
NALP Safety Advisor

COVID-19 PROTECTIVE MEASURES

PI – Pharmaceutical Intervention

Unfortunately, there are no current pharmaceutical cures for COVID-19.

NPI - Non-Pharmaceutical Intervention - Employees

- Stay home when not feeling well.
- Wash hands more often than normal with warm water and hand soap.
- Use hand sanitizer gels or wipes when and where available.
- Wear clean, and properly stored “personal” protective equipment (PPE).

COVID-19 PROTECTIVE MEASURES

NPI - Non-Pharmaceutical Intervention – PPE for Employees

❖ DO NOT

- Share PPE such as nuisance masks or respirators
- Use a nuisance mask that is dirty or contaminated
- Use a respirator that has not been fit-tested to the wearer
- Use a respirator that has been stored in a potentially dirty environment
- Use a respirator that is not intended for the assigned work activity

COVID-19 PROTECTIVE MEASURES

NPI - Non-Pharmaceutical Intervention – PPE for Employees

❖ DO

- Clean respirators with warm water and dish detergent after each use
- Discard nuisance masks that are dirty, damaged, or contaminated
- Keep masks and respirators in sealed containers clearly indicating user
- Use a respirator that is designed and engineered for your work activity
- Wash hands and exposed skin before leaving work at the end of the day

COVID-19 PROTECTIVE MEASURES

NPI - Non-Pharmaceutical Intervention – Employers

❖ DO

- Prepare and communicate safe respiratory program policies and procedures
- Designate a company contact responsible for respiratory programs
- Provide an adequate inventory of respiratory protection devices
- Provide hand soap, single-use towels, and sanitizers in work locations
- Conduct and document frequent respiratory training for all staff
- Develop and implement less risky crew transportation methods

COVID-19 PROTECTIVE MEASURES

NPI - Non-Pharmaceutical Intervention – Employers

❖ WORKING WITH THE 6-FOOT SPACE AND SANITATION RECOMMENDATIONS

- Limit occupants in “crew cab” vehicles
- Keep hard surfaces in vehicles sanitized frequently
- Suggest employee commuting to worksite as an option
- Provide hand soap, single-use towels and sanitizers in work locations
- Encourage frequent hand washing/sanitizing, especially before meals
- Provide liquid refreshment often with single-use drinking vessels

Questions?



Drew Garcia, RMSS

Vice President, Landscape Group
Rancho Mesa Insurance Services, Inc.
NALP Safety & Risk Management
Committee Chair

Questions?



Andrew Bray Esq.
NALP VP of Government Affairs

GOVERNMENT AFFAIRS UPDATE

- What to do if your state or locality orders a lockdown or shutdown
- H2B Update

Questions?



Paul Fraynd

CEO, Partner

Sun Valley Landscaping

SUN VALLEY LANDSCAPING COMMUNICATION PLAN

- Internal safety precautions we are implementing
- Communication to clients
- Expectations for sales and budget changes due to the rapidly changing situation
- Adherence to government regulations and also the new bills coming out and how these may affect us
- Some hope – in the power of our great industry and the power of the great outdoors
- Our role as leaders in this

Questions?

RESOURCES

[NALP Letter on Lockdown/Shutdown](#)

[NALP Coronavirus Web Page](#)

[Facebook Landscape and Lawn Care Coronavirus Discussion Group](#)

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