

COVID-19 Legal Update #4

Emergency Employment Preparedness: New Labor and Employment Laws for Charter Schools in Response to COVID-19

As the ongoing Coronavirus (“COVID-19”) pandemic continues to impact students, staff, and schools alike, multiple state and federal laws have been adopted to protect employees and normal business functions. Charter school employers should be aware of the following major changes and take necessary steps to ensure compliance.

New Paid Sick Leave & New Paid FMLA Leave

On March 18, 2020, President Trump signed the *Families First Coronavirus Response Act* into law as an emergency measure to protect employees during the COVID-19 pandemic. This legislation requires charter schools with fewer than 500 employees to provide employees with emergency paid sick leave and expands the Family and Medical Leave Act (“FMLA”) to provide a paid leave of absence to eligible employees for purposes of childcare. Charter schools must be familiar with this new emergency federal legislation and its interactions with existing policies and state law requirements **before the new law goes into effect on April 2, 2020**. Charter schools should contact legal counsel for assistance in complying with these new federal employment requirements.

Employee Compensation During School Closure

On March 17, 2020, Governor Newsom signed Senate Bill 117 (“SB 117”) into law, with new and far-reaching implications for charter school employers who close due to COVID-19. The bill states that it is the intent of the Legislature that employees and contractors continue to be paid “as reasonably anticipated” as if the school was not required to close. Due to the complexity of factors involved, charter schools are encouraged to seek legal assistance in determining their obligations with respect to employee and contractor compensation, as well as related changes in job duties or staffing levels during closures due to COVID-19.

Transitioning Employees to a Remote Work Environment

Charter schools making the difficult transition to operating remotely face new hurdles, such as a host of legal issues related to updating working conditions for remote work, tracking employee pay and staffing, compliance with workers’ compensation law in a remote environment, as well as hiring and discipline during a closure.

Charter schools should ensure they have legally compliant plans and policies in place as soon as possible to facilitate an effective transition to remote work requirements.

Should you have any questions about this Legal Alert, please contact any member of our Labor and Employment team for more information at 916-646-1400. You can also view past Legal Alerts here <http://mycharterlaw.com/legal-alerts/>.

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