Question—What happens if an employee refuses to return to work in fear of getting COVID-19?

Answer provided by Brian Casaceli, Employment Law Attorney, Mirick O’Connell

Brian discussed five common scenarios employers may face with employees who do not want to return to work because of COVID-19, and offered suggestions as to each. In addition, Brian also touched on some of the challenges employers may face this fall when schools attempt to reopen. Brian also noted that employers are well-advised to seek counsel if they are unsure of a particular course of action and/or want a second set of eyes to review a planned approach to address an employee issue resulting from COVID-19.

Five common scenarios employers face with employees who do not want to return to work because of COVID-19:

- **Employee feels that the workplace is unsafe.** Employers must comply with all state and local guidelines to ensure safe reopening.

- **Employee has been diagnosed with an anxiety disorder.** The employer should engage in the accommodation process to help the employee perform the essential duties of their job (if possible)

- **Employee has an underlying diagnosed health condition; such as asthma, cancer, immune issues.** Employers should try and accommodate the employee with telework options if the essential duties of the job can be performed under those conditions.

- **Employee has an elderly family member.** Employer is not legally obligated to make accommodations under this scenario, however it is encouraged for both to find a solution.

- Employers should also review the Families First Coronavirus Response Act* for leave options for employees.

*The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The Department of Labor’s (Department) Wage and Hour Division (WHD) administers and enforces the new law’s paid leave requirements. These provisions will apply from the effective date through December 31, 2020.

Question—When can I reopen?

Answer provided by Sam Wong, Health Director, City of Framingham
As reopening happens in phases, employers are questioning the timing and guidelines for specific businesses and industries. The first place to visit is the state website: https://www.mass.gov/info-details/reopening-massachusetts. Each phase and step are outlined on the website. Employers are encouraged to reach out to local public health officials for any clarification.

**Question-What are the guidelines for restaurants for outdoor dining?**

Answer provided by Kevin Shea, Planning & Community Development Director, City of Framingham

First the employer should check with Framingham licensing office on how operate and what requirements your establishment must implement to open safely. Continue to check on any changes or updates, particularly with offering alcohol and zoning requirements.

Kevin also mentioned that the City of Framingham was continuing to offer the Small Business Emergency Grant Program and the Emergency Housing Program. Applications for both programs are available and can provide assistance to small businesses and families in need of assistance with rent and utilities. Criteria for housing assistance is job loss due to COVID 19. $300,000 has been approved under the Cares Act to continue to provide these programs.

**Question-What is the status of the PPP loan?**

Answer provided by Bruce Miccile, Senior Vice President, Middlesex Savings Bank

Businesses can continue apply for the PPP Loan until August 6, 2020. (Check with your bank to see if they are accepting applications)

PPP loan extension from 8 to 24 weeks. Employers are encouraged to evaluate staffing levels over that period to accurately calculate full time employees to maximize loan forgiveness. A percentage of the loan must be used for overhead. Continue to check with your banking institution for updates on this program.

**Question-How will the ending of the extra $600 affect those on unemployment?**

In some instances, there may not be a job to return to. Hospitality and restaurant industries have been hardest hit and those employees are the most vulnerable. Making connections and providing information on assistance will be important to help those in need. The Chamber will continue to provide support to members with free marketing/eblasts/social media and make connects to those who are looking to hire and those looking to find vendors.