

Employer Considerations for 2021: COVID-19, Vaccines, & What's to Come – Part II

Presented by RISQ Consulting, with Featured Guests
Birch Horton Bittner & Cherot Attorneys
March 16, 2021



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[RISQ Review](#)[COVID-19 Resources](#)

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This webinar will be recorded and posted
online here:

risqconsulting.com/covid-19-resources

Panelist Introductions



RISQ Consulting Panelists



Joshua Weinstein, DIA
Senior Employee Benefits Consultant
RISQ Consulting



Dena Lythgoe
Senior Account Executive
RISQ Consulting

Jennifer Alexander

Partner

Birch Horton Bittner & Cherot

- Practice emphasizes union and non-union employers in all areas of labor and employment law.
- Experience representing employers before the Alaska Superior Court, U.S. District Court for the District of Alaska, National Labor Relations Board, EEO Commission, Equal Rights Commission, Department of Labor, and in labor and employment arbitrations.
- Ms. Alexander was selected for inclusion in Chambers USA, America's Leading Business Lawyers in 2009 and is on the Board of Directors for the Alaska Center for the Performing Arts.

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David Gross

Partner

Birch Horton Bittner & Cherot

- BHBC's lead attorney in the personal injury section, representing both defendants and plaintiffs
- Experienced in pre-suit dispute resolution, litigation, and trial and appellate procedure.
- His clients include individuals, local corporations, insurance companies, and international corporations.
- Mr. Gross is honored to be a National Trial Lawyer's Top 100, and in his personal time enjoys spending time with his children and playing poker

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Roundtable Discussion

Panelist discussion to answer the most commonly received questions from clients, in addition to questions audience members submitted during the registration process.

“
*In what ways has COVID-19 impacted
the future for employers, in terms of
Employee Benefits and all areas of
Employer Liability?*
”

Round Table Discussion - Question #1



“ *What suggestions could you offer employers who have been primarily remote for the duration of the pandemic to ensure safe and successful return to work?* ”

Round Table Discussion - Question #2



“
*What resources can you recommend
for information when I have questions
about vaccines, or other COVID-19
concerns?*
”

Round Table Discussion - Question #3



Audience Submitted Questions



Audience Submitted Questions: COVID-19

- *Do we know if the State of Alaska is working on anything that would help reduce COVID-19 liability for businesses?*
- *We have a 100% mask requirement now. How to transition away from that? Will ADA accommodations need to change?*
- *Are there any types of disability, as it relates to COVID, that an employee could ask for as an accommodation?*



Audience Submitted Questions: COVID-19

- *Since we are a remote, wilderness lodge, if an employee gets sick, do we assume it is COVID and arrange for an air charter to pick them up from the lodge and take them to Anchorage for testing?*
 - *Who pays for the round trip air charter, testing, hotel & meals while in Anchorage? Just the airfare is \$2,600.*
 - *Do we still have to pay their wages while they are not working?*



Audience Submitted Questions: COVID-19

- *What's a company's responsibility to obtain offsite housing and expenses of an employee who contracts COVID-19 while living on employer property?*
- *How much control do employers have over off-work behavior?*
 - *Specifically if employers are publicly reckless and put colleagues / customers at risk by potentially bringing COVID into the workplace?*



Audience Questions: COVID-19 Liability

- *Can employers be liable if employees knowingly violate company COVID-19 guidelines, then get COVID-19?*
- *Does OSHA require employees to wear masks?*
- *If my company incentivizes employees to get the vaccine, then the employee gets sick from the vaccine, is the recovery time compensable?*



Audience Questions: COVID Vaccines & Paid Leave Policies

- *Can employees use FFCRA leave if they need time off after a vaccine?*
- *If an employee gets sick from the shot, would the employer be **required** to pay for lost time?*
- *What kind of leave support can we put in place for employees who do get the vaccine but need to take the following day(s) off the next day because of strong reactions?*



Audience Questions: Requiring COVID-19 Vaccines

- *How to handle objections to vaccinations (both religious beliefs and otherwise)?*
- *What best practices do you see emerging to accommodate employees who do not want to get the vaccine, assuming no religious / medical exception?*



Audience Questions: Requiring COVID-19 Vaccines

- *When/if/how should organizations collect vaccine records from employees?*
- *Can we require independent contractors to be vaccinated?*



Audience Questions: Requiring COVID-19 Vaccines

- *Can you require new hires to show proof of vaccination?*
- *Should employer-owners get vaccinated if they require employees to get vaccinated?*
- *Can an employer set a policy to require non-vaccinated employees to get a COVID-19 test if they travel? But if employees have been vaccinated, they don't need to test?*



Audience Questions: Return to Work

- *What are the risks to employers if you require staff to return to the office once a vaccine is widely available to all demographics?*
- *Will we have liability issues if an employee or client contracts COVID at our facility? (This question is from an employer in the hotel/lodging industry)*



Audience Questions: Return to Work

- *Can an employer make a policy that requires employee to quarantine if sick, but that employees must use earned leave time or leave without pay for that time?*
- *Are you seeing employers make internal policy changes based on employees requesting things like flexible work arrangements once businesses open back up?*

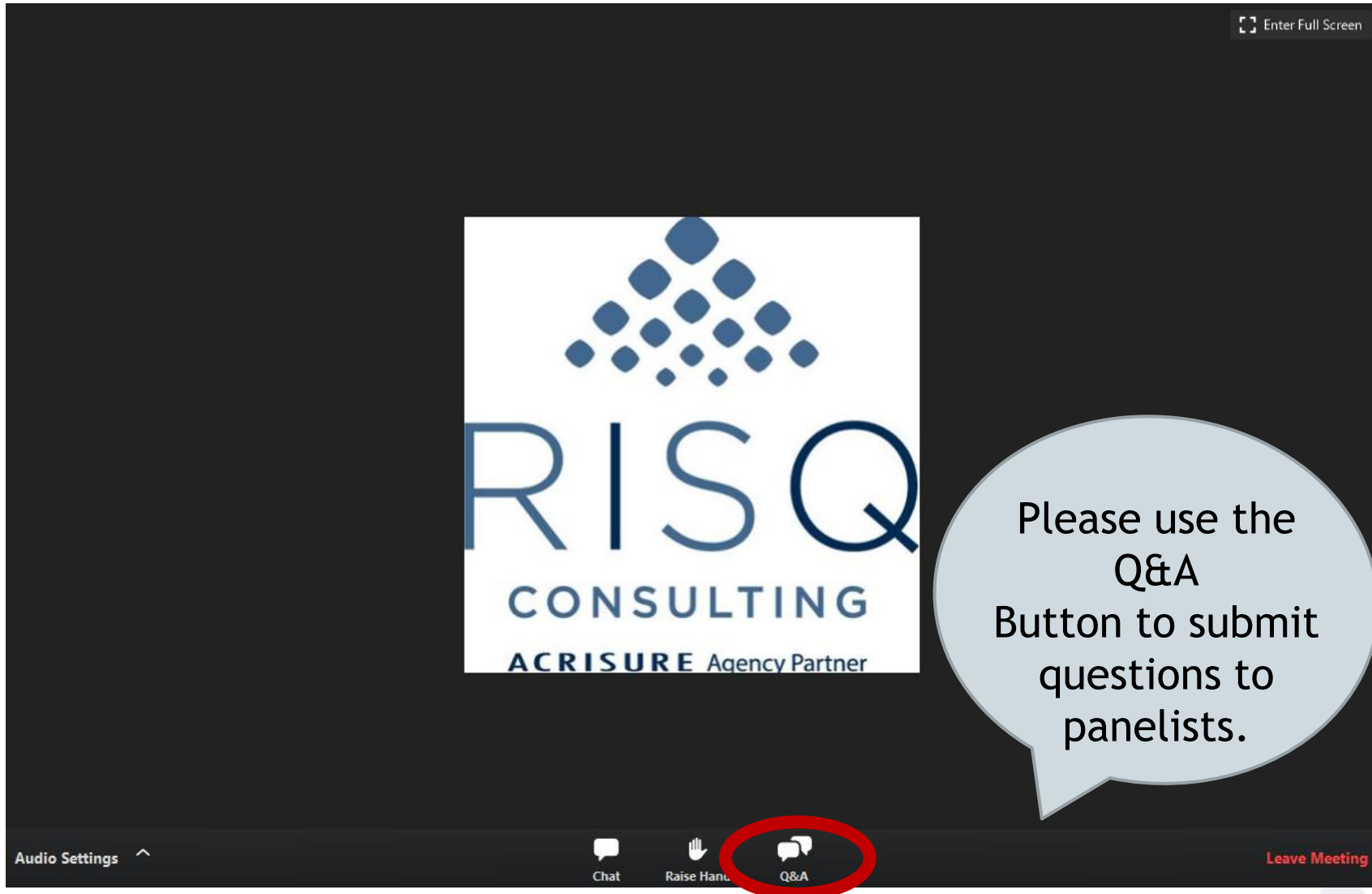


Audience Questions: Return to Work

- *Do employers have flexibility to alter company travel rules at this time?*
- *The State of Alaska recommends fully vaccinated individuals will not need to socially distance after returning from travel, while awaiting COVID -19 test results. If we include this in our company policy, will we need to have employees provide documentation of whether they have been fully vaccinated or not?*
 - *Does this present legal issues with requiring documentation or should we take the employee's word for being fully vaccinated.*
 - *Also, if we include exemptions for fully vaccinated employees could we then be unintentionally discriminating?*



Live Q&A



The screenshot shows a Zoom meeting interface. In the center, there is a logo for RISQ CONSULTING, with the text "ACRISURE Agency Partner" below it. The logo consists of a blue pyramid shape made of dots above the word "RISQ" in a large, blue, sans-serif font, followed by "CONSULTING" in a smaller, blue, sans-serif font. To the right of the logo, a light blue speech bubble contains the text: "Please use the Q&A Button to submit questions to panelists." At the bottom of the screen, there is a dark grey toolbar. From left to right, it contains: "Audio Settings" with an upward arrow, a "Chat" icon (speech bubble), a "Raise Hand" icon (hand), a "Q&A" icon (two speech bubbles) which is circled in red, and a "Leave Meeting" button in red text. In the top right corner of the meeting area, there is a small button that says "Enter Full Screen".

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Chat Raise Hand Q&A Leave Meeting



Thank you for attending today! Please reach out to info@risqconsulting.com with any additional questions.

Additional Resources

- <http://dhss.alaska.gov/dph/epi/id/pages/COVID-19/vaccine.aspx>
- <https://anchoragecovidvaccine.org/>
- <https://www.cdc.gov/vaccines/covid-19/index.html>
- <http://dhss.alaska.gov/dph/Epi/id/Pages/COVID-19/VaccineAvailability.aspx#now>



Resources for Rules and Recommendations

Managing the Workplace in 2021

- [Center of Disease Control \(CDC\) Guidance](#)
- [Equal Employment Opportunity Commission \(EEOC\) Guidance](#)
- [OSHA Standards and related information for Worker Exposure to Covid-19](#)
- [Alaska Workers Compensation Issues](#)
- [Vaccination Policies](#)
- [Refusal to Return to Work Issues](#)



Resources for Rules and Recommendations

Update on Governing COVID-Related Order

- [Travel Mandates and Testing](#)
- [Gathering Restrictions and Mask Mandates \(State\)](#)
 - Check municipal websites for local mandates
- [Federal Paid Leave Obligations](#)



Resources for Rules and Recommendations

Additional Links

- [State of Alaska Health Mandates](#)
- [Municipality of Anchorage Emergency Orders](#)
- [U.S. Equal Employment Opportunity Commission, Americans with Disabilities Act and Rehabilitation Act Guidance](#)
- [Centers for Disease Control Guidance for Businesses](#)
- [Response Act FAQs](#)
- [U.S. Department of Treasury Paycheck Protection Program FAQs](#)

