

*This article presents general guidelines for Georgia nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.*

### **COVID-19 Employment Law Update** **December 2020**

The purpose of this update is to provide nonprofit employers with information about the expiration of the Families First Coronavirus Response Act (sick and family leave), the implications for the organization of employees working from a state other than the one where their employer is located, and the most recent CDC guidance on self-quarantine after a potential exposure to COVID-19.

#### **FFCRA Leave Rights Expire on December 31, 2020**

The Families First Coronavirus Response Act and its leave mandates expire on December 31, 2020, unless Congress acts to extend it prior to that date. Please see this [article](#) for information about the implications of the expiration of this law for employers.

#### **Beware of Employees Working Out of State**

With the increase in work from home due to COVID-19, one issue that has arisen is requests from employees to work from a second home or other location outside the state where their nonprofit employer is located. Please be aware that, if an employee works in another state, the employer may take on significant obligations to comply with the laws of that state. Employers will have to comply with business, employment and tax requirements in the employee's state of residence. Among other obligations, the organization may be required to:

- Register to do business in that state (such as by acquiring a business license);
- Pay payroll taxes in the state where work is being performed; and
- Comply with other employment law obligations, including but not limited to employment discrimination and leave laws applicable in the state, and unemployment or workers' compensation insurance requirements that differ from the state where the organization is located.

Please contact your PBPA attorney if you have questions about employees working in other states or requesting to do so.

#### **Updated CDC Guidance on Quarantining**

Since March of 2020, the Centers for Disease Control ("CDC") has recommended a 14-day self-quarantine for individuals exposed to COVID-19. The CDC [updated its guidance](#) on December 2, 2020 to provide additional options that employers may choose to use for reducing the quarantine period after an individual has had close contact with someone with COVID-19. Close contact includes:

- Being within 6 feet of someone who has COVID-19 for a total of 15 minutes or more
- Providing care at home to someone who is sick with COVID-19

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- Direct physical contact with the person (hugged or kissed them)
- Sharing eating or drinking utensils
- Exposure to respiratory droplets, such as through coughing or sneezing

While the CDC still endorses 14 days as an optimal length for quarantine, the new guidance provides two “acceptable alternatives” to discontinue quarantine earlier:

- After day 10 without testing as long as there are no symptoms within the quarantine period.
- After day 7 if the individual obtained a negative diagnostic COVID-19 test result within 48 hours of day 7, and the individual did not report symptoms during the 7-day period.

Even if these alternative quarantine periods are used, the CDC still requires that:

- Potentially exposed individuals must not have exhibited COVID-19 symptoms during the shortened quarantine period.
- Potentially exposed individuals continue to monitor themselves for symptoms for the remainder of the 14-day self-quarantine period.
- Potentially exposed individuals strictly adhere to mitigation strategies after exiting self-quarantine – e.g., mask use, social distancing, avoiding crowds, etc.

Individuals who have had COVID-19 within the past three months do not need to self-quarantine again

These new CDC-approved options may reduce the burden placed on employees and employers by lengthy periods of quarantine in some circumstances. However, despite the availability of these options, employers may choose to continue to require employees to quarantine for 14 days after an exposure.

Employers should also continue to follow any state or local requirements. Please be aware that an [Executive Order](#) was issued in Georgia on December 8, 2020 on Empowering A Healthy Georgia that outlines safety measures to be taken in Georgia, including teleworking, mask recommendations, restrictions on the size of gatherings, and other specific rules and procedures to mitigate the exposure and spread of COVID-19 for nonprofits and other businesses.

Contact your PBPA attorney if you have any questions about the subjects addressed in this update.