The Impact of the ODH Travel Advisory on Counties

Presented by:
Marc A. Fishel
Fishel Downey Albrecht & Riepenhoff LLP (FDAR) is a mid-sized Columbus, Ohio, based law firm with a statewide practice. FDAR represents hundreds of clients, with facilities in nearly three-fourths of Ohio’s 88 counties, as well as out-of-state and international clients with an Ohio presence.
Roadmap

- ODH Travel Advisory
- County Response
- Vacation Leave Requests
- Reasons to Deny Leave
- Reasons to Grant Leave
- 14-Day Self-Quarantine
- FFCRA Leave
- Other Issues
- School/Child Care Leave
Ohio Department of Health Travel Advisory

• Issued on July 22, 2020
• Not an order
• Applies to states with positivity rate of 15% or more
• Updated every Wednesday
Ohio Department of Health Travel Advisory

• What to do during Self-Quarantine
  • Stay at home- Except for medical care
  • Monitor symptoms
  • Separate from others in the home
  • Don’t have visitors
  • Don’t use public transportation
How Should Counties Respond

• No specific requirements for employers

• Appointing Authorities don’t have to take any action
  • Consider rights/duties towards:
    ➢ Employees who want to travel
    ➢ Co-workers
Considering Vacation Leave Requests

Employers can request more information such as:

1. Whether the employee intends to travel out of state.
2. If so, the destination City and State and any planned stops.
3. The method of travel (Airplane, car, etc.).
4. Protection methods used while traveling.
5. Places staying while out of state (Hotels, AirBnB, private home, etc.)
6. Other relevant factors indicating the type of contact the employee may have with others during the out of state travel.
Denying Vacation Leave

• Based on operational needs
• Review on a case by case basis
• Check collective bargaining agreement
Granting Vacation Leave with Conditions

1. Remote work if available and practical;
2. A 14-day quarantine period;
3. A negative COVID-19 test meeting current medical best practices;
4. Modified work hours to minimize contact with other employees and the public;
5. Modified work location to create workplace social distancing;
6. A combination of 1-5.
Requiring 14-Day Self-Quarantine

- Administrative Leave with Pay
- Vacation Leave/Compensatory Time
- Sick Leave

Check Collective Bargaining Agreement
FFCRA Leave

Emergency paid sick leave

• The employee is subject to a federal, state, or local quarantine or isolation order related to the pandemic

• The employee has been advised by a health care provider to self-quarantine due to the pandemic

• The employee is experiencing symptoms of Covid-19 and is seeking a medical diagnosis
Other Issues

- Family Medical Leave Act
- Collective Bargaining
School/Child Care Leave

• An employee, who has worked at least 30 days for an employer with less than 500 employees, or any government employer, will have the right to take up to 2 weeks of emergency sick leave for any of the following reasons:

1. To care for an individual subject to quarantine for COVID-19;
2. To care for a child under 18 years old due the unavailability of school or child care for COVID-19 reasons; or
3. For similar conditions as determined by various federal agencies.

• Note- The FFCRA refers to individuals in no. 1 above- Not to family members.
School/Child Care Leave

• An employee, who has worked at least 30 days for an employer with less than 500 employees, or any government employer, will have the right to take up to 10 weeks of FMLA leave after exhausting the first 2 weeks of FFCRA sick leave if the employee is unable to work (or telework) due to the unavailability of school or child care for children under 18 years old.

• Employees are entitled to pay at two-thirds their regular rate of pay or two-thirds of minimum wage whichever is greater.
Thank You!

IF YOU HAVE ANY QUESTIONS, PLEASE ASK!

Marc A.Fishel
7775 Walton Parkway, Suite 200
New Albany, Ohio 43054

PH: 614-221-1216
mfishel@fisheldowney.com
www.fisheldowney.com