

Sneak Peek: Legal Issues to Consider When Re-Opening Your Business

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Federal and state relief programs are in full swing, Wisconsin just published its phased [Badger Bounce Back plan](#), and employers are eager to re-open or expand existing operations. However, with the [Safer at Home Order](#) in effect until May 26, 2020, employers must wait another month to resume non-essential operations. Employers should use this time to plan for the safe return of workers and prepare themselves for the employment-related issues they will face throughout 2020.

Godfrey & Kahn's Labor, Employment & Immigration attorneys will publish a series of content focused on these issues. Here are some of the topics you can expect to learn about in the coming weeks:

WORKPLACE COVID-19 SAFETY PREPAREDNESS PLANS AND PROTOCOLS

The Occupational Safety and Health Administration (OSHA) recently announced that it has issued an [Interim Enforcement Response Plan](#) to guide field offices dealing with coronavirus-related workplace safety incidents. This serves as a good reminder to all employers that as employees return to work, they will need to be ready to address 2019 novel coronavirus (COVID-19) safety concerns and comply with applicable guidance from federal, state and local authorities.

COMMUNICATION WITH EMPLOYEES THE CDC DEEMS HIGH RISK

Employers should be prepared to address return to work concerns expressed by employees who have been identified by the U.S. Centers for Disease Control and Prevention (CDC) or local Safer at Home orders as high risk. **Questions we'll evaluate in future post(s) include:**

- Can or should employers inquire of an underlying medical condition?
- Is there an obligation to allow these employees to stay at home as a reasonable accommodation?
- What leave is available for employees subject to on-going quarantine or isolation orders?

PROTECTED LEAVE CHALLENGES

While any relief the state or federal governments can provide to our nation's employees and

employers is welcomed, extended leave benefits for employees in these unprecedented times can be challenging. **Questions we'll explore in future post(s) include:**

- Can employers ask employees returning to work if they need leave under the [Families First Coronavirus Relief Act \(FFCRA\)](#)?
- What if your employees refuse to report to work?
- How do you administer traditional FMLA in conjunction with FFCRA leave?

WAGE AND HOUR CONSIDERATIONS

In the early weeks of the COVID-19 public health emergency, employers implemented a variety of cost-saving measures that will need to be reconciled when operations resume. **Topics we'll address in future post(s) include:**

- Bringing part-time workers back to a full-time schedule
- Reconciling outstanding debts for employees' insurance premiums
- Updating telework and remote work arrangements

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