



## || Coronavirus Pandemic/Crisis Support Task Force

The spread of Coronavirus (COVID-19) is causing nations, states, businesses, organizations, and municipalities to quickly implement operational continuity plans which in turn are raising issues that have not had to be previously addressed.

Foster Swift has established a Coronavirus Pandemic/Crisis Support Task Force prepared to help clients promptly address issues, comply with the law, mitigate risk and focus on keeping our clients, staff and communities healthy and safe.

Many of these are legal questions relating to contracts, continuity of operations (including employment questions) and compliance with laws and executive orders. The nature of the situation can be overwhelming. We can assist you with evaluating your situation and identifying and implementing the best, most legally compliant course of action for your organization, given the present circumstances.

Below we've summarized some matters we have already assisted our clients with regarding the Coronavirus:

- **Assisted client regarding contracts and continuity of operations** – Our attorneys are experienced in helping clients prepare disaster and pandemic plans as well as emergency preparedness. In contract review situations, we have analyzed and advised on potential breaches of contract and force majeure/Act of God defenses. Most recently, we assisted a large convention center to determine the impact of the coronavirus pandemic on its agreements with clients, vendors, and other third parties.

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### ATTORNEYS

#### Shareholder

Matthew S. Fedor

Laura J. Genovich

- **Cyber Security** – as many of our clients prepare to accommodate working remotely, we have reviewed remote access systems and policies to address and minimize cybersecurity risks. As organizations consider this, it is important to remember that applicable laws, regulations, and contractual requirements that mandate data protection and confidentiality do not become inapplicable in a national health crisis. An employer that is working quickly to start or ramp up remote work capabilities should confirm that their remote work system adequately protects against relevant cybersecurity risks and complies with relevant rules and best practices. Now is a good time for employers to remind employees to remain vigilant of phishing and related schemes designed to permit unauthorized access to cybercriminals.
- **Employment** - Employers have many factors to consider regarding the current pandemic. Foster Swift's attorneys can assist you in the evaluation of your specific circumstances relative to COVID-19 and the all-important communication of information to employees. Some of the key areas to cover include: employment issues, company employment policies including attendance and travel, and benefit issues relating to leaves of absence to name a few.
- **Family Law** – At time of publishing, different courts, including Friend of the Court, are following different practices. We have helped clients address specific issues such as if a minor child's court-ordered visit with a father at his convalescent home is now unable to do so because of facility lock-down.
- **Governmental and Regulatory Compliance** - Foster Swift attorneys have assisted clients with implementing coronavirus guidance from the Centers for Disease Control (CDC), The Centers for Medicare & Medicaid Services (CMS), and the Michigan Department of Health and Human Services (MDHHS). This includes recent CMS guidance for nursing homes and hospices.
- **Health Care** – Our health care attorneys have assisted health care facilities and providers in developing and implementing disaster plans and emergency preparedness plans. This included assisting health care facilities with development of policies related to visitor policies; admission policies; infection control policies, isolation and contact policies. Facilities need to be implementing and revising these policies per guidance from governmental authorities. We can assist with regulatory compliance and revising of these policies in light of the ever-changing situation with this virus. As social distancing is key we are experienced in the array of legal issues relating to telemedicine.
- **HIPAA** – Compliance is a key concern of our clients when it comes to HIPAA. We regularly advise clients and review HIPAA authorizations and release of medical records as well as counseling health care facilities regarding potential HIPAA violations and whether they are reportable. With the trend to work remotely, this will become more complicated.
- **Immigration** - Employers with workers in the U.S. on employment-based visas, especially H-1B beneficiaries, should consult with immigration counsel prior to relocating such workers or permitting them to work from home. There are visa category specific restrictions and planning issues to consider whenever a worker might work off-site.

- **Municipalities & Other Public Entities** - Coronavirus concerns and related restrictions have created unique legal issues for public bodies, such as whether (and how) to close or restrict access to public buildings while still ensuring that local government business is timely accomplished. The Open Meetings Act (OMA) remains applicable even in a state of emergency, so municipalities may seek guidance on remote meeting attendance, requirements for rescheduling meetings, and other tips to avoid large gatherings while still complying with the OMA. Public employers must also address the issues that are arising as more employees stay home due to sickness or to care for children while schools are closed.

Foster Swift's lawyers are ready to help with these urgent and novel questions related to the coronavirus. If you have questions, we encourage you to contact your Foster Swift attorney or one of our coronavirus coordinators as listed below:

- Mid-Michigan - John Mashni | 517.371.8257 | [jmashni@fosterswift.com](mailto:jmashni@fosterswift.com)
- Southeast Michigan - Matthew Fedor | 248.785.4734 | [mfedor@fosterswift.com](mailto:mfedor@fosterswift.com)
- West & Northern Michigan - Laura Genovich | 616.726.2238 | [lgenovich@fosterswift.com](mailto:lgenovich@fosterswift.com)

## **PUBLICATIONS & ALERTS**

Fifth Circuit Court Blocks Vaccine Mandate for Employers, *Labor & Employment Law E-blast*, November 15, 2021

An Eye on the Future of COVID and the Workplace, *Foster Swift Labor & Employment Law News E-blast*, March 25, 2021

American Rescue Plan Act Provides Federal Funding for Michigan Local Governments, *Foster Swift Municipal Law News E-blast*, March 23, 2021

In Crisis Lies Opportunity: Growth Through M&A During COVID-19, *MiBiz*, October 26, 2020

Governor Whitmer Signs Extension of Unemployment Benefits into Law and Other COVID-19-Related Legislation, *Foster Swift Labor & Employment Law News E-blast*, October 23, 2020

How Do Recent Michigan Supreme Court and MDHHS Orders Regarding COVID-19 Impact Employers?, *Foster Swift Legal Update E-blast*, October 6, 2020

Michigan Supreme Court Upends Governor Whitmer's Authority to Issue Executive Orders, *Foster Swift Eblast & Coronavirus Resource Page*, October 2, 2020

Executive Order: Revised Requirement for Businesses and Other Organizations, *Foster Swift Legal Update E-blast*, July 19, 2020

Applying for a Michigan Small Business Grant, *Foster Swift Legal Update E-blast*, July 15, 2020

Whitmer Enacts Mandatory Mask Executive Order, *Foster Swift Legal Update E-blast*, July 10, 2020

Libraries may reopen on June 8, 2020, *Foster Swift Library Law News E-blast*, June 1, 2020

Frequently Asked Questions by Public Libraries During COVID-19, *Foster Swift Library Law News E-blast*, April 28, 2020

A Guide to the Paycheck Protection Program: Eligibility, Application, and Loan Forgiveness Modeling, *Foster Swift Legal Update E-blast*, April 21, 2020



Update to the Families First Coronavirus Response Act, *Foster Swift Legal Update E-blast*, March 20, 2020

COVID-19 Legal Issues for Employers, March 17, 2020

Families First Corona Virus Response Act –Division E–Emergency Paid Sick Leave Act, March 17, 2020

How does the Coronavirus Impact your Contracts?, *Foster Swift Legal Update E-blast*, March 17, 2020

Michigan Employers-FAQs on Coronavirus and Your Employees, *Foster Swift Labor & Employment Law News E-blast*, March 16, 2020

## **NEWS**

Elder Law Month: Estate Planning Still Important to Seniors in Wake of COVID, *Global Newswire*, May 4, 2022

Legal Resources for Seniors Key Benefit to Elder Law Month, *Automation Alley*, May 3, 2021

Impact of COVID on Michigan’s Workers’ Comp Law, *Foster Swift Employer Services E-blast*, April 6, 2021

Virtual Event: Minimizing Cybersecurity Risks for Remote Working, *Foster Swift Business & Tax Law News*, December 1, 2020

SBA Will Issue Questionnaires to Borrowers of \$2 Million or More in PPP Loans, *Foster Swift Legal Update E-blast*, October 30, 2020

Workers’ Comp Defense Blog Provides Michigan Case and Legislative Updates, April 13, 2020

Minimizing Legal Impact of Coronavirus for your Organization, *Foster Swift Legal Update E-blast*, March 17, 2020

## **EVENTS**

What Can Employers Expect Returning to Work?, *Foster Swift 2nd Wednesday Morning Break*, June 9, 2021

Impact of COVID on Michigan's Workers' Compensation Law, *Foster Swift 2nd Wednesday Morning Break*, April 14, 2021

Unpacking MIOSHA Guidelines, *MICPA*, March 25, 2021

Legal Considerations for Getting Businesses Back on Track, *mConnexions: Expert Connexions*, March 15, 2021

COVID Stimulus Options for Businesses, *Foster Swift*, February 10, 2021

Round 2: Recent Changes to the Payroll Protection Program, *Foster Swift*, January 26, 2021

What Happens If MIOSHA Shows Up?, *Foster Swift*, January 13, 2021

Risk Management, Compliance and Agribusinesses, *Michigan Agri-Business Association (MABA): Virtual Winter Conference*, January 12, 2021

Minimizing Cybersecurity Risks for Remote Working, *Foster Swift*, December 10, 2020

The Current Status of COVID Orders in Michigan, *Foster Swift*, November 11, 2020

Employer Guidance for a Lawful and Safe Re-Opening, *Foster Swift*, May 27, 2020

The PPP Loan Forgiveness Form is Out: Next Steps to Ensure Forgiveness for your PPP Loan, *Foster Swift*, May 21, 2020



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Coronavirus Impact on Michigan Workers' Compensation, *RIMS Detroit Chapter*, April 16, 2020

Your Legal Guide Through COVID-19 Information, *Michigan Business Network*, April 1, 2020

Minimizing Legal Impact Of COVID-19, *Michigan Business Network*, March 24, 2020