

Staying compliant

How to keep up with evolving COVID-related regulations and mandates

INTERVIEWED BY SUE OSTROWSKI

Running a business presents a multitude of challenges, but the pandemic has added another layer of complexity as leaders struggle to stay compliant with ever-evolving laws and regulations regarding COVID-19.

“The biggest issues now facing employers are COVID-related — and not just operations and physical safety but complying with a host of local, state and federal laws and regulations,” says Molly Meacham, co-chair, Litigation Group, at Babst Calland. “Strategic planning is more important than ever, and you need to have a good grasp on the issues that may impact your business and be prepared to deal with them.”

Smart Business spoke with Meacham about issues impacting employers and the steps they can take to ensure compliance.

HOW CAN EMPLOYERS ENSURE COMPLIANCE WITH LOCAL, STATE AND FEDERAL REGULATIONS?

It can be a significant burden to monitor COVID-related local, state and federal government actions and court decisions. Employers have always had significant regulatory burdens, but they previously had more lead time to plan for compliance and implementation. COVID requires businesses to adapt, act quickly and be flexible. Unfortunately, COVID-related compliance can be expensive, with new laws requiring employers to provide items like additional paid leave, job-protected unpaid leave and regular COVID testing.

Understanding the current legal challenges and evaluating how they impact your business is key. And it's not just local activity. COVID issues are developing quickly on the national stage. For example, a federal court in Georgia issued a stay effective across the country regarding the executive order

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WEBSITE: For more information about COVID-related local, state and federal laws and regulations, contact Molly.

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requiring federal contractor employees to be vaccinated. Another court stayed the OSHA vaccinate-or-test requirement for companies with more than 100 employees, and yet another stayed the federal requirement for certain health care workers to be vaccinated. If those stays are lifted, impacted employers need to be ready to comply.

WHAT STEPS SHOULD A BUSINESS TAKE TO BE PREPARED AS THINGS CHANGE?

It is risky to stand by until the court cases are decided, as that could leave you with a very short timeline for implementation of any necessary changes. Put policies and procedures in place in the background, which is typically possible at a reasonable cost, to prepare for the possibility of implementation. If you haven't gone through that strategic planning and mandates are reinstated, it may be difficult to adjust on an abbreviated timeline, and your operations may be negatively impacted.

Put the building blocks in place so you understand the absolute minimum necessary for compliance. Your workplace policies may need to be adjusted, and you may need to source materials like COVID tests. A “wait-and-see” approach can be more expensive when you have to locate resources in a limited timeframe.

These issues don't just impact in-person workforces. Many employers that went to a

remote workforce during the pandemic are considering when, how and to what extent to resume in-person work. And employers accustomed to a Pittsburgh-based workforce may now have employees physically working in other locations and need to comply with employment laws in multiple states with different requirements.

HOW CAN AN EXPERT ADVISER HELP BUSINESSES PREPARE AND STAY IN COMPLIANCE?

Regularly check in with your advisers to make sure you understand the current state of COVID-related laws and regulations, how they impact your business and how different potential outcomes may impact your big picture. An attorney current on these issues will generally have a grasp of the overall landscape, so it is a worthwhile investment to have that issue-spotting conversation that will help you to know where your business stands.

These issues have the potential to significantly impact your organization. An informed adviser can help you navigate gray areas, maintain operations and minimize legal risk. You don't have to implement your strategic plan regarding unresolved legal and regulatory issues, but engaging in the strategic planning process is critical so you are prepared to implement operational changes on short notice in response to future court decisions or government actions. ●