



TULSA WORLD

COVID-19 could prove to be legal tightrope for employers, lawyers warn

- [By Rhett Morgan Tulsa World](#) May 17, 2020

As offices and factories begin to reopen under the cloud of COVID-19, employers face a litany of challenges to protect workers from the virus and their companies from potential litigation.

“There are a myriad of issues that could arise because we are in somewhat uncharted territory,” said attorney Randall J. Snapp, who specializes in labor and employment for Crowe & Dunlevy, a law firm in Tulsa. “What we’re trying to figure out here is trying to reopen and keep everybody safe.”

That phased process could include a number of changes, including staggered work schedules, a reconfigured layout, COVID-19 testing, employee health monitoring and a recommendation for face masks.

The Occupational Safety and Health Administration and the Centers for Disease Control and Prevention are among the federal agencies that have issued guidelines for employers. Companies also may look to pen their own policies, Snapp said.

“It’s going to have to be a comprehensive, well-thought-out approach,” he said. “The other aspect of it is that it’s going to differ to some extent at every single work site. ‘Can you maintain social distancing? Do you have contact with the general public? Are you in a high-risk environment?’ ”

OSHA’s rules vary depending on the risk level of the environment, Snapp said.

“There are different rules, for example, for hospitals and first-responders than there are for an insurance office,” he said. “Each employer is going to have to modify and tailor their policy to what their specific circumstances are.”

One Tulsa company already is involved in litigation related to COVID-19.

In a lawsuit filed this spring in Tulsa County District Court, [a woman is seeking a refund of the money she paid in advance for her daughter's wedding, which was booked at the Mayo Hotel](#) but which she canceled because of the pandemic.

“There are a lot of things that are going to have to be played out in courts, because you can't interpret everything,” Snapp said. “We're getting better and better guidance as this goes along. But a lot of it is being created on the fly.”

Chris Thrutchley is an attorney with GableGotwals, another Tulsa law firm.

“Employers want to do the right thing and make sure they're doing everything they can to reasonably protect the health and safety of their workers while they try to also ensure the survivability of their organizations,” he said. “It can be a tough tightrope to walk.”

The maze of regulations can be particularly difficult for multistate employers and smaller companies, which have fewer resources.

“The vast majority of employers that don't have a sophisticated human resources department or in-house legal, they are already strapped for cash as it is,” Thrutchley said. “They have to be careful how they use their PPP (federal Paycheck Protection Program) money.

“They can't go out and get lawyers to help (them) navigate this legal landmine. They are just doing their best to get up and running and hopefully not step on anything legally that's going to blow up on them.”

It is important for companies to stay current with evolving expectations, he said.

“It's easy in the situation we're in with high anxiety and a number of issues for people to become divided,” Thrutchley said. “With the clients I'm dealing with, they are very concerned about wanting to do right by everybody and wanting to minimize the spread. But they know if they want to keep their people, the business has to run and money has to come in.”

https://www.tulsaworld.com/business/covid-19-could-prove-to-be-legal-tightrope-for-employers-lawyers-warn/article_0d73067f-d81f-5a5d-92eb-ea9c3f5a3f65.html#1