

# EMPLOYMENT & LABOR LAW



## When Work-Life Balance Is a Circus, Be the Ringmaster

by Kathi Guiney GPHR, SPHR, SCP, President YES! Your Human Resources Solution.

Just like that, life became a juggling act on a burning tightrope over an alligator pit in a space with poor lighting! We manage work, school, home, and social life, all in one seemingly shrinking space. Work hours are here, there, everywhere—and so are the kids! How can we master this work-life balancing act?

- **Prioritize.** Work-life balance doesn't mean equal hours in all things; it means allocating enough time and attention to meet your needs. Set goals to complete the most critical tasks for your personal and professional well-being. Forgive yourself if you don't finish your daily to-do list—it's a win to know what day of the week it is!
- **Say no when you need to.** Set boundaries. Is it worth working extra hours if you'll miss your child's bedtime story? If it isn't, learn to graciously decline the requests that don't support your goals, or overall health.

• **Pursue your passion.** Whether it's piano, pickleball, or playtime with your kids, plan it into your weekly schedule. You'll feel refreshed and able to tackle work with renewed energy.

• **The Company balance challenge.** Your work-life balance won't get far if your company doesn't know what you need to be your best. Talk to your manager. Being a strong performer is an important baseline, and if you are reasonable in your ask, you may find a perfect schedule.

Balance in the craziest of times? **YES!** But be intentional with time and use it where it matters most. Life won't be a circus forever! But you may want to practice the tightrope act and bring some food for the alligators just in case.



## FRAGOMEN

### Multiple U.S. Travel Bans Impact Foreign National Visa Holders

Countries around the world have closed their borders or imposed travel restrictions due to the COVID-19 pandemic. While U.S. Citizens and green card holders are largely not impacted by any U.S.-imposed travel restrictions, foreign national workers have multiple issues to consider for inbound U.S. travel. Visa holders who are abroad or are traveling abroad need to consider the following circumstances to determine whether they will be able to return to the U.S., or potentially be stuck overseas:



• **Consular Closure:** U.S. Consulates, which issue work visas, have largely suspended routine visa services during the pandemic. This means foreign national workers may not be able to obtain the required visa stamp from a Consulate to enter the United States. On July 13, 2020, the U.S. State Department confirmed that Consulates will begin a phased resumption of routine visa services but did not provide specifics on which posts would be reopening, or when.

• **COVID-19 (health) related travel bans:** As of the publishing of this article, the U.S. has banned many foreign national travelers who have been present in one of the following areas within the last 14 days: UK, Ireland, China, Iran, Brazil, and the Schengen Area (most of Europe). Thus, many of those present in these regions, or even transiting through, are banned from entering the U.S. There are some exemptions to these bans and waivers can be obtained in circumstances including national interest exemptions and for some COVID-related health workers.

• **H/L Visa Admission Ban:** A June 22, 2020 Presidential Proclamation banned the admission of workers outside of the United States who require new H-1B or L-1 visa stamps, through the end of 2020. H-1B and L-1 visas are two of the most common professional work visas, so this ban prohibits these professional from returning to the US until the new year if they require a new visa stamp. Exemptions can be obtained in some circumstances, including for COVID-19 related working professionals.

For any international traveler with questions about possible entry bans to their destination country, I highly recommend reviewing our dedicated travel resource – search for “Fragomen COVID” on the internet to find a link to the regularly updated document.

Blake Miller is a partner with Fragomen's Irvine office. Fragomen, with 50 offices and 4,200 employees worldwide, is the leading business immigration law firm in the world. Blake can be contacted at [bmiller@fragomen.com](mailto:bmiller@fragomen.com).





## A Guide to Reopening Your Business During COVID-19

### A Guide to Reopening Your Business During COVID-19

As shelter-in-place orders start to be lifted, you're probably thinking about reopening your business and wondering how to adapt to the new normal in the time of COVID-19. Take a look at some of the key considerations and challenges you may face as you reopen your business during this (hopefully short) period when COVID-19 still poses a public health threat.

#### Assessing What You Need to Reopen

Your operational needs may have changed significantly since the COVID-19 crisis began. Many businesses have experienced a severe cut to their revenue streams, while others have had to deal with disruptions in their supply chains. As you prepare to reopen, take a moment to assess what you need to make that happen.

You may need to seek outside funding to make up for the drop in revenue. See if you're eligible for help from the Paycheck Protection Program (this program expires in early August, but could be extended once again) or an SBA disaster assistance loan. The resources below may lead you to other sources of financial aid.

As you arrange for any bridge financing you need, think about your employees. If you had to furlough any of your staff, consider whether to bring back a few key crew members on a full-time basis or the entire staff on a part-time basis. (And consider what part-time employment might mean to employees currently receiving unemployment.)

Next up are your customers. During normal times, you'd think about how your business can provide solutions for customer needs — and now is no different. However, what your customers need (and what they can afford) may have changed temporarily. You may need to update or reposition your offerings to meet the current needs of your clientele. The faster you can innovate, the more likely you are to retain your customer base.

Ultimately, your reopening depends on several factors, many of which are out of your control. These include your finances (including your capital on hand), the restrictions and potential liabilities of your physical space, the relevance of your products and services during the pandemic, the health of your supply chain, and the restrictions imposed by your state, county, and city.

#### The Importance of Communication

Maintaining transparency and open communication is key to a successful reopening. Your employees, your vendors, and especially your customers need to know what they can expect as you commence your reopening. Take these steps to keep the lines of communication fully open:

- Keep your employees fully up to speed on your reopening plans, with special attention to any new procedures, scheduling changes, and safety measures you'll be undertaking.
- Give employees opportunities to ask any and all questions, and make sure to research the answers you don't already know.
- Review contracts with your vendors and ensure whether they'll be able to hold up their end of things.
- Reach out to customers via every possible channel, including your website, social media platforms, email blasts, and advertising.
- Create an FAQ for customers that addresses any concerns they might have, including about your company's health and safety protocols.

#### Your Business's Health and Safety Plan for Reopening

A key part of your reopening plan must involve establishing procedures and protocols for health and safety within your physical location. You shouldn't ask employees to return or open your door to customers without having these protocols in place.

Begin by becoming familiar with the regulations governing your own state, county, and city. If your business has multiple locations, you may be subjected to different sets of regulations. Be aware of the social distancing regulations, any mask or other personal protective equipment (PPE) requirements, and the guidelines that your industry is adhering to.

You may have had no reason in the past to pay attention to certain hygiene practices within your business, other than posting a "Wash your hands" sign in restrooms. During COVID-19, however, you'll need to establish cleaning and sanitation procedures for your customer spaces, your break room and office spaces, your warehouse spaces, and your restrooms. You may also need to stock up on products such as hand sanitizer for use by customers and employees alike.

Social distancing requirements will be a breeze to implement in some workplaces and seemingly impossible to make work in others (such as movie theaters, for instance).

Consider establishing physical barriers between employees and customers, shut down all communal spaces, and establish new physical layouts that keep 6 feet of distance between employees. Staggering work shifts and limiting numbers of employees at work at any given time can also be helpful.

You'll also need to develop a plan for monitoring employee health. Now is the time to encourage all employees to stay home if they show any symptoms of illness. To make that possible, you may need to revamp your sick leave policy. Generous paid sick leave is often required to keep employees from coming in when they're sick.

#### What If an Employee Tests Positive for COVID-19?

Since part of your reopening plan involves monitoring employee health, you should be aware right away if one of your employees tests positive for COVID-19. Be prepared to send any employee with symptoms home immediately (including providing transportation if necessary) — or send them straight to a health care provider if appropriate.

You should also close off any area where that employee has been working. Wait 24 hours (or as long as feasible) to actually clean that area, to protect other employees from exposure to respiratory droplets. Do anything you can to increase air circulation (including opening windows and doors) in the meantime. Clean and disinfect all surfaces that the employee may have touched (including any products for sale), while wearing PPE.

You should also inform all other employees of their possible exposure. Ask them to work from home if possible, and to self-quarantine for 14 days. While you're taking these steps, be mindful of employee privacy. Your ill employee should be safe to return to work after 10 days, including three days with no fever, and after cessation of all symptoms.

#### Resources to Help As You Move Forward

Plenty of resources are available to help guide your reopening. These are good places to start:

- The U.S. Chamber of Commerce offers guidelines ([uschamber.com/reopening-business](https://uschamber.com/reopening-business)) to reopening.
- The Centers for Disease Control (CDC) has put forward its own guidelines to help businesses assess their readiness for reopening ([cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html](https://cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html)) and maintaining a healthy work environment.
- The state of California has gathered all its COVID-related guidelines and resources for businesses in one place ([covid19.ca.gov/business-and-employers/#top](https://covid19.ca.gov/business-and-employers/#top)).
- Orange County offers a COVID-19 ([coronavirus.egovoc.com](https://coronavirus.egovoc.com)) hotline and a medical hotline, as well as access to an up-to-date list of locations for COVID-19 testing centers ([testing.coronavirus.egovoc.com/covid-19-testing](https://testing.coronavirus.egovoc.com/covid-19-testing)).
- OSHA provides guidelines for physical preparation of workplaces prior to reopening ([osha.gov/Publications/OSHA3990.pdf](https://osha.gov/Publications/OSHA3990.pdf)).

Remember that these guidelines are subject to change, and that the government may impose stricter regulations in various areas as hotspots of the virus continue to flare up and put people at risk. By focusing on the safety and well-being of your customers and employees, you can retain your customers' loyalty and start to prepare for the return to normal, which is just around the corner.

As you approach your reopening, turn to Marquee Staffing for peace of mind. We offer return-to-work clearances for your employees to take that chore off your desk. We'll arrange televisits with medical personnel who can arrange for COVID-19 testing when needed through our partnerships with local clinics. Call us today to see how we can support you as we move forward together through this pandemic.

#### Claudia Perez, Sr. Vice President of Operations

As the Sr. Vice President of Operations, Claudia oversees day-to-day strategic operations, including spearheading marketing projects, employee training and development programs for Marquee Staffing's contingent workforce. In partnership with our clients, Claudia is working to ensure a "Safe Return to Work" program is in place while keeping our clients and candidates safety in mind. Partner with Marquee Staffing to learn more about "Safe Return to Work" programs and staffing services.

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## PROJECT ACTIVATE

### Do You Feel Tired and Frustrated with Your Current Career?

Project Activate provides individuals with expert insights and best practices to achieve ultimate job satisfaction and career success. As the CEO and Co-founder of a leading global executive search firm, I have helped thousands of people find career happiness and I am excited to announce the launch of The Dream Job Program on Aug. 3, 2020. Using proven methodologies from my over 20 years of search experience, this program guides professionals looking to pivot their career and land the role of their dreams.

#### The Dream Job Program

Created for the professional who is ready to pursue career happiness, this 4-week program offers:

- Video lessons and exercises hosted by career coaches and mindset experts. These videos were designed to help you discover your true purpose, develop your personal brand, execute your action plan, and ace your interviews for your dream job.

- Weekly calls with a dedicated coach who will guide you through the program, assign you weekly action items, and hold you accountable.

- Access to our community of dream job seekers, a strong support system as you go through this journey.

#### Companies are still hiring. Now, more than ever, is the time to take action.

Over half of Americans are unhappy at their current job. Now is the time to invest in yourself and your future. Register for The Dream Job Program and get one step closer to landing the role of your dreams and living a purposeful life.

#### The Dream Job Program

**September 2020**

**Learn more and register at [projectactivate.net](http://projectactivate.net)**

Go to [projectactivate.net/ocbj](http://projectactivate.net/ocbj) and use code OCBJ to get a special discount. The program has limited seats – take action now!

#### About Rod McDermott

*CEO + Founder, Project Activate*

*CEO + Co-Founder, McDermott + Bull Executive Search*

Rod has been an entrepreneur for over 20 years, growing companies from the ground up and challenging industry norms. His ultimate goal is to meaningfully contribute to the greater good, which is showcased through his passion for hard work, fostering relationships, and conceptualizing solutions for professional development.



## PROFILES OF WOMEN IN LAW 2020

The Orange County Business Journal will debut its inaugural "Profiles of Women in Law" in the August 31, 2020 edition.

This annual edition will highlight the expertise and diverse talent that make up the Orange County Legal Community. From the board room to the courtroom, women lawyers are making great strides to advance their careers, practices and profiles.

We encourage firms to recognize their women lawyers, and sole practitioners to submit their entry in this exciting roundup of exceptional talent. We'll alphabetically list some of the best in this edition, highlighting their careers, practices and recent accomplishments.

To be featured in this June 1 edition, you'll have three options to choose from:

#### Option 1 Package:

- 1 Profile with 200 words & photo
- Quarter color page ad 4.875 x 6.5"H

#### Option 2 Package:

- Up to 3 profiles each with 200 words & photo
- Half color page ad 10 x 6.5"H

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- Up to 6 profiles each with 200 words & Photo
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ISSUE DATE: AUGUST 31, 2020

PROFILE DEADLINE: AUGUST 19, 2020

ARTWORK DEADLINE: AUGUST 24, 2020

FOR RESERVATION AND INFORMATION, PLEASE CONTACT CAROL FOX AT [FOX@OCBJ.COM](mailto:FOX@OCBJ.COM), 949-664-5062 (DIRECT) / 949-486-9664 (CELL)

