



"Do not withhold good from those to whom it is due, when it is in your power to act."

Proverbs 3:27

## Greetings from Joanna Salinas

And then the Blue Angels flew over the Fletcher Farley offices to honor the great work we do representing clients across the State of Texas....well, not exactly. More accurately: And then the Blue Angels happened to fly past our Dallas office in the process of honoring COVID-19 First Responders, resulting in a great photo op (thanks Jeff Rasansky!). A reminder that, while I am confident that Fletcher Farley is doing a great job representing the essential and not-so-essential businesses that have made this State thrive, there is a lot of other vital work going on across this nation that we can all be grateful for. While the path forward may not be straight or clear, I am confident that with everyone doing their part to control the spread of COVID-19 and to keep everything else moving in a measured way, we will get past this. And so, Fletcher Farley will continue to do its part representing a lot of fine parties, just as all of you continue to do the same. We thank the Blue Angels for honoring Fletcher Farley (sort of) and for reminding us to thank everyone out there who is doing their part. Stay safe and healthy!



## Deal or No Deal: Strategies and Tactics for Settlement Negotiations in a Virtual World

Austin office Managing Partner [Joanna Salinas](#) joins a panel discussion addressing the impact that the coronavirus pandemic has on companies trying to resolve claims and conflict while limited face-to-face contact is the new normal. This discussion will cover a variety of methods in settlement negotiations, different strategies to achieve favorable outcomes and the unique challenges to virtual negotiations.

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## Behind the Scenes

Alexis Fuller, a paralegal on Team Shipman, makes working from home look effortless.

# Expanded Employment Protections Under the Families First Coronavirus Response Act

## Jeff Smith

As we continue to work from our home offices with our new co-workers (mine include my beautiful wife, three energetic children, three rambunctious dogs, and a lizard), we hope you have found some light in the midst of this uncertainty. As much as I have enjoyed the opportunity to spend more time with family while working from home, I, like I suspect many of you, am ready to return to a sense of normal and am hopeful it will come soon. As governments begin to consider easing shelter-in-place restrictions, it is important that businesses are mindful of legislation passed as a result of COVID-19 to help protect employees.



To help ease concerns for those affected by COVID-19, Congress passed the Families First Coronavirus Response Act (the "Act"), which was signed into law on March 18, 2020. The Act took effect April 1, 2020 and is effective through December 31, 2020. Amongst other things, the Act expands Family and Medical Leave Act ("FMLA") protections by providing paid sick leave to employees impacted by COVID-19. The Act applies to private employers with fewer than 500 employees, although employers with fewer than fifty (50) employees may apply for an exemption from some of the leave requirements if it would create a hardship.

Covered employers must first provide up to two weeks of Emergency Paid Sick Leave at the employee's regular rate of pay (the maximum required pay is \$511.00 per day or \$5,110.00 cumulative) if the employee is (a) unable to work due to being quarantined by order of the federal, state, or local government or the advice of a doctor, or (b) experiencing COVID-19 symptoms and seeking a diagnosis. If the employee is unable to work due to the need for care for a quarantined individual or child whose school or child care provider is closed or unavailable due to COVID-19, the employer must provide up to two weeks of Emergency Paid Sick Leave at two-thirds the employee's regular rate of pay (the maximum required pay is \$200.00 per day). Unlike the FMLA, the eligible employee is not required to exhaust other paid vacation, paid sick leave, or paid personal leave before taking Emergency Paid Sick Leave; rather, Emergency Paid Sick Leave is an additional benefit provided to employees.

Covered employers must also provide Emergency Family Medical Leave to employees who cannot work or



[Lane Farley](#) and [Fred Arias](#) deliver meals to Presbyterian Hospital.

We were honored to help Compelling Light with providing meals to those fighting on the front lines of COVID-19 by delivering meals to Presbyterian Hospital. We were also happy to ask the deli in our Dallas office building to provide meals. They are our friends so we were extra excited to help out our local, small business. Thank you to all those essential workers!

## Behind the Scenes



[Jonathan Hernon](#) is working hard from home! As the country begins to re-open, we hope to see you in person soon. In the meantime, we are here to help through other channels. We hope you and your families stay healthy.



telework due to the need for care for a child whose school or childcare provider is closed or unavailable due to COVID-19. Covered employers shall provide employees who have been employed for at least thirty (30) days up to twelve (12) weeks of expanded FMLA leave at two-thirds the employee's regular rate of pay (the maximum required pay is \$200.00 per day or \$10,000.00 cumulative). While the first ten (10) days of Emergency Family Medical Leave may be unpaid, the employer must allow the employee to use accrued paid leave. Employees who have already exhausted FMLA leave during the last twelve months are not eligible for Emergency Family Medical Leave, though they may still be eligible for the two weeks of Emergency Paid Sick Leave.

To account for the impact on employers, the Act provides a tax credit to covered employers required to provide leave to employees under the Act. Covered employers will be reimbursed in the form of a dollar-for-dollar tax credit for wages paid under the Act.

As with most legislation, the Act is not necessarily clear in all of the requirements for leave and the potential exceptions for employers, which could cause confusion and abuse by both employers and employees. Should you have any questions or need any assistance navigating the potential impact of the Act or COVID-19, we are here to assist and thankful for the ability to continue to serve and meet your needs.

## Conflicts Resolved

### Fletcher Farley Obtains Summary Judgment in Premises Liability Case

[Kristi Kautz](#) was successful in obtaining summary judgment and dismissal of plaintiff's claims in a premises liability case concerning a slip and fall at the entrance of our client's grocery store. The plaintiff argued that our client created a large puddle of water by washing the sidewalk outside the entrance with a pressure washer and failing to prevent water from entering the store. Plaintiff further argued that our client had failed to properly place floormats at the store entrance and that the floormat was displaced. Kristi successfully argued that the Plaintiff observed not only the alleged dangerous condition-the puddle of water and misplaced floormats- but also admitted that she observed the pressure washing creating the condition. Kristi further argued that the Plaintiff produced no evidence that our client was the one washing the sidewalks in the large strip center where our store was located or that our client had actual knowledge that water from this pressure washing had entered the store before Plaintiff's fall. As Plaintiff was required to prove that our client knew or had reason to know of the



Jonathan's assistant, SJ, is very helpful and always willing to lend a paw.

## NEW DATE

THE  
**TEXAS  
LAW★UPDATE**  
2020

A new date has been set for our Annual Texas Law Update! Please save the date for Friday, September 11th, 2020 at the DoubleTree by Hilton at Campbell Centre in Dallas.

More info coming soon!

Subscribe to our  
Newsletter!

If you want more information or have questions, please contact:

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alleged defective condition and failed to produce such proof, the 162<sup>nd</sup> District Court in Dallas County granted the summary judgment and a complete dismissal for our client.



**Fletcher Farley Shipman & Salinas LLP**

[fletcherfarley.com](http://fletcherfarley.com)

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