

Open for Business? Navigating COVID-19's Impact on Reopening Businesses and Returning Employees to the Workplace

Presented by: **Gary Clark**, Partner, Chicago Office
Kelly Davis, Partner, Naples Office
Chris Nickels, Partner, Milwaukee Office

May 6, 2020



Presenters



Gary Clark, Partner
gary.clark@quarles.com
(312) 715-5040



Kelly Davis, Partner
kelly.davis@quarles.com
(239) 659-5066



Chris Nickels, Partner
chris.nickels@quarles.com
(414) 277-5519



Agenda

- **Considerations for Reopening and Workforce Reentry**
 - How to plan for reopening
 - How to return employees to the workplace
 - Steps to follow after reopening
- **Families First Coronavirus Response Act: Paid Sick Leave and Expanded FMLA**
 - Update for businesses as they reopen, or employees are asked to return on FFCRA, and interaction with other leaves
- **Workplace Safety Guidance**
 - Employer liability concerns
 - Look at lawsuits already filed
- **WARN Considerations**
 - If businesses cannot reopen or cannot return the full workforce

Considerations for Reopening and Workforce Reentry

Considerations for Reopening & Workforce Reentry

- States are lifting/considering lifting shelter-in-place and safer-at-home orders.
- Businesses are gradually returning to normal operations.
- Organizations should prepare for workers physically returning to the workplace.
- Employers should proactively consider various workplace reentry issues in the following stages:
 - Preparing for workplace reentry
 - Returning employees to the workplace
 - Post-reopening



Preparing for Workplace Reentry

- **Develop a reentry task force:** a multidisciplinary group who creates and communicates reentry plan
- **Create a cleaning/disinfecting schedule**
 - Increase frequency of cleaning/disinfecting and air exchanges throughout the workplace
- **Implement changes to uphold physical distancing**
 - Structural changes: temporarily close communal spaces, reposition work stations, erect barriers, etc.
 - Scheduling changes: stagger meal and break times, shifts, arrivals, departures, etc.
 - Limiting gatherings: schedule meetings via phone or video, limit visitors, disallow in-person events
 - Signage/markings: use signs or floor markings to encourage six-foot distance

Preparing for Workplace Reentry *cont.*

- **Provide PPE and hygiene supplies, and instruct on proper use**
 - Organizations new to PPE should consider pilot testing
 - Some state/local orders require employers to provide PPE to workforce.
 - Employers may terminate workers who refuse to use PPE if it is necessary for safety, and there is no medical reason preventing use.
 - Hand sanitizer, soap, and disinfecting wipes should be made available throughout the workplace.

Preparing for Workplace Reentry *cont.*

- **Establish COVID-19 screening procedures**
 - States may require employers to develop procedures to prevent symptomatic/potentially infected workers from entering the workplace.
 - Temperature testing: thermometer tests to detect temperatures of 100° F or above
 - Self-reporting: Workers must confirm that they are asymptomatic and have not been in contact with anyone who is symptomatic.
 - Testers must be trained on protocols and proper use of equipment, in compliance with OSHA.
 - Currently, COVID-19 is a "direct threat" to health, and widespread testing/monitoring is permissible under the ADA (but this may change in the future).
 - Employers should ensure testing does not violate state or local laws.

Preparing for Workplace Reentry *cont.*

- **Establish COVID-19 screening procedures *cont.***
 - Medical information must be maintained separately and not disclosed (limited exceptions).
 - Employers must base testing/monitoring decisions on legitimate reasons and test/monitor consistently across job categories.
 - Employers should cover all testing costs; consider whether non-exempt employees should be paid for testing time.
- **Obtain necessary testing equipment and train testers**
 - Employers should train designated testers on safety, confidentiality, and privacy.
- **Consider how to handle employee refusals**
 - Employers may prohibit those who refuse testing from entering the workplace.
 - However, employers should allow exceptions for legitimate medical or religious reasons.

Preparing for Workplace Reentry *cont.*

- **Review and implement policies**
 - Ensure that existing policies comply with COVID-19 legislation (*i.e.*, FFCRA)
 - As needed, create policies implicated by the pandemic, including those covering:
 - Temporary requirements for physical distancing and hygiene practices
 - Reporting COVID-19-related concerns
 - Requests for leaves of absence related to COVID-19
 - Attendance
 - Teleworking
- **Consult legal counsel to ensure compliance with state/local orders and guidance**

Returning Employees to the Workplace

- **Consider returning employees in stages**
 - Assess how many workers are needed for essential operations, and whether anyone can continue to telework
 - Have a neutral, non-discriminatory business justification for the order in which employees return to work
 - Consider making return to the workplace voluntary, initially
 - If applicable, comply with recall provisions of the CBA
- **Prepare to answer benefits-related questions**
 - HR and benefits specialists should be prepared to address various questions related to health benefits, retirement, PTO/vacation, accruals, contributions, waiting periods, etc.

Returning Employees to the Workplace *cont.*

- **Prepare a "return-to-work" notification**
 - This communication may cover the following:
 - Appreciation for employees during this time
 - Desired return-to-work date (addressing staggered schedule, if applicable)
 - New policies/procedures regarding temperature testing, self-acknowledgment of symptoms, PPE requirements, etc. (noting they are subject to change)
 - Where to direct questions regarding return-to-work/COVID-19 issues
- **Plan for requests to continue teleworking and refusals to return to the workplace**
 - Engage in a dialogue to determine employee's basis for refusal
 - If appropriate, conduct a leave/accommodation analysis
 - Devote extra resources to leave compliance
 - If an employee refuses to return because of safety- or health-related concerns, this objection may rise to the level of protected activity under OSHA, the NLRA, etc.

Post-Reopening

- **Develop a communication plan**

- Employers need to communicate regularly with employees in light of the ongoing pandemic.
- A weekly or bi-weekly update may be appropriate to inform employees of any policy or procedural changes.

- **Monitor the workplace for symptoms**

- Implement a policy for how to deal with symptomatic, potentially infected, or infected workers
- The policy should cover:
 - Expectations for sick employees
 - Procedures for symptomatic and infected employees (*i.e.*, return-to-work procedures)
 - Plans for contact tracing and notifying potentially exposed/exposed employees
 - Whether communications regarding positive COVID-19 cases will be sent to the entire workforce, worksite, or only exposed/potentially exposed employees

Post-Reopening *cont.*

- **Prepare for potential spikes in absenteeism**

- Cross-train employees on key positions to ensure necessary staffing during potential spikes in absenteeism (*i.e.*, second outbreak of COVID-19)

- **Observe public health guidance**

- Consider designating an employee who is responsible for daily/weekly check-ins regarding newly-issued guidance from the CDC, OSHA, etc.

- **Identify opportunities to boost morale**

- Casual attire days
- Providing lunch
- Messages of gratitude
- Flexibility (as is feasible)

- **Ensure HR is properly administering the FFCRA and other leaves**



Families First Coronavirus Response Act (FFCRA): Paid Sick Leave and Expanded FMLA

Quarles & Brady LLP



FFCRA Refresher

- **Applies to businesses with fewer than 500 employees**
 - Exclusions for "health care providers" and "emergency responders"
 - Exclusions for businesses with fewer than 50 employees where employee needs paid leave for child care reasons
- **Provides for:**
 - Expanded family and medical leave
 - Expanded paid emergency leave
 - Enhanced Unemployment Insurance
- **Went into effect April 1, 2020**



Quarles & Brady LLP

16

FFCRA Refresher *cont.*

- **Paid Sick Leave – up to 10 days for employees who:**
 1. Are subject to a federal, state, or local quarantine or isolation order related to COVID-19
 2. Have been advised by a health care provider to self-quarantine related to COVID-19
 3. Experience COVID-19 symptoms and are seeking a medical diagnosis
 4. Are caring for an individual who is subject to a quarantine or isolation order, or have been advised by a health care provider to self-quarantine related to COVID-19
 5. Are caring for their own child whose school has been closed or alternative childcare provider is unavailable due to COVID-19
 6. Experience any other substantially similar condition, as specified by HHS and DOL
- **Employer must obtain documentation for leave to get the tax credit.**

FFCRA Refresher *cont.*

- **Paid Emergency Family Medical Leave – up to 12 weeks for employees who cannot work (at job site or remotely) due to childcare obligations, where:**
 1. Child's school has closed.
 2. Child's care provider is unavailable/closed.

Again, the employer must obtain documentation for leave to get the tax credit.

FFCRA Documentation Requirements

- **For all requests, employers must document the following:**
 - Employee's name;
 - Dates for which leave is requested;
 - Reason for leave; and
 - A statement from the employee that he or she is unable to work because of the qualifying reason.
- **If the employee is requesting leave to quarantine or care for someone that is subject to a quarantine, the name of the health care provider recommending the quarantine is required.**

FFCRA Documentation Requirements *cont.*

- **If an employee requests leave to care for a child due to the closure of the school or place of care or the unavailability of the childcare provider, the employer should also document:**
 - The name of the child being cared for;
 - The name of the school, place of care, or childcare provider that has closed or become unavailable; and
 - A statement from the employee that no other suitable person is available to care for the child.



Eligibility for Employees Returning from Furlough

Q. Are employees returning from layoff or furlough subject to a 30-day waiting period?

A. No, there is no 30-day waiting period for paid leave under the FFCRA. With regard to the EFMLA, an employee is considered to have been employed for at least 30 calendar days if the employee was let go on or before 12/31/20 and had been on the payroll 30 or more days during the 60-day period immediately preceding the layoff/termination.

FMLA Considerations

- **Don't forget that normal FMLA may also apply!**
 - COVID-19 symptoms that continue beyond 10 days of paid leave may qualify as a serious health condition and entitle employee to an additional ten weeks of unpaid leave under the FMLA.
 - Caring for an ill family member may likewise qualify for continued FMLA leave.
- **Employee may also be entitled to paid sick leave under municipal or state law.**
- **FMLA runs concurrent with FFCRA paid leave and state/municipal paid sick leave.**
- **Employees are only entitled to 12 weeks of FMLA for 12-month period, so employees who used FMLA prior to pandemic may not be entitled to a full 12 weeks under the EFMLA.**

ADA and Pregnancy Considerations

- **Employers may have an obligation to reasonably accommodate:**
 - Employees with medical conditions that make them vulnerable to COVID-19 requesting to work from home or in an isolated space
 - Employees with medical conditions asking to not return from furlough or to go on an unpaid leave
 - Pregnant employees pursuant to state law or Title VI
- **For employees granted remote working accommodations, it will be tougher to argue telework is not a reasonable accommodation after workforce returns to the workplace.**

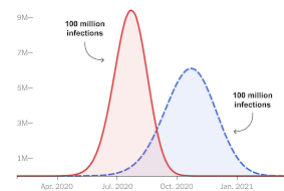
Workplace Safety Guidance

Workplace Safety in Light of COVID-19

- **OSHA: COVID-19 may be a recordable illness if a worker is infected as a result of work-related duties – but how does an employer know this? OSHA has provided guidance:**
 - **Employers in healthcare, emergency response, and correctional institutions are responsible for recording COVID-19 cases if:**
 - Confirmed diagnosis of COVID-19;
 - "Work-related" (Requires an individualized determination of whether event or exposure in the work environment either caused or contributed to the resulting condition, which will be challenging); and
 - Involves one or more of the general recording criteria (*e.g.*, medical treatment beyond first aid, days away from work).
 - **All other employers:**
 - If there is objective evidence the case may be work-related (*e.g.*, multiple cases among workers close together); and
 - Evidence was reasonably available to employer.
- **This reporting may have an impact on other areas such as workers' compensation eligibility.**

Workplace Safety in Light of COVID-19 *cont.*

- **What are you doing to keep employees and others safe? Things are changing rapidly. Monitor suggestions from industry groups, CDC, and OSHA *and follow them.***
 - **Communicate to employees that if they do not feel well – STAY HOME**
 - **Enforce distancing in the workplace**
 - No face to face meetings
 - If a meeting is needed – minimum people, minimum time.
 - No meeting in break rooms, bathrooms, etc.
 - Discourage using public transportation
 - For employees in cubicles, move apart, to empty offices, allow to work at home if possible.
 - **Masks**
 - **Gloves**
 - **Regular cleaning**



FAQs on Workplace Safety

Q. What do I do if an employee reports a COVID-19 diagnosis?

A. First – verify the information with the employee. If employee actually was diagnosed, communicate to the general workforce:

- There has been a confirmed or likely case of a co-worker.
- Recommend employees take care to observe their own potential symptoms.
- Employees with no direct contact (prolonged contact within 6 feet) with infected employee in last 48 hours should monitor their own health and seek medical attention if symptoms occur.

*** Do not disclose the identity of an employee diagnosed with, or suspected of having, the coronavirus (including information that easily leads to the identification of the employee).**

FAQs on Workplace Safety *cont.*

Q. What do I do if an employee reports a COVID-19 diagnosis? *cont.*

A. Second, communicate separately to employees directly affected – *i.e.*, those with shared cubicle walls, office mates, recently in meetings together, etc. (prolonged contact within 6 feet). These employees – if in recent (last 48 hours) contact with infected employee should avoid the workplace for at least 14 days with no symptoms and monitor their health.

- Consider communications to the public – guests, customers, other vendors?
- Follow CDC Guidelines for cleaning

*** Do not disclose the identity of an employee diagnosed with, or suspected of having, the coronavirus (including information that easily leads to the identification of the employee).**

FAQs on Workplace Safety *cont.*

Q. When can an employee diagnosed with COVID-19 return to work?

A. If they will not have a test to determine if they are still contagious, they can return to work after these three things have happened:

- they have had no fever for at least 72 hours (that is three full days of no fever without the use medicine that reduces fevers); **AND**
- respiratory symptoms have improved (for example, when their cough or shortness of breath have improved); **AND**
- at least 10 days have passed since their symptoms first appeared.

If they will be tested to determine if they are still contagious, they can return to work after these three things have happened:

- they no longer have a fever (without the use medicine that reduces fevers); **AND**
- respiratory symptoms have improved (for example, when their cough or shortness of breath have improved); **AND**
- they received two negative tests in a row, at least 24 hours apart.

FAQs on Workplace Safety *cont.*

Q. What if the employee says she "may" have been exposed to the virus?

A. Ask questions to determine degree of exposure. Not every claim of coronavirus exposure is a legitimate concern.

- If the employer believes it is likely that the employee could have contracted COVID-19, the employer should immediately isolate the employee from other workers and send him/her home as soon as possible.
 - Follow guidance for informing co-workers and third parties
 - Follow CDC Guidance on cleaning

FAQs on Workplace Safety *cont.*

Q. Can I tell employees they can't come to work after they report someone in their household has COVID-19 symptoms?

- A.** Yes. The CDC recommends employers keep employees out of the workplace until:
- 72 hours after the affected individual no longer experiences fever (without meds); **AND**
 - respiratory symptoms have improved; **AND**
 - it has been at least seven days since the symptoms began.
- * Employers may go further than these restrictions.**

FAQs on Workplace Safety *cont.*

Q. Can we require our employees to submit to a temperature test before coming into the workplace?

- A.** Yes, but follow best practices if doing this:
- Apply testing policy in non-discriminatory manner
 - Temperature-measuring device must be reliable/accurate and as non-invasive and sanitary as reasonably possible
 - Policy must provide for social distancing
 - Consider whether time spent waiting for test is compensable
 - Keep testing results confidential
 - If union environment, testing is a mandatory subject of bargaining
 - Temperature takers should use gloves and wash hands/use hand sanitizer regularly
 - Do not record results or if you do, treat as a medical record under the ADA (not HIPAA)



FAQs on Workplace Safety *cont.*

Q. Can we require our employees to wear face masks at work?

A. Yes. If you are going to require it, you should provide the masks or pay for them. It is preferable to provide the masks if you can find them.

- Train employees in the use and care of the face masks; *e.g.* explain when the face mask is necessary; how to properly don, doff, adjust, and wear the face mask; the limitations of the face mask; and the proper care, maintenance, useful life and disposal, including replacing worn or damaged face masks.



FAQs on Workplace Safety *cont.*

Q. What if my employees don't want to come to work?

A.

- Consider whether employee is in an at-risk population because of age or underlying medical condition. Refusal to work for medical reasons may be a request for an ADA accommodation.
- Employees who are concerned about a specific safety risk may implicate OSHA or state whistleblower protections. Employees who simply don't want to work because they are "scared" – this may be considered job abandonment.
 - Listen to employees – is there more you could be doing?
 - If you take action against an employee, make clear why you are taking the action – that they refuse to work and not because they voiced a concern.



Will Union Employees Return in the Short Term?

- **AFL-CIO has been at the forefront of advocating for worker safety during COVID-19 pandemic; claims union labor will not return to work until certain conditions are met.**
- **Conditions include:**
 - Enforceable workplace health and safety standards in place
 - Stronger anti-retaliation protections for employees expressing safety concerns
 - "Massive increase" in quantity and types of PPE
 - Federal government oversight of testing, contact tracing, and recording worker infections.

<https://aflcio.org/covid-19/plan-reopen-economy>

FAQs on Workplace Safety

Q. Are there specific safety guidelines for certain industries?

A. Yes. OSHA's control and prevention webpage contains recommendations specific to a number of industries or workplaces, including:

- Healthcare
- Dentistry
- Meat and poultry processing
- Laboratories
- Retail operations
- Environmental/janitorial services
- In-home repair services

Available at <https://www.osha.gov/SLTC/covid-19/controlprevention.html>

Employer Liability Questions

- **Can employees who experience COVID-19 symptoms pursue claims under the workers' compensation system?**
 - Exclusive remedy for “accidental injuries sustained by any employee arising out of and in the course of the employment.” 820 ILCS 305/11
 - Accidental?
 - Arising out of and in the course of employment?
 - Intentional acts by the employer to injure employees are not preempted and can be pursued in state or federal court.

Safety and Liability Cases Already Filed

- ***Evans v. Walmart*** – Former employee's estate suing employer (Walmart) and owner of building for wrongful death:
 - Employee claimed to have contracted coronavirus at work (two employees died)
 - Suit alleges "willful and wanton misconduct"
 - Not using safety measures recommended by public health officials
 - Not telling employees that co-workers and customers had symptoms
 - Not cleaning and sterilizing
 - No social distancing
 - No PPE for employees (masks, gloves, antibacterial soap)
 - Workers were not trained in mitigation procedures
 - New workers hired without testing



Safety and Liability Cases Already Filed *cont.*

- ***Nedeltcheva v. Celebrity Cruises*** – Crew member working off coast of France tested positive; filed class action alleging company failed to take precautions to protect workers:
 - Despite no-sail order, company forced crew members on the ship to participate in drills and held a large crew party
 - No quarantining
 - No social distancing
 - No PPE
 - 350 crew members tested positive, 8 hospitalized, 1 death



Safety and Liability Cases Already Filed *cont.*

- ***Moody v. Advocate South Suburban Hospital*** – Security guard claims employer prohibited him from wearing a face mask; berated him for it; and constructively discharged him.
 - Employee is caregiver for 65 year old mother.
 - Complained that hospital policy prohibiting mask put him and others at risk of death or great bodily harm
 - Claiming retaliation under Illinois law for expressing safety concern
 - Same firm filed on behalf of a nurse fired by Northwestern Memorial Hospital for telling co-workers that masks were inadequate.





WARN Considerations

Quarles & Brady LLP



What If We Decide Not to Reopen, or Cannot Fully Return?

Federal WARN Act Applicability

- **WARN Act applies to any business enterprise that employs:**
 - 100 or more employees (*excluding* part-time employees), or
 - 100 or more employees (*including* part-time employees) who work in the aggregate at least 4,000 hours per week (excluding overtime).
 - "Part-time employee" for WARN purposes:
 - Works an average of fewer than 20 hours per week; or
 - Has been employed for fewer than 6 of the 12 months preceding the date of WARN notice (*i.e.*, seasonal employees).

Quarles & Brady LLP

42

What If We Decide Not to Reopen, or Cannot Fully Return? *cont.*

Federal WARN Act Applicability *cont.*

- **Some states have mini-WARN Acts with lower thresholds for applicability.**

Examples:

- California – 75 or more employees
- Illinois – 75 or more employees
- Maryland – 50 or more employees
- New York – 50 or more employees
- Wisconsin – 50 or more employees in the state

What If We Decide Not to Reopen, or Cannot Fully Return? *cont.*

- **WARN is triggered, and 60 calendar days' advance notice to affected employees is required if a covered employer:**
 - Closes a facility or discontinues an operating unit, affecting at least 50 employees, not counting part-time workers, at a single site of employment. This is referred to as a "plant closing."
 - Lays off 500 or more workers, or 50-499 workers (not counting part-time), and they make up 33% of the employer's total active workforce at a single site of employment. This is referred to as a "mass layoff."
 - Announces a **temporary layoff** of less than 6 months (affecting the requisite number of employees under the "mass layoff" calculations) and then decides to extend the layoff for more than 6 months.
 - Reduces the hours of work for 50 or more employees by 50% or more for each month in a six-month period (need not be permanent).
- **Some states have a longer notice period (Ex: Maryland – 90 days; New Jersey – 90 days, starting July 19, 2020; New York – 90 days).**

WARN and COVID-19 - Specific Concerns

- **Two possible exceptions to providing 60-days' notice in this COVID-19 environment:**

- **Faltering company:**

- If the business is actively seeking capital or business which, if obtained, would have allowed the employer to avoid or postpone the shutdown; **and**
- The employer reasonably and in good faith believed that giving notice would have precluded the employer from obtaining the capital or business.

- **Unforeseeable business circumstances:**

- Circumstances could not have been reasonably foreseeable at the time notice would have been required.
- Typically, circumstances caused by a sudden, dramatic, and unexpected action or condition outside of the employer's control.
- Regulations include an "unanticipated and dramatic major economic downturn" as a business circumstance that may not be reasonably foreseeable.
- New DOL FAQs state that a government ordered closing that occurs without prior notice may also be an unforeseeable business circumstance.

WARN and COVID-19 – Notice Lawsuit

- **Scott v. Hooters III, Inc.**, filed in the U.S. District Court for the Middle District of Florida on April 16:

- A proposed class action against a large franchisee for failing to provide 60-days' notice of a "mass layoff" that occurred on March 25.
- Proposed class covers Florida Hooters employees who were allegedly terminated – approximately 679 people (most Hooters restaurants remain open for takeout).
- Suit claims Hooters did not provide 60-days' notice of layoffs and did not provide an explanation for reducing the notification period from 60 to 0.
- Suit alleges that Hooters failed to evaluate the impact of COVID-19 upon its employees 60 days prior to the March 25 layoffs (*i.e.* Hooters should have known in January that COVID-19 would result in mass closures).
- Complaint also states that Hooters' violation is more severe because it opted to engage in a mass layoff instead of taking advantage of the PPP loans.
- Plaintiffs seek damages of 60 days' pay and benefits for each class member.



WARN and COVID-19 - Specific Questions

- What is the best way to provide notice if employees are not on-site (whether on a temporary layoff or working remotely)?
 - Any reasonable method of delivery designed to ensure receipt of notice is acceptable.
 - You can email the WARN notice to employees, but it must still be specific to the employee and contain all of the necessary information.
 - Note: If employee was subject to a temporary layoff, may not have access to work email.
- We are a non-profit organization – do we have to comply?
 - Yes – WARN notice requirements apply to private for-profit businesses, non-profit organizations, and quasi-public entities.

WARN and COVID-19 - Specific Questions *cont.*

- Is it true that some states have eased WARN restrictions due to COVID-19?
 - Yes and No. The state legislation and executive orders apply to the state's mini-WARN Acts. Employers' obligations under the Federal law are unchanged.
 - New Jersey amended its WARN Act in April due to COVID-19:
 - Definition of "mass layoff" excludes layoffs due to "national emergencies," retroactive to when NJ declared a state of emergency on March 9, 2020, and
 - Delaying the effective date of the scheduled July 19, 2020 changes to the state WARN Act, which will require 90 days' advance notice and mandatory severance payments for mass layoffs.
 - By executive order, New York changed state WARN notice periods through May 17, 2020:
 - Employers receiving PPP funding, rehire employees because of the receipt of funds, but subsequently need to lay off workers after the funding is exhausted must give notice as soon as practicable (excused from the 90-day requirement).
 - Only applies if the business in receipt of PPP funding provided WARN notice at the time of initial layoffs.

Resources for Employers

- [CDC "Use of Cloth Face Coverings to Help Slow the Spread of COVID-19"](#)
- [CDC "Guidance For Cleaning & Disinfecting"](#)
- Please visit <https://www.quarles.com/covid-19-guidance-for-clients/> for articles to help employers navigate many aspects of the COVID-19 pandemic.



Questions



Thank You



Gary Clark, Partner
gary.clark@quarles.com
(312) 715-5040



Kelly Davis, Partner
kelly.davis@quarles.com
(239) 659-5066



Chris Nickels, Partner
chris.nickels@quarles.com
(414) 277-5519

© 2020 Quarles & Brady LLP - This document provides information of a general nature. None of the information contained herein is intended as legal advice or opinion relative to specific matters, facts, situations or issues. Additional facts and information or future developments may affect the subjects addressed in this document. You should consult with a lawyer about your particular circumstances before acting on any of this information because it may not be applicable to you or your situation.