

Legal Insights

March 2021

Legal Insights is a newsletter of timely and practical legal information that we hope you can use in your professional and personal pursuits. Please contact your attorney at Nicola, Gudbranson & Cooper if you have any questions or comments or if you would like to suggest topics of interest for future issues.



Can COVID-19 Vaccines be Required in the Workplace?

By Matthew T. Fitzsimmons, Member

One of the looming legal and practical issues arising out of the COVID-19 pandemic is whether employers can – and should – make vaccinations mandatory for employees. Due to the direct threat to health and safety which COVID-19 presents, applicable employment laws provide that it is lawful for employers to make vaccinations mandatory (with a few limited exceptions for medical and religious accommodations). An employer's decision to require mandatory vaccinations is complicated, with numerous practical, legal, and economic considerations to evaluate.

An employer should first analyze the layout, spacing, and density of its workplace. Are employees on the shop floor or office sufficiently distanced from one another or not? Depending on this analysis, an employer can lawfully make vaccinations mandatory for certain employees and positions, but not for

About the Firm:

Nicola, Gudbranson & Cooper (NGC) provides practical, cost-effective legal solutions and sophisticated advice to business owners and executives, professionals and governmental entities throughout Ohio, a tradition it has upheld since its founding in 1933 as Nicola & Horn.

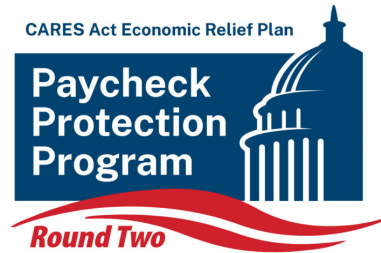
The firm's experienced legal advisors handle transactions and litigation across a wide range of disciplines, including [business and corporate law](#), [employment law](#), [workers' compensation defense](#), [immigration law](#), [sports law](#), [real estate law](#), [public sector law](#), [school law](#), [family law](#), [executive compensation and employee benefits matters](#) and [estate planning, trust and probate administration](#).

NGC's extensive [litigation](#) practice assists businesses, professionals and other individuals at the trial and appellate levels and in alternative dispute resolution.

others. Mandatory vaccinations are surely the subject of collective bargaining for unionized workers. An employer which adopts a mandatory vaccination program can lawfully require an employee to provide proof of vaccination.

Read the full article [here](#).

Eligibility for Borrowers Under the PPP Second Draw Loan Program



By *Matthew M. Stanley, Associate*

The Department of Treasury and Small Business Administration (SBA) began a new Payroll Protection Program (PPP) in mid-January that will remain open to applicants through March 31, 2021.

The new program is part of Congress's \$900 billion COVID-19 relief bill called the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (the Economic Aid Act), signed into law on Dec. 27, 2020. Section 311 of the Economic Aid Act provides for the SBA's new PPP program, the "Paycheck Protection Program Second Draw Loans" (Second Draw Program).

Read the full article [here](#).

Recent Federal COVID Legislation: Employee Leave Options & Employer Tax Credit Eligibility

By *John B. Moenk, Associate*

In the spring of 2020, Congress passed the Families First Coronavirus Response Act (FFCRA). The law required emergency paid sick leave or emergency paid family and medical leave for those unable to work due to the effects of COVID-19 for most employers. (The second protection effectively operated as an extension to FMLA leave concepts to employers with less than 50 employees). These mandated protections, however, expired on December 31, 2020.

Read the full article [here](#).

The firm has a particular wealth of experience in litigation and regularly handles complex, high-stakes corporate and other disputes in state and federal courts throughout Ohio. Because of NGC's extensive courtroom experience, attorneys and law firms throughout the country contact the firm when seeking local counsel in Cleveland and other Ohio communities.

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H-1B Lottery Registration Period Set for March 9th- March 25th



By [Brad Ortman](#), Member

Now is the time to act if you are interested in sponsoring an employee in H-1B status. U.S. Citizenship & Immigration Services (USCIS) announced earlier this month that registration for the annual H-1B lottery will take place from March 9-25. Winners of the lottery get an opportunity to sponsor an employee for H-1B visa status in the three-month filing period that follows. H-1B status is reserved for specialized knowledge occupations, which require at least a bachelor's degree. Only 85,000 H-1B quota-subject petitions can be granted per year, of which 20,000 are reserved for those with master's degrees or higher.

If you are interested in participating in next month's H-1B lottery or have other immigration law questions, we encourage you to contact either [Brad Ortman](#) or [Karen Moss](#) with the NGC Immigration Law Group.

Read the full article [here](#).

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