As many states around the country begin to reopen, and businesses call their employees back to work, we now have a good view of the initial wave of workplace litigation arising out of the COVID-19 pandemic.

Perhaps not surprisingly, the largest category of claims that we have seen to date has been discrimination, bias, and retaliation lawsuits filed by individual plaintiffs. Typically, these complaints allege that an employee was terminated under the auspices of COVID-19, but in fact was terminated because of a protected characteristic (e.g. age, race, gender, etc.). For example, complaints have been filed in situations where an employer reduced their workforce and an older worker was selected to be part of the reduction, allegedly due to their age. Other suits assert that an employee was retaliated against for complaining about COVID-19 safety issues, or for following COVID-19 safety precautions, or for taking leave related to COVID-19. These individual lawsuits, especially the wrongful termination and retaliation suits, are likely to continue as employees return to their physical places of work.

The next largest category of workplace litigation we have seen in this initial wave involve allegations of an employer’s “failure to pay” its employees. These cases have been filed both as class actions and single-plaintiff claims. In the class context, plaintiffs typically allege that employers are not paying their employees for the time spent “donning and doffing” personal protective equipment (PPE), time spent procuring PPE,
and time spent sanitizing PPE. These claims are also likely to become more prevalent as employers (rightfully) take additional precautions for the health and welfare of their workforces. Employers that are implementing health precautions at their workplaces will want to be sure that these precautions conform to wage and hour rules and regulation.

The WARN Act is a notable category in which some cases have been filed, but not as many as might have been expected at the outset of the pandemic. This may be a result of the fact that COVID-19 related layoffs and furloughs have not become permanent or have not lasted longer than six months, as required by the WARN Act. The longer businesses remain closed and the more challenges employers face reopening, however, the more likely it will become that former employees pursue claims under the federal WARN Act or its state law analogs.

While not quantified on our tracker, in the last few weeks there has been a notable increase in the number of wage and hour class and collective actions filed around the country. Though these are not directly related to COVID-19 on their face based on the allegations in the complaints, it seems likely that the COVID-19 pandemic acted as an accelerant to these claims. Idle employees are more likely to reach out to an enterprising member of the plaintiff’s bar after seeing a targeted ad on social media, for example. The wave of workplace class and collective actions has likely not crested, and will only continue to gain momentum as some employees return to work only to find that the workplace has changed — while other employees are left behind.

We hope you find the catalog of cases helpful. We will continue to provide updates twice each week as new cases are filed.

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Cases are grouped by type of litigation. You may use these links to jump to a section.

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**Breach of Contract**

**June 12, 2020**
**Kalsey v. Dialsource, Inc., et al.** (Sacramento County, California)
The plaintiff worked as the head of product for a software company. The plaintiff alleges that he entered into an employment contract with the defendant employer for a term of one year and a guaranteed salary of $250,000. The plaintiff alleges that in March 2020, the company began experiencing financial difficulties as a result of the COVID-19 pandemic, and as a result, informed him that he was being terminated. He claims that the company offered to pay him a severance of $20,000, but that this sum would not cover what he was owed under his employment contract. The plaintiff alleges that he later received a letter from the company’s counsel, who informed him that he was being terminated for cause, and therefore the salary guarantee in the employment contract did not apply. The plaintiff brings causes of action for breach of contract, breach of the covenant of good faith and fair dealing, promissory estoppel, and waiting time penalties.

**Constitutional Rights**

**June 3, 2020**

(Northern District of Illinois)
The plaintiff, a “tenured educator licensed to serve students with special needs,” claims violations of 42 U.S.C. § 1983, the 14th Amendment to the United States Constitution, and Illinois law. The plaintiff served as director of student services from July 1, 2019, to June 30, 2020, under a contract. The plaintiff claims that the school board voted to rehire her through June 2021, and that she received notification of that decision on March 25, 2020. Per the plaintiff, however, on that same day she “became violently ill … and was admitted to the emergency room where she was diagnosed as suffering from the COVID 19 virus and placed in quarantine for 14-days.” The plaintiff reports that, from that point, the defendants forced her to “continue her job duties even though they knew she was in quarantine and struggling to survive” and that she was informed on April 2, 2020, that her position was being posted and her job would terminate on June 30, 2020, because she did not sign or accept the contract that was sent to her on March 25, 2020. The plaintiff claims that the school board posted her position on April 2, 2020, without ever giving her an explanation or an opportunity to address the matter. According to the plaintiff, the board “willfully and deliberately disregarded [her] constitutional rights when it rescinded her employment agreement without notice or an opportunity to be heard, either before or after rescinding the agreement.” The plaintiff also makes a claim of intentional infliction of emotional distress, stating that, on March 16, 2020, she notified her superior that “she was at high risk for contracting the COVID-19 virus because of her age and she suffered from an underlying condition.”

**May 29, 2020**

*Doe v. Pasadena Independent School District* (Southern District of Texas)
In this class action on behalf of certain hourly employees of a school district, the plaintiffs allege that the school district’s attempt to recoup additional monies paid for on-site work to employees during the COVID-19 pandemic constitutes a taking without just compensation under the Fifth and Fourteenth Amendments of the U.S. Constitution, is a violation of due process under the Fourteenth Amendment, and is a breach of contract. The plaintiffs allege that around the time that a county
order went into effect requiring individuals to stay home unless performing essential services, the school district emailed the plaintiffs regarding which jobs were considered essential and which jobs were not. The school district’s email also stated that each hourly employee would be paid a “salary” of 40 hours per week at the employee’s regular hourly rate, and “one and a half times their regular hourly rate for any time they spent working on-site performing jobs deemed essential.” The plaintiffs were deemed essential, and were required to work on-site, and were paid the additional amount for their on-site work. After approximately one month, the school district emailed the plaintiffs, stating that there had been “a major clerical error” that “caused hourly employees to receive overpayments of premium/call out pay for time worked on-site during the [county order],” and that the employer “was required to take all necessary action to correct these overpayments immediately.” The plaintiffs allege that the employer wrongfully attempted to recoup the onsite pay plaintiffs received when the defendant realized that it was not “going to be receiving as much in FEMA and/or other relief program funds as it anticipated,” and that there was going to a budget shortfall.

April 23, 2020
Correction Officers’ Benevolent Association, Inc. v. City of New York
(Queens County Supreme Court)
Complaint filed on behalf of approximately 10,000 corrections officers alleging that their right to preserve their bodily integrity under the New York Constitution has been violated by the Department of Corrections’ practices of: (1) requiring corrections officers to work additional overtime shifts without adequate rest as a result of the COVID-19 pandemic, and (2) not requiring a negative COVID-19 test to return to work.

Failure-to-Pay Claims

June 16, 2020
Rodriguez v. Allen Distribution LP (Eastern District of California)
The plaintiff filed a wage and hour class action under the FLSA and California law alleging that he and members of a putative class are victims of pay increases that the defendant instituted to induce employees to work during the COVID-19 pandemic. The plaintiff alleges that he and the other employees were promised an additional $1 per hour for straight time, plus $2 per hour for all hours worked beyond eight in any day or 40 in any week, and an additional $2 an hour for any hour worked beyond 12 in any workday. The plaintiff alleges that these payments amount to shift differentials and that the defendant did not properly calculate the regular rate of pay reflecting these increases. The plaintiff asserts claims for failure to pay minimum wage, failure to pay overtime, failure to pay sick pay, failure to provide accurate wage statements, failure to reimburse business expenses and an unfair competition claim.

June 15, 2020
Smith, et al. v. Local Cantina, LLC, et al. (Southern District of Ohio)
The plaintiff brings a class action lawsuit on behalf of all servers and bartenders at nine restaurants operated by the defendants. The plaintiff alleges that prior to May 2020, the defendants paid their tipped workers the minimum wage minus the maximum allowable tip credit. The plaintiff alleges that since May 2020, the defendants have retained 100 percent of
the credit card tips received by tipped workers and have forced the tipped workers to share cash tips with other employees who are ineligible to participate in the tip pool. Further, the plaintiff alleges that since May 2020, the defendants have paid the tipped workers a set amount every week. The plaintiff alleges that the defendants have required the tipped workers to work more than forty hours per week, but have not paid the tipped workers overtime for these additional hours. The plaintiff alleges that the defendants’ new pay policy is designed to maximize the amount of money that may be treated as forgivable under a Paycheck Protection Program loan the defendants received due to the COVID-19 pandemic. The plaintiff alleges that under the new policy, the tipped workers receive more money in the form of wages but are deprived of their tips, which are retained by the defendants, and that the defendants seek to compensate the employees using one hundred percent forgivable PPP loan money. The plaintiff brings claims for failure to pay minimum wages under the Fair Labor Standards Act (FLSA) and the Ohio Constitution, failure to pay overtime wages under the FLSA and the Ohio Constitution, untimely payment of wages under Ohio law, and unjust enrichment.

June 2, 2020

Sparks et al. v. Janet Mills, Governor of the State of Maine, et al. (District of Maine)
The plaintiff brings this class action for declaratory and injunctive relief on behalf of incarcerated prisoners employed in the community under a work release program. The plaintiff alleges that in response to the COVID-19 pandemic, the work release program “was brought to a halt in an effort to reduce non-essential contact between incarcerated individuals and the outside world and to reduce the possibility of COVID-19 spreading through Maine’s prisons.” The complaint alleges that prison officials encouraged the prisoners to seek unemployment benefits, and that 53 of them “were ultimately deemed eligible for unemployment benefits, including the standard state benefit and the federal Pandemic Unemployment Assistance (‘PUA’) payment.” Despite the attorney general’s determination that the prisoners were entitled to unemployment compensation, the governor “found the distribution of unemployment benefits ‘appalling and to be bad public policy,’” and that “unemployment funds should be reserved for Mainers ‘struggling to pay for basic necessities.’” The complaint alleges that the prisoners’ unemployment payments have ceased, and that the Department of Corrections and its commissioner “have seized funds from the bank and phone accounts of Work Release Program participants in an effort to recoup the unemployment benefits those individuals received.” The complaint raises claims for violation of due process under the Fourteenth Amendment, and seeks a declaration that the cessation of unemployment payments and seizure of funds are unconstitutional, and an injunction compelling the return of the funds and the resumption of unemployment payments.

May 26, 2020

Lange v. 24-Hour Medical Staffing Services LLC (Orange County, California)
The plaintiff, a “traveling nurse,” filed a class action complaint against the defendant employer, a medical staffing company, asserting sundry violations of the California Labor Code as well as claims for unfair competition and unlawful business practices. The complaint alleges that the defendant violated the California Business and Professions Code not only by violating the California wage and hour law, but also by failing to
provide protective equipment necessary for a safe workplace in light of the COVID-19 pandemic. The plaintiff alleges that although she worked directly with COVID-19 patients, the defendant employer did not provide her with appropriate PPE. The plaintiff alleges that after she complained, the defendant employer did not renew her contract. While the factual allegations consist largely of general COVID-19 facts and statistics, the claims alleged are primarily California wage and hour violations, including failure to pay overtime wages, failure to provide meal and rest breaks, failure to provide accurate wage statements, and failure to pay wages owed at termination.

May 19, 2020
Sean Almeida v. Heated Details, Inc., Adrianna Lower Stephenson, Thomas Stephenson, and Chris Mika (State of Washington Superior Court)
The plaintiff pleads the defendants’ “willful refusal to pay him his wages and other compensation due under Washington and wage theft law” and his “wrongful discharge in violation of public policy.” Early in his employment, the plaintiff reportedly “was required to purchase certain products in order to perform the duties Heated Details required him to perform,” but was denied reimbursement then and on a continual basis. The plaintiff claims that the defendants “routinely failed to provide Plaintiff with a paystub or other basic payroll information,” and repeatedly failed to timely pay him wages owed, citing “cash-flow problems.” The plaintiff claims that, in mid-March 2020, he was notified that the defendants would not timely pay compensation owed, and that he should “seek unemployment benefits as per Washington State’s response to the COVID-19 outbreak.” The plaintiff reportedly took the position that the alleged wage nonpayment “preceded the outbreak and that applying for unemployment based on COVID-19 did not seem appropriate.” The plaintiff claims that in a conversation with his employer’s owner she indicated that she did not know when wages allegedly due would be paid, and that she did not commit to reimbursing him for allegedly due “unreimbursed business expenses.” According to the plaintiff, the defendants then threatened him with litigation when he sought unemployment benefits related to a COVID-19 layoff and closure. The plaintiff seeks allegedly due wages, exemplary damages, attorney fees, and other damages.

May 13, 2020
Kenneth England, on behalf of himself and all others similarly situated, v. United Airlines Inc. (Northern District of Illinois)
In this putative class-based contract action, the plaintiff, a shift manager at the company’s hub at Chicago O’Hare International Airport, claims that in exchange for federal paycheck protection funds, the airline agreed “it would not require any employee to take a temporary suspension or unpaid leave for any reason, it would not reduce the pay rate of any employee earning a salary or wages, and it would not reduce the benefits of any employee, until September 30, 2020.” Per plaintiff, two weeks after signing the agreement to receive PPP funds, the airline advised management and administration employees that they need to take 20 unpaid days off under the airline’s Unpaid Time Off Program, between May 16, 2020, and Sept. 30, 2020. The plaintiff asserts that the airline communicated via electronic mail that the CARES Act assistance “only covers a part of [the airline’s] payroll costs.” The plaintiff seeks
compensatory and other damages for himself and the putative class, costs, interest, and attorney and expert fees.

**May 7, 2020**


Plaintiffs, correctional officers working for Cook County, Illinois, assert a hybrid class and collective action under the Fair Labor Standards Act (FLSA) and the Illinois Wage Payment and Collection Act (IWPCA). Plaintiffs allege that the county failed to pay them regular or overtime wages for the time they spent at the beginning and end of their shifts sanitizing themselves, their uniforms, and their personal protective equipment, all of which was required in response to the COVID-19 pandemic. Plaintiffs allege that these activities, which were uncompensated, took approximately 20-30 minutes each shift.

**May 5, 2020**

*McGhee v. Postmates Inc.* (San Francisco County, California)
*Corbin v. DoorDash, Inc.* (San Francisco County, California)

Class action complaints brought by the same attorneys on behalf of all gig economy workers working for defendants in the state of California, alleging that defendant violated California AB 5 by misclassifying gig economy workers as independent contractors. The complaints allege that the plaintiffs and putative class members were therefore denied, among other things, reimbursement for expenses (including masks and hand sanitizer), and denied payment for all time worked (including time spent procuring masks and hand sanitizer). These virtually identical class action complaints allege in great detail the extent of the COVID-19 pandemic, including the nature of California’s response, as well as the safety guidelines issued by the state and federal agencies. The complaints go on to allege that the defendants failed to protect these gig economy workers by failing to mandate safe practices in light of COVID-19. As a result, in addition to wage and hour California class action claims derived from defendants’ response to COVID-19, each complaint also asserts class claims for public nuisance.

**April 24, 2020**

*Ferrante v. Ratner Companies* (Broward County Circuit Court) *(See related case, Olsen v. Ratner Companies dba Hair Cuttery, et al.)*

Class action complaint alleging that hair salons ceased operations due to the COVID-19 pandemic, and that the closing occurred during a pay period. The plaintiffs allege that they were not paid for hours already worked during the pay period prior to the salons closing.

**April 23, 2020**

*Mabry v. Texas South Operating Company Inc. and Michael J Maye* (Harris County District Court)

Plaintiff alleges a variety of claims under the Texas Labor Code and Texas common law related to failure to pay for work performed prior to being laid off due to the COVID-19 pandemic. Plaintiff claims she is owed approximately $70,000 for work done prior to her layoff.

**April 21, 2020**

*Hand v. Carolina Scales, Inc.* (Lexington County, South Carolina)

Plaintiff alleges that her employer failed to pay regular, overtime, and sick time wages owed to her under the South Carolina Payment of Wages Act, the Fair Labor Standards Act, and the Emergency Paid Sick Leave Act
 Plaintiff asserts that her employer refused to allow her to return to work because she was infected with what her doctors believe is COVID-19, and she cannot obtain a test demonstrating that she is no longer infected. As a result, she states that she has been constructively terminated and is owed back wages for overtime previously worked, as well as for the time she was required to self-quarantine.

**April 16, 2020**

*Carcamo v. CMC Contractors, LLC* (Miami-Dade County Circuit Court)

Plaintiff alleges that he has not been given termination pay to which he is entitled under an employment contract. Plaintiff alleges that he was first told he was being terminated "due to limited work during the [COVID-19 pandemic]," but that his employer later claimed he had been terminated for cause. Plaintiff alleges that the employer provided false reasons for his termination, and that the reasons given to not meet the employment contract's definition of "cause."

**April 7, 2020**

*Olsen v. Ratner Companies dba Hair Cuttery, et al.* (District of New Jersey)

Class action complaint alleging that hair salons ceased operations due to the COVID-19 pandemic, and that the closing occurred during a pay period. The plaintiffs allege that they were not paid for hours already worked during the pay period prior to the salons closing.

**Family and Medical Leave Act**

**June 16, 2020**

*Barcalow v. Wellspring Lutheran Services* (Eastern District of Michigan)

The plaintiff, a senior living center employee, alleges FMLA interference and retaliation. She alleges she was terminated after using her approved FMLA leave following a positive COVID-19 test. The plaintiff alleges that the defendant terminated her employment "because she failed to come into work while she was on continuous FMLA leave." She claims that her employment was terminated due to her COVID-19 diagnosis and in retaliation for using FMLA leave, and that the purported reason for the termination of her employment was a pretext.

**June 9, 2020**

*Kelley Nuttall v. Progressive Parma Care Center, LLC* (Northern District of Ohio)

The plaintiff, an activity director, claims that her employer interfered with her rights under the FMLA. The plaintiff alleges that she began experiencing COVID-19 symptoms after being exposed to a patient who tested positive for COVID-19. She made an appointment with her physician, who diagnosed her with COVID-19 and recommended that she refrain from working until she recovered, requiring her to "miss at least 10 consecutive days of work." After the plaintiff contacted her employer to inform them of the diagnosis and need for leave, and requested FMLA leave paperwork, she alleges that she received a text message from the executive director, effectively terminating her. The text message stated: "I understand that some leaders are going to step up and some leaders are going to step back. Wish you well."

**June 3, 2020**

(part of the Families First Coronavirus Response Act (FFCRA)).
Thornberry v. Powell County Detention Center (Powell County, Kentucky)
The plaintiff, a substance abuse counselor for a detention center, alleges violations of the FMLA, FMLA retaliation, and wrongful discharge in violation of the Kentucky Whistleblower Act. The plaintiff alleges that she was instructed to stay home as a result of the COVID-19 pandemic, but was instructed that she was expected to return to work on March 30, 2020. Prior to returning to work, the plaintiff alleges that she expressed concern to her supervisor "about whether sufficient measures had been implemented to prevent the spread of the disease within the Detention Center, indicating that she had been told by Detention Center personnel not to wear Personal Protective Equipment for fear of causing a panic within the Detention Center." On March 31, 2020, the plaintiff communicated that "she was not coming in to work because she was not feeling well and running a fever and wanted to consult with her doctor," and that "absent some reassurance from the Detention Center that sufficient measures were in place to limit the spread of COVID-19, she would not feel comfortable coming to work and ‘risk people [she] love[s] or [her]self dying.’" The plaintiff also alleges that she informed her employer that as a result of school and caretaker closures, she needed to care for her children and dependent brother-in-law. The plaintiff alleges she was fired "within hours of her refusal to return to work without proper safety measures in place," and that she was fired for reporting violations of CDC recommendations to her supervisor.

Winters v. Stone Transport Holding, Inc., et al. (Eastern District of Michigan)
The plaintiff worked as a breakdown coordinator for a trucking company, and his job consisted of answering phone calls from drivers who were experiencing issues on the road. The plaintiff claims that when he told his employer he was experiencing symptoms of COVID-19, his employer told him that he could not return to work until he was tested and provided a doctor’s note clearing him to return. The plaintiff alleges that he had trouble obtaining a test, and that when he did, he was told that it would take several days before he received the results. The plaintiff alleges that he was terminated before his test results were issued and was told to "go ‘have a nice life.’" The plaintiff alleges that despite being fully able to perform his responsibilities from home and doing so while he was absent from the office, he was terminated because the defendants were "angry with the amount of time it took for the VA Hospital to return the results." The plaintiff brings claims for wrongful termination in violation of public policy, violations of the Family and Medical Leave Act, and violation of the Fair Labor Standards Act.

May 27, 2020
John Doe v. Dee Packaging Solutions, Inc., et al. (Eastern District of Pennsylvania)
The plaintiff, a printing press operator with Human Immunodeficiency Virus ("HIV"), alleges that the defendants terminated his employment after he made multiple attempts to contact the defendants’ human resources department and direct supervisor regarding his intention “to seek a medical diagnosis confirming [the plaintiff] should self-quarantine at home for his own protection on account of [the plaintiff’s] HIV-positive status.” The plaintiff’s supervisor sent the plaintiff a text message reading: “The company has remained open. Not reporting to work as you have done is abandoning your job. HR will be sending you the necessary paperwork.”
The plaintiff alleges that the defendants failed to offer the plaintiff FMLA leave, that he was not allowed to use his accrued paid time off, and that he was not offered an accommodation. He claims that he was treated less favorably on the basis of his sexual orientation, and retaliated against because “he suffered from a condition that placed him at higher risk for serious or fatal consequences from COVID-19.”

**May 14, 2020**

*Rocco Benedetto v. Action Rentals of FLL, LLC, et al.* (Southern District of Florida)

The plaintiff alleges FMLA interference and retaliation. The plaintiff alleges that he “suffers from anatomic asplenia and functioning immunosuppression,” and that he reported to his employer that he was thus “at least ten (10) times more vulnerable than the average individual to contract” COVID-19. The complaint alleges that the plaintiff had a 103.4 degree fever, and provided his employer medical documentation advising him to quarantine for three to 14 days. The plaintiff asserts that two days after he sought to take medical leave, he was terminated. Plaintiff claims that the temporal proximity of his request and his termination creates the presumption that his employer retaliated against him for seeking to exercise his FMLA rights.

**May 8, 2020**

*Hockersmith v. Elmcroft by Eclipse Senior Living* (Western District of Kentucky)

The plaintiff, a former area human resources director, alleges FMLA interference and retaliation claims, as well as disability discrimination under the Kentucky Civil Rights Act. The plaintiff alleges that when she became sick with flu-like symptoms while conducting a sexual harassment investigation for defendant in mid-February 2020, her supervisor refused to allow her to take a sick day, instead demanding that she complete the investigation. After her symptoms worsened to include serious coughing and breathing issues, the plaintiff was advised by her doctor on March 13, 2020 to self-quarantine for seven days, which she did. Following a check-in call with her supervisor, during which the plaintiff coughed continuously, the plaintiff alleges her supervisor placed her on leave and locked her out of the company’s systems. The plaintiff says she then went back to her doctor on March 24, 2020, and notwithstanding the lack of available tests, her “doctor admitted that she most likely had COVID-19” and advised her to extend her self-quarantine period to 14 days. The plaintiff says she then requested FMLA leave, and that her supervisor did not respond to her request. After the plaintiff completed her period of self-quarantine, and attempted to return to work, the plaintiff was still unable to access any work-related programs. Later that day, the plaintiff says her supervisor terminated her employment, telling her (for the first time) that her performance was unsatisfactory.

**May 1, 2020**

*Angela M. Connor v. Professional Medical Billing, Inc.* (Northern District of Indiana)

Plaintiff seeks “damages under FMLA/FFCRA,” as well as “declaratory and injunctive relief.” Plaintiff alleges that her daughter’s school and daycare closed as a result of COVID-19 and that Plaintiff was forced to stay home with her child, whom Plaintiff also claims had serious health conditions. Plaintiff alleges that she notified her employer of the need for
leave under FMLA/FFCRA, but did not receive the requested approval for paid leave. Plaintiff alleges, among other things, that she was asked to explain why she could not perform her billing duties remotely. According to Plaintiff, she could not “both work and watch her child at home.”

**April 9, 2020**
*Ennin v. EFC Trade, Inc.* (Southern District of Ohio)
Plaintiff alleges FMLA retaliation and interference. Plaintiff, a financial aid officer, was informed that she was being furloughed in connection with COVID-19. The plaintiff alleges that she was actually furloughed in retaliation for taking FMLA leave, and that the defendant interfered with her right to reinstatement by failing to reinstate her to her same or a substantially similar position upon her return from FMLA-protected leave.

**Misclassification**

**May 29, 2020**
*Osvatics v. Lyft, Inc.* (District Court of the District of Columbia)
In a class action on behalf of Lyft drivers working in the Washington D.C. metropolitan area, the plaintiff, a Lyft driver, alleges that Lyft violated the D.C. Accrue Safe and Sick Leave Act (ASSLA) by failing to provide drivers with paid sick leave. The ASSLA requires employers to allow their employees to accrue a certain amount of paid time off. The plaintiff alleges Lyft has improperly classified her and other drivers as independent contractors, preventing them from accruing needed paid time off under the ASSLA. Further, the plaintiff alleges that given the COVID-19 pandemic, paid sick time is “vitaly important,” and without it, “Lyft forces its drivers into a Hobbesian choice: risk their lives (and the lives of their passengers) or risk their livelihoods.”

**March 12, 2020**
*Verhines v. Uber Technologies Inc.* (San Francisco County, California); *Rogers v. Lyft, Inc.* (San Francisco County, California)
Class action complaints against Uber and Lyft, respectively, allege that because drivers were misclassified as independent contractors (pursuant to California Assembly Bill 5), they have been improperly deprived of necessary paid sick time under the California Labor Code to cope with the COVID-19 pandemic.

**Non-compete**

**May 29, 2020**
*Mattson, et al. v. WTS International, Inc.* (Middle District of Florida)
The four plaintiffs worked as bartenders for a hospitality staffing and management company. As a result of COVID-19, all four plaintiffs were laid off. The plaintiffs allege that after they were laid off, the defendant attempted to enforce unsigned non-compete agreements. The defendant allegedly told the plaintiffs’ prospective employers that they would have to “buy out” the non-compete agreements, and then rejected the prospective employers’ offers to do so, saying that the offers were not high enough. The plaintiffs seek a declaratory judgment that the non-compete agreements are unenforceable, and claims for defamation and tortious interference.

**WARN Act**
May 6, 2020
Smith, et al. v. Ideal Image Development Corporation, et al. (St. Louis County, Missouri)
Six plaintiffs, who worked in sales for a medical spa, allege that defendants failed to pay them commissions owed and failed to provide notice under Missouri’s WARN Act when they were laid off as a result of the COVID-19 pandemic.

April 30, 2020
Green v. The Hertz Corporation (Middle District Florida)
Class action brought by employees who were allegedly terminated in connection with the COVID-19 pandemic. The complaint alleges that the while the employer previously furloughed employees, the plaintiffs were given no advance notice prior to their terminations, purportedly in violation of the WARN Act.

April 16, 2020
Scott & Seales v. Hooters III Inc. (Middle District Florida)
Class action on behalf of 679 Florida employees who were allegedly terminated in connection with the COVID-19 pandemic. The plaintiffs allege that no advance notice was given prior to their termination, purportedly in violation of the WARN Act.

Worker's Compensation

June 5, 2020
Fargo v. Big Cedar, LLC (Taney County, Missouri)
The plaintiff was a duty engineer for a wilderness lodge. He alleges that he injured his lower back on the job, and filed a claim for workers' compensation benefits. He claims that he was placed on limited duty, but was then cleared to return to full-duty work. The plaintiff alleges that two days after he was cleared to return to work, the defendant employer placed him on furlough, purportedly due to the COVID-19 pandemic. The plaintiff alleges that although numerous other employees were furloughed, he was the only one who was asked to return his keys. Additionally, the plaintiff alleges that almost two months later, the company sent an email to all associates welcoming them back to work, but the same day, the email he received was recalled. The plaintiff claims that the company kept him on furlough, and continues to do so, although all of the other employees have returned to work. He alleges that the company is keeping him on an indefinite furlough so that he will be forced to quit his job, in retaliation for exercising his rights under the Missouri Workers’ Compensation Law.

Workplace Safety

June 11, 2020
Elijah v. Port Authority Trans-Hudson Corporation (Hudson County, New Jersey)
The plaintiff, the representative of a deceased power rail mechanic for a rail carrier, alleges wrongful death under New Jersey law. The plaintiff alleges that the deceased was exposed to COVID-19 when he embraced a co-worker who later tested positive for COVID-19. The plaintiff alleges that the decedent was not wearing a mask, because his employer
“instructed its workers at safety meetings not to wear masks at work unless they were performing their specific job functions.” Approximately 10 days after being exposed to COVID-19, the decedent began to experience symptoms of COVID-19, which progressively worsened. The complaint alleges that decedent was hospitalized, and over the next 20 days, experienced a “horrible and protracted death.” The plaintiff alleges that the employer was negligent by: (1) failing to provide employees with a safe place to work; (2) failing to properly train employees about contracting COVID-19 at work; (3) failing to timely provide PPE to employees; (4) failing to conduct contact tracing; (5) failing to test employees for COVID-19; (6) failing to timely quarantine decedent and other employees who had been exposed to COVID-19; (7) failing to apply social distancing measures for employees; (8) failing to properly clean areas; (9) failing to warn employees of the dangers of contracting COVID-19 at work; (10) failing to medically treat the decedent; and (11) failing to follow its own safety rules, practices, and procedures.

June 10, 2020

Esco v. Dollar Tree Stores, Inc. (Sacramento Superior Court)

The plaintiff filed an action alleging that she and the members of a putative class are victims of employment policies, practices, and procedures that violate California’s Business and Professions, Civil and Labor Codes as well as the Department of Industrial Relations, Industrial Welfare Commission, and Division of Occupational Safety and Health orders and standards. The plaintiff cites a variety of state, local and federal regulations and guidelines and contends that throughout the COVID-19 pandemic the defendant failed to implement and maintain an effective illness and injury prevention program and provide proper PPE, materials, policies, trainings and communication to the plaintiff and members of the class. Specifically, she claims that the defendant failed to provide sufficient sanitary face coverings, failed to require customers, vendors and others entering the stores to wear face coverings, failed to endorse social distancing, failed to provide sufficient breaks to allow for hand washing stations, failed to provide sufficient hand sanitizer, failed to train employees on the use of protective gear such as the removal of gloves and masks, failed to implement an illness prevention program, failed to provide sufficient barriers and failed to provide sufficient disinfectants and cleaning agents. Based upon this conduct, the plaintiff alleges she and all non-exempt employees are entitled to relief because the defendant’s conduct constitutes a public nuisance. She also claims that she and the class are entitled to injunctive relief to stop the defendant’s alleged violations of state law.

May 13, 2020

Flores v. Built Brands, LLC (Utah County, Utah)

The plaintiff, a production line worker for a nutritional supplement manufacturer, alleges she contracted COVID-19 when her employer remained open for operations despite being aware that workers on the production line contracted COVID-19, and other employees expressed concerns about reporting to work. The plaintiff alleges that her employer inflicted harm upon her by failing, among other things, to: (1) follow all applicable government-issues safety rules; (2) cease business operations; (3) provide employees PPE; (4) have adequate policies and procedures to prevent the spread of COVID-19 at their facilities; (5) adequately sanitize the facilities; and (6) heed employees’ safety warnings. The
plaintiff seeks damages for, among other things “emotional pain, great
physical pain ... past and future medical expenses ... permanent
impairment, diminished earning capacity, lost wages, past and future
household services, diminished life expectancy,” and punitive damages.

May 7, 2020
*Jane Doe v. Hillstone Restaurant Group Inc. dba R&D Kitchen* (Northern
District of Texas)
In a case removed to federal court from Dallas County Court, the Plaintiff,
a kitchen worker, alleges that she was informed she would be removed
from the schedule and would not be permitted to return to work at the
reopened restaurant unless “she agreed to work without a face covering.”
The plaintiff alleges that she was informed that the restaurant would be
re-opening following the Governor’s executive order permitting
restaurants to allow limited dine-in services, but that “the company was
prohibiting employees from wearing masks or face coverings while at
work.” The plaintiff seeks a TRO enjoining the employer from prohibiting
employees from wearing face coverings and putting the plaintiff back her
prior schedule.

May 5, 2020
*Paterson Custodial & Maintenance Association v. Paterson Board of
Education* (Passaic County, New Jersey)
Plaintiff, a labor union, filed a lawsuit on behalf of its members against a
local board of education seeking injunctive and declaratory relief, alleging
that the defendant had violated the state emergency order pertaining to
the COVID-19 pandemic. The plaintiff union alleged that the board of
education violated the order by requiring its members to return to work on
a full-time basis to perform their regular, non-essential duties. The plaintiff
union alleges that the board’s disregard for the order places it members,
many of whom are older and have pre-existing conditions, at risk of
contracting COVID-19.

Wrongful Termination, Retaliation and Bias

June 15, 2020
*Worthy v. Wellington Estates LLC* (Ocean County, New Jersey)
The plaintiff was discharged while on a medical leave of absence to
recover from COVID-19. The plaintiff, a medical assistant, sued her
employer, the owner and operator of a senior and assisted living
community, for disability discrimination, perceived disability discrimination,
and wrongful termination in violation the New Jersey Law Against
Discrimination. The plaintiff also asserted that her termination violated
public policy, as reflected in New Jersey Assembly Bill A3848. The bill,
which became effective in March 2020, prohibits an employer from
terminating, otherwise penalizing, or refusing to reinstate an employee
who takes time off from work because the employee “has, or is likely to
have, an infectious disease … [that] may infect others at the employee’s
workplace.” The plaintiff alleges that she tested positive for COVID-19 on
April 19, 2020, informed her employer immediately, and commenced a
medical leave of absence. The plaintiff was released to return to work on
May 16, 2020. Before her scheduled return date, the plaintiff asserts that
her employer’s representative telephoned her, said the plaintiff was not
“welcome back to work” because she contracted COVID-19, and “could
have gotten everyone sick.” The plaintiff alleges that the employer’s
termination decision was improperly motivated by her contracting COVID-19 and her resulting need for a medical leave.

June 12, 2020

*Michael Flinspach v. Indiana Quarries and Carvers LLC* (Southern District of Indiana)
The plaintiff, a quarry extraction worker, claims that in response to his request for FMLA paperwork to stay home and care for his children due to the closures of their schools, his employer retaliated against him by firing him. The plaintiff alleges that he contacted his employer and requested FMLA paperwork for a COVID-19 related reason, and in response to his request, his employer responded that he “was not going to permit [the plaintiff] to stay home and get paid,” and was firing him. He brings claims under the FMLA, the Expanded Family and Medical Leave Act (EFMLA), the Emergency Paid Sick Leave Act (EPSLA) and the Fair Labor Standards Act (FLSA).

*Roman v. Jewish Home Assisted Living, Inc., et al.* (Bergen County, New Jersey)
The plaintiff sued her employer, claiming disparate treatment and discrimination based on her pregnancy in violation of New Jersey’s Law Against Discrimination. The plaintiff was a physical therapy assistant at an assisted living facility. She was informed by her doctor that she was pregnant, and that her pregnancy was high-risk. When the plaintiff found out a co-worker had tested positive for COVID-19, the plaintiff became concerned given her high-risk pregnancy and asked the defendant if she could be furloughed. The defendant’s management allegedly declined her request, and instead suggested the plaintiff work in the facility’s kitchen area, which was supposedly a lower-risk area. The plaintiff reluctantly agreed. Shortly thereafter, the plaintiff had her performance review with the defendant, after which she was terminated, allegedly based on reports of her “negative attitude,” although her job performance was good. The plaintiff alleges this reason given by the defendant for her termination is pretextual, and that the real reason was that she requested an accommodation for her high-risk pregnancy during the COVID-19 pandemic.

June 11, 2020

*Miller v. Arthritis & Osteoporosis Center, Inc.* (Berks County, Pennsylvania)
The plaintiff, a registered nurse, alleges she was terminated in violation of Pennsylvania public policy. The plaintiff alleges that she informed her employer that she would not be reporting to work because she was suffering from a fever, sore throat, and congestion. The plaintiff consulted with her primary care doctor who recommended that the plaintiff not report to work for one week and get tested for COVID-19. The plaintiff informed her employer she was getting tested for COVID-19 and, two days later, received a phone call from human resources informing the plaintiff that she was being laid off because her employer “was cutting staff because of reduced business during [the] COVID-19 pandemic and the Pennsylvania governor’s closure of businesses.”

*Faraji v. Coastal Pain & Spinal Diagnostics Medical Group, Inc., et al.* (San Diego County, California)
The plaintiff, a marketing coordinator, claims her employment was wrongfully terminated in violation of California law. The plaintiff alleges that the defendant insisted she continue making in-person marketing visits to attorneys’ and doctors’ offices, despite the governor’s stay-at-home order. The plaintiff also expressed her concern to the defendant regarding an unsafe work environment, due to COVID-19. The plaintiff claims she told the defendant that if she was unable to work remotely to care for her school-aged daughter whose school was shut down due to COVID-19, then she would take leave provided by the California Labor Code. The plaintiff claims that she was fired in retaliation for asking to take leave and for expressing safety concerns.

June 1, 2020

Castaneda v. Niagara Bottling LLC (San Bernardino County, California)

The plaintiff, a 61 year-old maintenance mechanic who suffers from diabetes and asthma, alleges violations of California law including: (1) he was discriminated against because of his age and disability, (2) his employer failed to provide a reasonable accommodation for his disability, and (3) his employer retaliated against him for requesting an accommodation and by raising concerns about discrimination and treatment in the workplace. Around the same time that the COVID-19 pandemic began, the plaintiff began experiencing “general pain,” which forced him to leave work early to be hospitalized. The plaintiff was instructed “that he was at high risk of being infected with COVID-19” and “that it was not medically advisable for him to return to work at that time,” and he was placed on medical leave by his primary care doctor. The plaintiff alleges that his employer informed him that if he did not see the employer’s workers’ compensation doctor and return to work, his “job would be in jeopardy.” The plaintiff complied, and the workers’ compensation doctor extended his medical leave for 45 days. However, the plaintiff alleges that immediately after leaving the employer’s doctor’s office, the plaintiff received a call from his supervisor that he needed to return to the doctor’s office. The plaintiff returned, and after another examination, the doctor released the plaintiff to return to work that same day. The plaintiff returned to work, and subsequently emailed his supervisors expressing concerns about his high risk of being infected by COVID-19, the lack of social distancing in the workplace, and the employer’s failure to abide by CDC guidelines. The plaintiff was offered a severance for his resignation, which the plaintiff did not accept because he was unwilling to waive his rights to sue, and instead resigned without the severance package so he could pursue this lawsuit.

June 11, 2020

Welcome v. Huffmaster (Bergen County, New Jersey)

The plaintiff, a van driver for a company providing strike management and security services, sued his employer for allegedly terminating him for complaining about a co-worker who was exhibiting signs of COVID-19. After he had observed a co-worker, “Steve Last Name Unknown,” constantly coughing and not wearing a mask at work, plaintiff assembled a group of seven or eight employees to discuss Steve LNU’s situation. After this discussion, the plaintiff called his supervisor and informed her of Steve LNU’s apparent symptoms, and requested that the employer have Steve LNU tested for COVID-19. The plaintiff also added that he was concerned not only for his own safety, but also for that of his young asthmatic daughter. According to the plaintiff, his supervisor responded by
telling him the company had rules against discussing COVID-19 in groups, and that, as the “ringleader” of the group of employees, he had violated company rules. After her call with the plaintiff, the supervisor allegedly emailed everyone in the group except the plaintiff, told them there had been “misinformation” circulated about Steve LNU, and told the employees not to worry about it. Three days later, the plaintiff was terminated, allegedly for being the “ringleader” of the group of employees who met to discuss Steve LNU’s apparent COVID-19 symptoms, thereby violating the company’s rules against “employees discussing the COVID-19 virus...having non-work-related conversations with each other,” and “having large meetings of employees to discuss work issues.”

June 9, 2020

Barbara Lesikar v. Jefferson Place Assisted Living, Inc., et al. (Travis County, Texas)
The plaintiff, a licensed nurse employed at an assisted living facility, claims that she was retaliated against in violation of Texas law after she reported what she believed to be violations related to in-services, fire drills, and COVID-19 safety precautions. The plaintiff alleges that since September 2018, the employer failed to provide nurses with required in-service training; failed to conduct monthly fire drills despite falsely documenting the fire drills were completed; and failed to provide training or information to nurses regarding the COVID-19 pandemic. The plaintiff alleges that the day after she called and made the report to the facility’s owner, her supervisor told the plaintiff she was “being terminated because she allegedly had two complaints” about her.

Willmeng v. Allina Health System (Ramsey County, Minnesota)
The plaintiff, an emergency room nurse, filed a two-count complaint claiming he was terminated in violation of Minnesota’s whistleblower and occupational safety laws for reporting safety concerns during the COVID-19 pandemic. The plaintiff alleges he reported to the defendant that he was concerned that he and other employees could put their families at risk by working in personal scrubs and then wearing them home, and requested that employees be issued surgical scrubs. When the defendant failed to issue the surgical scrubs, the plaintiff and other nurses began wearing the surgical scrubs that were available at the hospital. Thereafter, the plaintiff reported to a number of the defendant’s managerial employees his continued concerns over safety relating to the defendant’s alleged: (1) failure to provide adequate PPE, (2) insistence that employees wear personal scrubs, and (3) failure to provide adequate patient gowns for COVID-19 patients. After the plaintiff filed a complaint with OSHA, and informed the defendant that he had done so, he alleges he was disciplined for wearing hospital-issued scrubs. Subsequently, when multiple nurses were approached by managers during their shifts about wearing hospital-issued scrubs as opposed to their own personal scrubs, the plaintiff complained that the meetings were being conducted without union representation, and informed one of the managers that the complaint he filed with OSHA had been referred to the Minnesota Department of Labor discrimination unit. On May 4, 2020, a number of employees and members of the public protested in front of the hospital, demanding that employees be allowed to wear hospital-issued scrubs and publicizing the alleged retaliation. The plaintiff was terminated on May 8, 2020.

Burgess v. Bret Russell, Inc. (Oakland County, Michigan)
The plaintiff, a property manager for a luxury housing complex, claims that she was wrongfully discharged in violation of Michigan public policy after refusing to show any apartments unless the prospective tenants needed “housing very soon.” The plaintiff alleges that showing the units would have been in contravention of the governor’s COVID-19-related orders. The plaintiff alleges that she sent the defendant’s operations director a lengthy email “explaining that she would not violate the Governor’s Order.” Soon thereafter, the defendant informed the plaintiff she was being discharged, supposedly because the plaintiff “did not respect management.” Separately, the plaintiff was informed by the defendant’s attorney that “among various reasons given,” the plaintiff was “laid off” because of the ongoing COVID-19 crisis and that other persons from the corporate office were also being laid off.

*Carney v. H.S.F. Enterprises, Inc., et al.* (Camden County, New Jersey)
The plaintiff, a sales consultant at a luxury car dealership, claims that she was discharged in violation of New Jersey’s whistleblower law. The plaintiff claims that, following the reopening of the car dealership, she repeatedly “blew the whistle to management” regarding the dealership’s noncompliance with New Jersey’s COVID-19-related safety and health requirements. The plaintiff claims, among other things, that she was not provided a physical barrier, that she was “scolded and reprimanded because a customer complained that [the plaintiff] sat the customer six feet away from her,” and that she was reprimanded for taking a photo of a salesperson sitting next to a customer in a small cubicle with the salesperson’s mask off. After complaining to the defendant, the plaintiff’s employment was terminated, and she was told that she had “been nothing but a disruption.”

**June 8, 2020**
*Porti v. PM Pediatrics Management Group, LLC, et al.* (Queens County, New York)
The plaintiff, a medical director at a pediatric health clinic, claims that she was discharged in violation of New York Labor Law. The plaintiff alleges she made multiple written complaints to the defendants concerning the defendants’ handling of PPE during the COVID-19 pandemic. This, the plaintiff claims, was a violation of New York Labor Law because defendants “did not equip and operate in a manner to ensure the ‘reasonable and adequate protection to the lives, health and safety of all persons employment [at defendant]...’” Following the plaintiff’s third written complaint to defendants, her employment was terminated. The plaintiff alleges that the defendants told her that her termination was necessary because she seemed “unhappy.” The plaintiff claims that her discharge was in retaliation for her protected complaints.

**June 5, 2020**
*Morales v. American Health Associates, Inc.* (Seminole County, Florida)
The plaintiff was a phlebotomist, and her primary job duty was to draw blood from patients. The plaintiff alleges that she signed a letter that was forwarded to her supervisor, as well as the defendant employer’s vice president and chief executive officer. The plaintiff states that the letter informed the recipients that phlebotomists were being asked to collect COVID-19 specimens, but that the company had not provided them with PPE, in violation of OSHA regulations. The plaintiff also alleges that she sent numerous text messages to her supervisor complaining about the company’ failure to provide the PPE, and demanding that the company do
The plaintiff alleges that her fears of exposure to the virus were realized when she came into contact with a COVID-19-positive patient while she was without PPE. The plaintiff alleges that after her exposure, her supervisor instructed her to self-quarantine for seventy-two hours. According to the plaintiff, when the seventy-two hours passed, she texted her supervisor about returning to work, and was told that she was terminated for failing to show up to work for three days. The plaintiff brings a claim for whistleblower retaliation in violation of Florida Statutes section 448.102. She also brings claims for wage and hour violations under the Florida Constitution and the Fair Labor Standards Act.

Stivers v. Indiana Limestone Acquisition, LLC (Southern District of Indiana)
The plaintiff worked as a limestone sawyer. He alleges that he told the defendant employer that he would need to take leave to care for his child because his mother, who normally provided childcare, was ordered to quarantine for one month after exhibiting symptoms of COVID-19. Further, the plaintiff alleges that after he informed his employer that his mother was exhibiting COVID-19 symptoms, the company required him to self-quarantine for at least fourteen days. The plaintiff alleges that he applied for thirty days of leave pursuant to the Family and Medical Leave Act (FMLA) and the Families First Coronavirus Response Act (FFCRA), and that the company expressly approved the leave and paid him at two-thirds his regular rate of pay for forty hours per week for the remainder of his employment. However, the plaintiff alleges that he was wrongfully terminated after three weeks of leave. According to the plaintiff, the company maintained that he was losing his position as part of a reduction in force, but the plaintiff alleges that the company’s stated reason for his termination is untrue. The plaintiff claims that the company transferred or rehired an individual from another facility to work in his position, even though the individual was untrained as a limestone sawyer. The plaintiff further alleges that in determining which positions to keep or eliminate, the company focused primarily on employees who were on FMLA/FFCRA leave. The plaintiff brings two causes of action—one for violation of the FMLA and one for violation of the FFCRA.

Wallace v. Hub International Insurance Services, Inc. (San Diego County, California)
The plaintiff, an account executive, claims, among other things, that in violation of California law, she was harassed, discriminated against, and retaliated against due to her gender. She also alleges she was wrongfully terminated in violation of California public policy. In March 2020, the plaintiff was instructed by her employer to work from home in response to the California governor’s lockdown order due to the COVID-19 pandemic. The plaintiff was unable to secure childcare for her two young children during the lockdown order, and alleges that her supervisor instructed her that “her children are not to be heard during phone calls.” The plaintiff explained that background noise would likely occur while both children are awake in the morning, but that “her youngest napped in the afternoon, so that would be the best time for calls.” Despite this conversation, the plaintiff alleges that her supervisor continued to schedule calls when she was feeding her children or putting them down for a nap, and gave the plaintiff “rush” assignments. The plaintiff objected, and told her supervisor that she felt that his expectations were unrealistic, given her need to care for her children. The plaintiff alleges that her supervisor told her to “take
care of her kid situation” and to “figure it out.” The plaintiff subsequently
took her concerns that she was being discriminated against as a mother
to human resources. After expressing her concerns, the vice president of
human resources told the plaintiff that the company “was experiencing a
reduced revenue due to COVID-19 and they were laying Plaintiff off as a
result of the pandemic.” The plaintiff alleges that the company “was using
COVID-19 as a bogus justification to terminate Plaintiff,” and alleges that
the company posted an opening for her former position, “effectively
disproving that Plaintiff’s job was eliminated for financial reasons.”

Watts v. Microsoft Corp. (King County Superior Court, State of
Washington)
The plaintiff (former “Senior HR Manager for Microsoft Retail Stores”) says that she informed Microsoft on March 4, 2020, that she had a job
offer from another employer. Apparently, the offer was a good one,
because she wanted to “see what opportunities existed within Microsoft
that were commensurate with the [other] offer.” The plaintiff alleges that
Microsoft only pointed her to a “position that was less appealing than the
one offered by [the other employer].” As a result, the plaintiff says that
she accepted the other position on March 11 and so informed her
Microsoft manager and asked if she would be immediately released from
her Microsoft employment. According to the plaintiff, she was asked (and
agreed) to stay with Microsoft during the “transition of all her work duties
to other employees.” The plaintiff reports that she continued working for
Microsoft without any defined end date and took on additional work due to
the impact of COVID-19. However, in mid-March the plaintiff learned
about the closure of her child’s school and requested flexibility from her
supervisor in light of the school closure and the unavailability of her
nanny, in keeping with Microsoft’s internal statements at the time about
the need for flexibility with employees facing school closures. The plaintiff
claims that she suggested a daily schedule of being online and offline
during a day, “using sick time, if necessary, for time away.” The supervisor
allegedly did not respond to this email and later that day the plaintiff
reportedly asked for sick time to care for her two children. The plaintiff
claims that the next day she emailed human resources general email
account regarding her “need for flexibility in her schedule to
accommodate her child’s school being closed.” The plaintiff claims that
her supervisor separately wrote to her that day, informed her of the
termination of her employment, and told her that she could “now just go
be with [her] kids.” The plaintiff claims that, on the day after her
termination, Microsoft opened a position “that was equivalent to the
position [she] had accepted with [the other employer].” The plaintiff claims
retaliation in violation of the Washington Paid Family Leave Act, wrongful
termination in violation of public policy, and promissory estoppel. She
seeks compensatory damages, lost wages, emotion damages, injunctive
relief, and other damages.

June 4, 2020
Ratiff v. Powell County Detention Center, et al. (Powell County, Kentucky)
The plaintiff, a former substance abuse counselor at a Kentucky detention
center, alleges that she was wrongfully discharged in violation of the
Kentucky Whistleblower Act. The plaintiff alleges that she inquired about
COVID-19 mitigation plans, and was informed that the counselors “would
have to work normally and if a counselor refused to do so that person
would be fired.” Following this meeting, the plaintiff sought unpaid leave,
then the defendants discharged the plaintiff. The plaintiff claims that she
and others were discharged “after they coordinated in an effort to bring to
attention violations of CDC and OSHA recommendations” and the
Kentucky governor’s executive orders pertaining to COVID-19.

*Mondello v. Kelco Construction, Inc.* (Suffolk County, New York)
The plaintiff, a manager of a car restoration and customization garage,
claims that his employer discriminated against him based on “his actual
and/or perceived disability,” “retaliated against him for engaging in
protected activity, and effectively terminated his employment.” The plaintiff
alleges he “repeatedly complained about unsanitary and illegal working
conditions,” which “was putting everyone’s health at risk during
COVID-19.” He claims his supervisors dismissed his concerns, saying
the Company won’t do [expletive] about it” and telling him to “leave it
alone.” After the plaintiff learned that three employees contracted
COVID-19, he made a request to work remotely, accompanied with a
doctor’s note indicating that he is at high risk of contracting COVID-19
due to the fact that he is a cancer survivor. The employer denied the
plaintiff’s request, sent him home, and “failed to pay him for at least two
days for that workweek.” The plaintiff’s supervisors emailed him in April,
stating that if “he did not return to work [the following Monday], provide a
medical note saying he could work without any restrictions, and sign a
waiver of his legal rights, he would be fired.” When the plaintiff did not
comply, his remote access was terminated. The plaintiff seeks damages
for disability discrimination and retaliation under the New York State
Human Rights Law, and unpaid wages and commissions under the New
York Labor Law.

*James v. Language World Services, Inc., et al.* (Sacramento County,
California)
The plaintiff, a temp-to-hire medical assistant, brings numerous causes of
action against the defendants including disability discrimination,
retaliation, wrongful discharge, and failure to provide rest periods in
violation of California law. Among other things, the plaintiff claims that the
nurse manager refused to provide the plaintiff with a mask, even though
she would come into contact with a patient exhibiting COVID-19
symptoms. The nurse manager explained that “a mask would not protect
[the plaintiff] from infection.” After experiencing COVID-19 symptoms
herself, the plaintiff was put on a one-week medical leave of absence.
Upon her return to work, the plaintiff confirmed that she came into contact
with a COVID-19-positive patient, and obtained another doctor’s note.
The plaintiff alleges that she was then informed that her assignment had
been “terminated due to a breach of confidentiality.” The plaintiff alleges
the defendants discriminated against her “after perceiving her as being
infected with the COVID-19 virus.”

*Henslovitz v. Thunderball Marketing Inc., et al.* (Essex County, New
Jersey)
The plaintiff, a 70-year old sales person, claims he was discriminated
against on the basis of his age and disability, and retaliated against in
violation of New Jersey’s whistleblower law. The defendant closed its
facilities after one of its employees tested positive for COVID-19. The
plaintiff asked the defendant’s attorney whether the office would be
sanitized prior to opening. The defendant employer responded that the
defendants would clean the office when they came back to work after
Passover. After the defendant reopened its facilities, the plaintiff claims he
was the only employee that was not permitted to return to work on the
same day as other employees. The plaintiff contacted the defendant’s
attorney again, claiming he was “startled that [the defendant] would put
other employees in danger without cleaning out the Cragwood Road
facility...” The next day, the vice president of the defendant company
informed customers that the plaintiff was no longer employed by the
defendant. The plaintiff claims his employment was terminated in
retaliation for complaining of conduct that was incompatible with a clear
mandate of public policy, including an executive order issued by the
governor.

June 3, 2020

Reyna v. Cascade Health Services, LLC (Southern District Court of
Texas)
The plaintiff, a certified nursing assistant at a nursing home, claims that
she was wrongfully terminated and retaliated against in violation of the
FFCRA. The plaintiff alleges that “she went home from work feeling
horribly sick,” and attempted to schedule a COVID-19 test. The soonest
appointment at a testing center was not until the following week, and the
local health department informed the plaintiff “to self-quarantine until she
received her test results.” The plaintiff then contacted her supervisor and
explained she was experiencing COVID-like symptoms and “would
self-quarantine until she got her [COVID-19] test results in order to protect
the residents.” In response, the plaintiff claims she was informed that she
was being fired. Among other things, the plaintiff seeks damages for “past
and future wages” and a “mandatory injunction reinstating plaintiff’s
employment benefits, retroactive to May 15, 2020.”

Elliott Stein, M.D. v. Hebrew Home for Aged Disabled, et al. (San
Francisco County, California)
The plaintiff, a 72-year-old prominent geriatric psychiatrist, filed a
six-count complaint alleging disability discrimination and defamation
against the defendants, who operated a large nursing home and a
psychiatric hospital. The plaintiff alleges that in early March 2020, he
began to explore ways to provide telemedicine if COVID-19 continued to
spread and providers were not allowed to provide in-person services.
After the plaintiff was advised by his personal physician that he was
significantly at risk of contracting COVID-19 and to shelter in place, the
plaintiff began performing his duties remotely on March 17, 2020. The
plaintiff alleges that although his performance did not suffer as a result of
using telemedicine, he was told on March 31, 2020, that he had to return
to the office because “patient-facing” staff were no longer permitted to
work remotely due to a change in the telecommuting policy. According to
the plaintiff, although he requested a reasonable accommodation and
attached a letter from his doctor ordering him to work from home due to
his health condition and his age, his request to work remotely was
ignored. Ultimately, the plaintiff received a letter stating that his refusal to
perform services on site was a breach of his services agreement, and his
employment and clinical privileges were terminated effective April 6,
2020.

Gargiulo v. Dr. Ernie F. Soto PA, et al. (Broward County, Florida)
The plaintiff, a dental hygienist, alleges that her employment was
terminated in violation of the Florida Whistleblower Protection Act. The
plaintiff alleges that defendants were violating OSHA, the Paycheck
Protection Program (PPP), Small Business Administration (SBA) loan requirements, IRS withholding statutes and defrauding the Department of Economic Opportunity of unemployment monies. Among other things, the plaintiff claims that when the defendant obtained $630,000 in monies from Emergency Disaster, PPP and SBA loans, the defendant used the money for personal matters – including the purchase of a rare, late 1960s Camaro – rather than the prescribed purposes for the loans. The plaintiff alleges she was terminated shortly after inquiring about appropriate PPE to her employer, and after sharing “the truth of the inadequate and inappropriate lack of protection with her fellow office colleagues on a private interoffice forum,” in retaliation for sharing safety information “and to teach the other ancillary staff a lesson.”

Lin v. CGIT Systems, Inc. (District of Massachusetts)
The plaintiff, a 55-year old Chinese-American with high blood pressure, claims he was discriminated against because of his disability, age, race, and national origin in violation of the Massachusetts Anti-Discrimination law. The plaintiff alleges that on March 16, 2020, he obtained oral consent from his manager to work from home, as a result of the COVID-19 pandemic. On March 25, the plaintiff’s general manager instructed all employees who were working from home to report to the office location for work on March 27. The plaintiff communicated with his manager that he wanted to comply with the governor’s stay at home order by working from home, and was concerned about social distancing in the office, given his high blood pressure. The plaintiff submitted a formal request to work from home, which was denied by the general manager. The plaintiff alleges that two other employees in his department were granted their work from home requests. The plaintiff alleges that on March 31, the president of the company told him he needed to report to the office to continue his employment. The plaintiff claims he reiterated his concerns and informed the president that all of his work could be handled remotely, and was terminated the same day for “job abandonment.” The plaintiff alleges that his manager told other employees that “he needed to make an example of Plaintiff” so that “people [wouldn’t] take sick or vacation time because they were concerned about coming in to work in [the] office location due to COVID-19.”

June 2, 2020
Burden v. Everglades Preparatory Academy, Inc. (Palm Beach County, Florida)
The plaintiff was an assistant principal at a preparatory academy. He alleges that the academy attempted to force him to work in person at the school during the COVID-19 pandemic, in violation of unspecified county and federal law, even though students were attending school remotely. The plaintiff refused to work in person. Further, he alleges that the school wanted him to report false attendance numbers, and that he refused to do so. He alleges that as a result of his refusals to work in person and report false attendance numbers, his employment was terminated. He brings one cause of action for whistleblower retaliation under Florida Statutes section 448.101-105.

Graham v. Barrier Technologies, LLC, et al. (Southern District of Florida)
The plaintiff, a former embroiderer for a PPE manufacturer, claims that the defendants unlawfully terminated her employment in violation of the Emergency Paid Sick Leave Act (EPSLA; part of the Families First Coronavirus Response Act). The plaintiff alleges that she sought medical
treatment for COVID-19 symptoms, and was advised to self-isolate for at least seven days. Prior to the plaintiff’s return to work, the defendants terminated the plaintiff’s employment, citing economic conditions related to the COVID-19 pandemic. The plaintiff claims that the defendants retaliated against her for taking sick leave and failed to pay her for her sick leave, in violation of the EPSLA.

June 1, 2020

Busch v. Iowa Dermatology Clinic, P.L.C., et al. (Polk County, Iowa)

In a third complaint against the same dermatology clinic, the plaintiff, an advanced registered nurse practitioner, alleges wrongful termination and breach of her employment contract, in violation of Iowa law. The complaint alleges that the defendant employer “terminated Plaintiffs employment without notice, allegedly ‘for Cause’ [sic], despite the fact that Defendants did not have ‘cause,’” and that the defendant employer provided no “notice of any deficiency or non-performance of her contractual or employment duties prior to or upon her termination.” The plaintiff claims that the defendant employer “encouraged and expected [the plaintiff] to violate” “governmental restrictions and guidelines related to the COVID-19 pandemic,” and wrongfully terminated her “in retaliation for her refusal to violate these public policies.”

Sumner v. Lincare Holdings Inc. et al. (Duval County, Florida)

The plaintiff, a former operations manager for the defendants, filed a single count complaint alleging that the defendants terminated her in violation of the Florida Whistleblower Act after she reported safety concerns to her district manager during the COVID-19 pandemic. In support of her claim, the plaintiff alleges the defendants were not taking adequate health and safety precautions—including, for example, allowing patients unfettered access to the defendants’ office without appointments, not providing thermometers, not providing sufficient PPE, and allowing an employee with COVID-19 symptoms to return to work even though the employee was still exhibiting COVID-19 symptoms. The plaintiff alleges that one of her subordinates lodged an internal complaint with the plaintiff about the employee with COVID-19 symptoms, which the plaintiff reported to her district manager. She alleges that she also reported to her district manager that there was insufficient PPE, insufficient testing and monitoring equipment for employees and others, and inadequate office space to maintain social distancing. Subsequently, after the employee who complained to the plaintiff also complained to the defendants’ safety department about her COVID-19 safety concerns (and another employee who reported to the plaintiff complained to defendants about safety concerns), the district manager called the plaintiff and accused her of creating an environment where employees did not want to work in the office and did not feel safe. During the phone conference, the district manager then issued the plaintiff a verbal warning for disrespectful and insubordinate conduct, and shortly thereafter terminated the plaintiff’s employment, calling it a “layoff.”

Peake v. Louisville Metro Government (Jefferson County, Kentucky)

The plaintiff alleges she was subjected to a hostile work environment based on sexual harassment in violation of KRS 344.010, was terminated in retaliation for reporting a sexual assault in violation of KRS 344.280, and was wrongfully terminated under the Kentucky Whistleblower’s Act. The plaintiff alleges that she was sexually assaulted by an employee, and reported the incident to her supervisor. After an investigation into the
matter, the employee that allegedly sexually assaulted the plaintiff received a disciplinary action notice that recommended that the employee be suspended for 10 days. The plaintiff also received a disciplinary action notice concluding that she “exposed potential new hires … to COVID-19” and recommended termination. The plaintiff claims that the disciplinary action notice’s conclusion that she exposed potential new hires to COVID-19 is false and that the recommendation for termination “constitutes unlawful retaliation for Plaintiff’s complaining about sexual assault and sexual harassment.”

*Diana Montejano v. Pacific Living Properties, Inc., et al. (Fresno County, California)*

The plaintiff, a property manager, claims wrongful termination in violation of public policy; disability discrimination, retaliation, and failure to accommodate in violation of California law; and California labor law violations. Among other purported labor code violations, the plaintiff alleges that her employers misclassified her as exempt, required her to work overtime without pay, and failed to provide her meal and rest breaks. The plaintiff also alleges that in March 2020, she was placed on a short medical leave as a result of adverse medical effects – including stress, anxiety and depression – caused by harassment from a coworker. In that instance, she claims, she was forced to use sick and vacation time rather than receive compensation under the worker’s compensation statute, the availability of which she was not informed. The plaintiff further alleges that on April 6, 2020, she requested to work intermittent days as a result of her son’s school closure due to COVID-19. When she returned to work the next day, she claimed, she was terminated in retaliation for seeking an accommodation in the form of time off to care for her son as a result of the school closure.

*May 31, 2020*

*Jennie Valdivia v. Paducah Center for Health and Rehabilitation* (Western District of Kentucky)

The plaintiff, a certified nursing assistant, alleges she was denied paid sick leave under the Emergency Paid Sick Leave Act (EPSLA) and was terminated for leaving work to “seek treatment for symptoms that could have potentially been COVID-19,” in violation of the EPSLA and Kentucky law. The plaintiff claims she arrived at work and took her own temperature, which read 99.8. About 30 minutes later, she took her temperature again, and it allegedly had risen to 100.1. The director of nursing was allegedly unavailable, but the assistant director of nursing told her to go home. According to the plaintiff, the director of nursing called her later that evening and told her that without a doctor’s note, her absence was unexcused. The plaintiff then visited her doctor and found out she did not have COVID-19, and texted a picture of her doctor’s note to her supervisor. The next day, the plaintiff was terminated for “being aggressive with patients.” She alleges this reason is a pretext for the defendant’s retaliation against her for seeking further evaluation for COVID-19 symptoms, in violation of the EPSLA.

*May 29, 2020*

*Hawkins v. Core Health & Fitness, LLC* (State of Washington Superior Court)

The plaintiff, former global vice president of sales and marketing for the
defendant, alleges that he was discharged in violation of Washington disability discrimination law. The plaintiff alleges he was regarded as having a disability, as he was ridiculed for his weight on several occasions. The defendant allegedly terminated the plaintiff due to the economic impact of COVID-19, but the plaintiff claims that given his “willingness to reduce his pay by fifty percent – an offer that defendant rejected – and the assistance of Payroll Protection Plan, the pretextual nature of defendant’s rationale for terminating [him was] easy to see.”

Crowe v. The Akron Art Museum (Summit County, Ohio)
The plaintiff, a museum’s family events and activities coordinator, alleges that she was retaliated against and terminated for joining a letter authored by a group of employees to the museum’s Board of Trustees regarding “a series of claims of mismanagement, hostile work environment, sexual and racial harassment, and the slanderous actions of [the executive director of the museum].” The plaintiff alleges that she was subsequently given assurances by her employer and its legal counsel that she would not be subjected to retaliation if she participated in the investigation of the executive director. After participating in the investigation, the plaintiff alleges that she “was systematically subjected to new and overbearing oversight, criticism, reductions of resources for her projects, diminishment in her ability to facilitate family events, disciplinary action, and other unjustified and unwarranted harassment by her superiors and … management.” The plaintiff alleges that in March 2020, she was notified that she was being laid off due to the COVID-19 and would be recalled after the pandemic, but her employer subsequently advertised a posting for her job. The plaintiff alleges that these actions “constitute[] retaliation against [p]laintiff.”

Beltran v. 2 Deer Park Drive Operations LLC, et al. (Mercer County, New Jersey)
The plaintiff was employed as a maintenance building technician for defendants. He brings claims for wrongful termination in violation of public policy, perception of disability under the New Jersey Law Against Discrimination, discrimination under the New Jersey Earned Sick Leave Law, unlawful discharge under the New Jersey Conscientious Employee Protection Act, and interference under the Family and Medical Leave Act and the Families First Coronavirus Response Act. He alleges that his mother tested positive for COVID-19, and that he received a letter from the Hamilton Township Division of Health advising him that he needed to quarantine for two weeks. The plaintiff alleges that his employers told him that he was required to return to work less than two weeks later, and that when he did not do so because he was obeying the Division of Health letter, he was terminated.

May 28, 2020
Tana L. Barles v. Incite Rehab, LLC (Faulkner County, Arkansas)
The plaintiff, a certified occupational therapist assistant, claims that she was wrongfully discharged in violation of public policy. The plaintiff alleges that she began exhibiting symptoms of COVID-19, and although she tested negative, her employer directed her to stay at home until her symptoms subsided, and refused to pay her for the time off. The plaintiff alleges that despite her outstanding performance history with the company, she was abruptly terminated without explanation, in retaliation
for taking the employer-imposed leave.

Haile et al. v. Steitz & Der Manouel Inc. dba Eco Water of Central California, et al. (Sacramento County, California)
The plaintiff, a sales representative, alleges that the defendant employer refused to comply with a government shutdown order, and that the company president “defiantly stated that ‘until the government came and put locks on my door then we will stay open and do business.’” The plaintiff alleges that she informed the defendant that she was pregnant, and raised concerns “regarding violating the shelter in place orders and for the health risks from potential exposure to COVID-19.” The plaintiff alleges that she was placed on a leave of absence, and terminated two days later. As a result, she brings claims for retaliation, wrongful termination based on sex and in violation of public policy, and alleges that her employer failed to pay timely wages upon termination, in violation of California law. The plaintiff also brings a class action seeking to recover allegedly unpaid business expenses relating to employees’ automobiles.

Lin v. Peacehealth (Whatcom County, Washington)
The plaintiff, a physician, claims he was terminated in violation of Washington public policy. The plaintiff alleges that during the COVID-19 pandemic, he became concerned that the hospital where he worked was not taking adequate measures to protect the health and welfare of its healthcare workers during the COVID-19 pandemic. The plaintiff emailed the managers of the hospital stating the hospital “is so far behind when it comes to protecting its patients and the community but even worse when it comes to protecting the staff.” That same day, the plaintiff posted the text of his email to his personal Facebook account. Over the next week, the plaintiff continued to post on social media about COVID-19, his employer’s response, and the lack of PPE. The plaintiff alleges that he eventually received a text message from the vice president informing the plaintiff that his shifts at the hospital had been covered, effectively terminating the plaintiff. Accordingly, the plaintiff seeks damages for loss of compensation and benefits, emotional distress, anxiety, humiliation and embarrassment.

Peloso v. Arciero & Sons, Inc. et al. (San Luis Obispo County, CA)
The plaintiff, a 90-year-old former office manager and CFO of the defendant, who was classified as an independent contractor, filed a twelve-count complaint against his former employer and three individual defendants, including wrongful termination, age discrimination under state law, disability discrimination under state law, retaliation for opposing violations of FEHA, and misclassification as an independent contractor. In support of his claims, the plaintiff alleges that his supervisor told him he was too old and asked when he was going to retire. After the plaintiff told his supervisor that he enjoyed his job and did not want to retire, the plaintiff alleges his supervisor harassed him by making various ageist remarks, including telling him he couldn’t handle the work anymore because he was getting too old, telling him that he had gotten old and slow, and telling him that he was slowing down and was not the worker he used to be. Following these remarks and his expressed intent to remain on the job, the plaintiff alleges that he was told by the CEO and his supervisor, in mid-March 2020, to take two weeks leave because he was older and they wanted to protect him from becoming infected with
COVID-19. However, according to the plaintiff, the defendants failed to discuss any alternative accommodations (such as allowing him to isolate in an office, work from home, or work part-time), and instead terminated him via email while he was on COVID-19 related leave.

*Readus v. Trueblue Inc. and PeopleReady, Inc.* (Eastern District of Michigan)
The plaintiff, a staffing specialist, alleges wrongful termination in violation of Michigan public policy and the Michigan Whistleblower Protection Act. The plaintiff alleges that his worksite remained open, despite a shutdown order from the governor and the fact that certain other of the defendants’ locations were operating remotely in response to the COVID-19 pandemic. The plaintiff claims that he took personal leave to “avoid having to unlawfully break quarantine and expose himself to risk,” and that when his leave expired, he complained to his supervisor about being required to “break quarantine.” The plaintiff further alleges that he complained to the defendant employer “that he would be subject to stop by the police when traveling to work,” and inquired as to why a remote work plan was not put in place. The defendant employer thereafter terminated the plaintiff. According to the plaintiff, the defendant employer falsely explained that the reason for his termination was a “massive layoff” (which plaintiff claims did not actually occur). According to his complaint, the true reasons for his termination were his complaints about the defendants’ purported violations of the shutdown order, his objections to “being forced to violate the Order and commit a criminal misdemeanor as a condition of his employment,” and the fact that he was preparing to report the supposed misconduct “to law enforcement.” With regard to his whistleblower claim, the plaintiff alleges that he was “about to report Defendants’ violation of Executive Order 2020-21,” and that he communicated that intent by complaining to the defendant employer and “by requesting that correspondence about his complaint be recorded or conducted in writing.”

May 27, 2020

*Gaya v. Person Directed Supports, Inc.* (Lehigh County, Pennsylvania)
The plaintiff worked as a direct support professional for an assisted living facility. He alleges that he became ill with a fever, and when he informed his supervisor, he was told to stay home. The plaintiff alleges that two days later, he went to the doctor, and as a result of the COVID-19 pandemic, was advised to self-isolate for five days. The plaintiff alleges that at the end of the five days, he called his supervisor to confirm he could return to work, but that his supervisor put someone from human resources on the line who informed him that he was terminated because he did not have a doctor’s note for the first two days that he was absent, even though his supervisor directed him to stay home. The plaintiff brings claims for wrongful discharge in violation of public policy and violations of the Families First Coronavirus Response Act and the Fair Labor Standards Act.

*Nathan Singh v. Crossover Health Medical Group* (Santa Clara County, California)
The plaintiff, a doctor, sued his former employer for allegedly terminating him in retaliation for making complaints about being forced to work during the COVID-19 pandemic with inadequate safety precautions. The defendant allegedly told the plaintiff that the clinic where he worked would
continue operating as usual during the COVID-19 pandemic until there were not enough healthy staff to operate the clinic. Moreover, the plaintiff alleges the defendant told him that he would have to reuse PPE, and that the defendant did not follow recommended COVID-19 safety guidelines. The plaintiff alleges that in retaliation, he was wrongfully terminated three days after making the complaints at a staff meeting. He alleges that the reasons the defendant gave for his termination—the “tone” of his complaints about safety, a supposed “failure to fit into the company culture,” and that it had purportedly received “anonymous complaints about his mannerisms and level of politeness”—were pretextual, and that his termination violates California state law and common law.

*Taylor v. Five Star Senior Living, Inc.* (Greene County, Missouri)
The plaintiff was a resident assistant at an assisted living facility. She alleges that she provided care for, and had direct contact with, two residents who exhibited symptoms of COVID-19. The plaintiff alleges that after the two residents received positive COVID-19 diagnoses, she informed her employer that she should self-quarantine for fourteen days. She alleges that her employer denied her request, and that when she proceeded to self-quarantine, her employer told her that she had resigned. She brings claims for wrongful discharge and fraud.

The plaintiffs, a chaplain and a registered nurse, claim wrongful termination in violation of Pennsylvania’s Whistleblower Act and public policy. The plaintiffs allege that they objected to their employer’s failure to comply with proper public safety protocols in response to the COVID-19 pandemic, including the employer’s failure to provide proper protective equipment and its failure to test newly admitted patients for COVID-19, subjecting the plaintiffs and other employees to potential COVID-19 exposure. The plaintiffs claim that after they voiced their concerns to their employer and OSHA, they were terminated. One plaintiff claims he was terminated purportedly for failing to “pass the probationary period” and the other plaintiff claims she was terminated for her social media post commenting on the employer’s “lack of proper protective equipment.”

*Pezza v. Landscape Maintenance Services, Inc., et al.* (District of New Jersey)
The plaintiff, an hourly maintenance employee, alleges the defendant employer, a landscaping company, terminated him while he was on medical leave. The plaintiff claims that the defendant employer violated state and federal disability law by terminating him because his doctor extended his medical leave due to concerns about COVID-19. In March 2020, the plaintiff took a medical leave due to “heart-related complications,” and in early April 2020, the plaintiff submitted a note from his doctor to the defendant employer stating that, due to his heart condition, the plaintiff must limit his potential exposure to COVID-19 and should therefore self-quarantine for an addition four weeks. Thereafter, while the plaintiff was in self-quarantine, the defendant employer terminated him. In addition to his disability discrimination claims, the plaintiff also asserts violations of the Fair Labor Standards Act and New Jersey Wage and Hour Law, alleging that the defendant employer failed to pay overtime wages, and that his termination was also in retaliation for
his complaints concerning the defendant employer’s failure to pay such overtime wages.

May 26, 2020

Dustin Robbins v. Dallas County, Iowa; Douglas Lande; Chad Leonard, both individually and in their official capacities (Dallas County, Iowa)

According to the plaintiff, a former correctional officer in a county sheriff’s office, his employer issued an email “that a co-worker had tested positive for COVID-19, but because the employee was symptom-free they would be returning to work ‘with precautions.’” The plaintiff says that he and several of his co-workers discussed their fears that an “infected co-worker” returned to work “prematurely.” The plaintiff claims that he called the Iowa Department Corrections “hotline” and reported that the “Dallas County Sheriff’s Office was allowing an employee infected with COVID-19 to return to work, creating a potential significant health hazard to staff and inmates in the form of the spread of COVID-19.” The plaintiff claims that within an hour his report, his employer issued an email “stating that the infected co-worker would not be returning to work at that time after all.” The plaintiff claims that he then raised a concern about potential infection risk in a group meeting, and that his superior accused him of going to the media and the Department of Health, which the plaintiff denies. The plaintiff claims that later that day, another superior chastised him for making an external report. The plaintiff claims that his superior told him to leave the premises and not come back. The plaintiff alleges unlawful retaliation in violation of public policy, and seeks compensatory damages, reinstatement with back pay, attorney fees and costs, and other equitable relief.

Monroe v. Southeast SNF LLC d/b/a Southeast Nursing & Rehabilitation Center (Bexar County, Texas)

The plaintiff, a vocational nurse, alleges that her employer was grossly negligent during the COVID-19 pandemic, and that she was terminated in violation of the Texas Health and Safety Code and the Texas Occupational Code. The plaintiff alleges that Texas Health and Human Services mandated that during the COVID-19 pandemic, nursing facilities must: (1) “implement screening protocols for anyone entering their facility;” (2) “screen staff for COVID-19 using guidelines issued by the Centers for Medicare and Medicaid Services;” (3) “maintain strong infection prevention and control programs to prevent the spread of communicable diseases;” and (4) “check for fever of staff…and provide personal protective equipment to residents or staff.” In March 2020, the plaintiff reported several violations of the law to her supervisors, informing them that: (1) the plaintiff was not provided PPE; (2) a co-worker had entered the facility without washing his hands or having his temperature checked; and (3) employees were leaving the facility doors open, all in violation of government mandates. The plaintiff also alleges that her employer was grossly negligent by “failing to provide rules regarding COVID-19 minimization, failing to warn [her] of the potential COVID-19 outbreak, failing to provide PPE as required, failing to provide a reasonably safe work place, and failing to hire competent co-employees.” The plaintiff claims that she “requested time off due to her advanced age and her heightened risk of injury should she come in contact with COVID-19,” but her request was denied and she was terminated. As a result, the plaintiff is seeking statutory and common law damages, including damages for past and future loss of earning capacity, exemplary damages, mental anguish, lost wages, exemplary damages, attorney’s
fees, and court costs.

*Rayer v. The Venue at Winding Hills, Inc.* (Duchess County, New York)
The plaintiff, an event planner for the defendant employer, claims she was terminated in violation of the New York Whistleblower law. The plaintiff alleges that she was a non-essential employee, and that defendant required her to work onsite in violation of an executive order issued by Governor Cuomo mandating that all non-essential businesses cease onsite operations and permit non-essential employees to telework to the maximum extent possible in an effort to stop the spread of COVID-19. The plaintiff alleges that after she began working at home as required by the executive order, her supervisor first required her to attend several meetings on premises and then directed her to return to work on premises full-time. The plaintiff claims she expressed concern to her supervisor on April 21, 2020, about being required to work onsite, about the lack of PPE, and about the lack of adherence to social distancing requirements. The plaintiff alleges the defendant informed her that she was terminated. Subsequently, in a written notice of termination, the plaintiff was told that her position was eliminated as part of a workforce reduction. The plaintiff alleges the defendant subsequently posted an advertisement on Indeed.com for the event coordinator position she held. The plaintiff claims the defendant’s stated reason for her termination was pretextual, and that the real reason for her termination was because she voiced concerns to her supervisor about the violations of the executive order, which exposed the plaintiff and other employees and members of the public to COVID-19. In addition, the plaintiff claims that the defendant has violated New York Labor Law, alleging that her employment agreement did not properly address commission payments, and that the defendant failed to provide her with the required statutory wage notice.

**May 25, 2020**

*Gavilanes v. Lusardi Ltd., et al.* (Queens County, New York)
The plaintiff was employed as a cook at Lusardi, a restaurant in New York. The plaintiff alleges that he was told to go home until further notice after he coughed in front of a supervisor. He alleges that even after two weeks with no symptoms of COVID-19, he was told that he should not come back to work, and that his final paycheck was in the mail. The plaintiff brings a claim for discrimination in violation of the New York City Administrative Code, as well as various claims for wage and hour violations.

*Jackson v. Midnight Express Power Boats, Inc.* (Southern District of Florida)
The plaintiff, a former employee of a powerboat-building company, alleges that he was unlawfully discharged in violation of the Emergency Paid Sick Leave Act (EPSLA) (part of the Families First Coronavirus Response Act). The plaintiff claims, that “for his own safety and that of those around him,” he needed to leave work due to experiencing COVID-19 symptoms. The plaintiff requested sick leave while self-quarantining, and was terminated. Given the temporal proximity of his request for leave and his termination, the plaintiff claims that the defendant employer retaliated against him for attempting to seek leave under the EPSLA.

**May 22, 2020**

*Collins v. ASO Safety Solutions* (Morris County, New Jersey)
The plaintiff, a shop foreman, alleges he was terminated in violation of the New Jersey Conscientious Employee Protection Act. The plaintiff alleges that while he was on vacation for a week, his employer instituted a new policy regarding a two-week self-quarantine for employees who had recently traveled. Upon return from his vacation, the plaintiff self-quarantined for two weeks, and during that time, the plaintiff alleges that he “was aware from co-workers that [his employer] had not implemented safeguards to protect employees from COVID.” As a result, the plaintiff advised his employer that “he was not coming back to work after self-quarantine for fear of being infected and potentially exposing his elderly mother….” The plaintiff alleges that “he was asked to reconsider returning to work or resign from his position,” in response to which the plaintiff advised his employer that he had no plan of resigning. The plaintiff subsequently requested leave under the CARES Act in order to care for his nephew, and was subsequently terminated. The plaintiff also alleges that he was retaliated against for “voicing his concerns about what the plaintiff believed to be violations of the law and Executive Orders engaged in by” his employer.

Morales v. Sunrise Meats, Inc., et al. (Southern District of Florida)
The plaintiff, an hourly employee working in various positions, including butcher, alleges the defendant employer, a convenience store and butcher shop, terminated him for complaining about the employer’s failure to follow safety guidelines promulgated by the CDC due to the COVID-19 pandemic. The plaintiff claims that by failing to follow CDC guidelines, the defendant employer violated OSHA regulations, and the plaintiff’s complaint to the employer was therefore protected activity under Florida’s whistleblower law. Notably, the plaintiff also includes FLSA collective action claims on behalf of similarly-situated hourly employees, for the defendant’s alleged failure to pay overtime wages.

May 21, 2020
Spells v. Physician and Tactical Healthcare Services LLC dba Paths LLC (District of New Jersey)
The plaintiff, a Medicare billing specialist, alleges that he was wrongfully terminated in violation of the Families First Coronavirus Response Act (FFCRA). The plaintiff alleges that he informed his employer when he was instructed by a doctor to self-quarantine for 14 days after he began to experience symptoms, “some of which resembled COVID-19 symptoms.” The plaintiff claims that the defendant employer refused to provide him with paid sick leave, and “advised him that filing for unemployment benefits would be ‘better than taking sick leave.’” After he tested negative for COVID-19, the plaintiff sought permission to return to work in a remote capacity (as most other employees had allegedly been permitted to do), but that the defendant employer claimed that his “position does not allow the work from home option.” The plaintiff claims he has not been returned to work, despite being medically cleared to do so, and alleges that “he was terminated from his employment and not rehired with Defendant . . . as a result of his requests for paid sick leave under the FFCRA/FLSA.”

May 20, 2020
Andrea Hinich v. Norwood Life Society, Inc, et al. (Cook County, Illinois)
The plaintiff, an assistant director of nursing, claims wrongful termination in violation of Illinois’s Nursing Home Care Act and Whistleblower Act,
and retaliation in violation of public policy. The plaintiff alleges that she raised serious safety issues related to COVID-19 that were “disregarded and ignored by her supervisors.” The plaintiff claims that after she refused to “work under conditions which contravened government-mandated safety guidance,” she was terminated without warning, purportedly for “insubordination.”

*Kraemer v. Golding Radiology, Ltd.* (Washoe County, Nevada)
The plaintiff, a radiologist, seeks declaratory and injunctive relief, and money damages, for breach of his employment and shareholder agreement. The plaintiff alleges that when his relationship with the CEO began to deteriorate, the plaintiff tried to amicably sever ties with his employer and discussed with the president possible job opportunities he was examining, and the impact of the non-compete provision in his employment agreement. The plaintiff alleges that he was subsequently terminated “for cause” after this discussion. The plaintiff claims that the “termination ‘for cause’ coincide[d] with a significant drop in volume of work during the COVID-19 pandemic,” and the “for cause” designation “was pretextual, as [plaintiff’s] services were no longer needed due to the drop in volume [of work] and his termination was a way to save money by avoiding having to pay [plaintiff’s] severance package.”

*Bryant v. Gray Construction Inc.* (Multnomah County, Oregon)
The plaintiff, a temporary employee who worked as a temperature taker at a construction site during the COVID-19 pandemic, alleges that the defendant discriminated against her and retaliated against her because she reported to the defendant information she believed to be in violation of a state or federal law, rule or regulation. As part of its COVID-19 screening process, the defendant construction company required employees to have their temperatures taken before being allowed entry to the construction site. The plaintiff alleges she reported that the defendant was allowing employees to enter the construction site in violation of safety rules, including use of faulty thermometers. Specifically, the plaintiff says she was directed to allow employees to enter the construction site under the following circumstances: (1) the thermometer malfunctioned and did not take a reading; (2) the thermometer read 100.4° or higher on the first reading, at which point she was directed to re-take the temperature behind the ear to obtain a lower reading; and (3) employees were instructed to place cold drinks on their heads before having their temperature taken to get a lower reading. The plaintiff also alleges she reported that employees were entering the construction site without wearing required masks. The plaintiff alleges the defendant told the temporary agency she worked for that it wanted to “go in a different direction,” which resulted in her termination.

May 19, 2020

*Carnival v. Jim’s Towing Service, Inc.* (Kern County, California)
The plaintiff, a tow truck driver, claims wrongful termination in violation of California public policy and California Labor Code Sections 232.5, 1102.5(b) and 6301(a)(1). He alleges that his employer ordered one of its tow truck drivers to pick up a motorist whose wife had COVID-19 and who was himself a “likely carrier of COVID-19.” The plaintiff alleges that upon learning of that dispatch by reviewing records, he discussed the assignment with his fellow employees, and “disclosed to his co-employees and [the director of towing] that [the defendant employer] failed to do everything reasonably necessary to protect the life, health,
and safety of its employees.” The plaintiff claims he told the director of towing that the employer should have told the other tow truck drivers that a driver was dispatched to assist a motorist who likely had COVID-19. The plaintiff alleges that in response, the director of towing fired the plaintiff for discussing working conditions with his fellow employees, for complaining of unsafe working conditions, and for reporting violations of law.

_Troy v. Mark Kriwinsky DDS, Inc., et al._ (Northern District of Ohio)

The plaintiff, a dental assistant, alleges that the dentist she worked for refused to follow the health and safety regulations imposed by Ohio’s governor in response to the COVID-19 pandemic. The plaintiff claims she complained about the company’s refusal to follow the restrictions put in place, and was given the option to take a leave of absence until the company was permitted to reopen for dental procedures. When the plaintiff sought to return from the leave of absence, she was allegedly told that the company would “stay with the staff [they had].” The plaintiff brings a claim for wrongful termination in violation of public policy, as well as unrelated claims for failure to pay overtime.

**May 18, 2020**

_Gasper v. Mack Industries_ (Medina County, Ohio)

The plaintiffs, book keepers and a receptionist at a concrete manufacturing and supply business, allege wrongful termination in violation of Ohio law. The plaintiffs claim that their employer falsely explained that they were being terminated in connection with a “reorganization of job positions to consolidate one or more positions with the same or similar responsibilities because of change in business conditions” arising out of the COVID-19 pandemic. The plaintiffs allege that the true reason for their terminations was to replace them with younger, less-qualified employees, in violation of Ohio RC 4112.02(A).

**May 15, 2020**

_Celsa Garcia v. Texas Market Research Group LLC dba Reconnaissance Market Research (ReconMR)_ (District Court, Hays County, Texas)

The plaintiff, formerly employed as a call center manager for a market research company, claims that she was fired because she would not allow employees under her supervision to work at the defendant’s call center in Bryan, Texas, when a COVID-19 shelter-in-place order was in place. The plaintiff asserts that the defendant employer was not an essential business and therefore only was permitted to conduct minimum basic operations at its call center in Brazos County, Texas. Per the plaintiff, she so notified her superiors and complied with the county order, informing all 147 market research agents in the call center to stay home and wait for work-from-home options (which were under development). The plaintiff claims that she then received a question from a market research agent about the availability of unemployment compensation benefit options if agents were not equipped to work from home. One of the plaintiff’s superiors thereafter allegedly contacted one of the plaintiff’s subordinates and instructed the subordinate “to call agents to see whether they would be willing to come into the call center to work if they were unable to utilize the work from home option.” The plaintiff claims that, when she “learned of this directive” she “immediately emailed” her superiors and advised that if the employer “allowed agents to work at the call center in violation of the Brazos County [order] she would not participate in the violation by managing these agents or providing support staff to assist these agents.” The plaintiff claims that “[l]ess than 24 hours following this email” her
employment was terminated on March 31, 2020, via conference call. The plaintiff claims wrongful discharge based on her refusal to commit an illegal act she reportedly thinks would have subjected her to criminal penalties. The plaintiff seeks loss of income, benefits, emotional distress, exemplary, and other damages.

Sarah Cusick v. Medstar Health Inc. and Washington Hospital Center Corporation (Superior Court, District of Columbia)
The plaintiff (a self-described “accomplished student and young professional”) claims that she was wrongfully terminated from her position as a hearing and speech assistant after she “reported and protested the failure of senior managers, including her supervisors, to ensure that the Hospital’s patients, staff, and visitors were properly protected against exposure [to COVID-19].” In her role at the defendant hospital, the plaintiff conducted newborn hearing screenings; assisted diagnostic tests on inpatients and outpatients; and performed administrative office support functions. In her complaint, the plaintiff broadly presents her critical analysis of – and concerns about – the hospital’s patient screening, access, scheduling, distancing, and processing protocols; personal protective equipment; and sanitation processes (at the beginning of the pandemic). In her complaint, she admits that, in mid-March 2020, she uploaded video of the hospital cafeteria, “directing her post to the Twitter accounts of [the Mayor] and the Hospital” with a request that the mayor’s executive order be amended to cover public areas of medical facilities, which the plaintiff opined posed safety risk. Two days later, the plaintiff again sleuthed with her personal cell phone, recording herself entering the hospital and passing through the front desk without being screened. The plaintiff then “walked to another entrance… and requested to record a conversation with a security guard about check-in procedures.” The plaintiff uploaded these two videos to Twitter (with commentary) and tagged the hospital’s Twitter account. After a discussion with coworkers about potentially rescheduling non-emergent patient appointments, the plaintiff “tweeted an update that MedStar was finally in the process of updating its rescheduling protocol for non-emergent patients.” That day she recorded and posted new video of the hospital’s cafeteria, with commentary. The plaintiff claims that shortly after these social media posts, she was asked to meet with management and was told that she had violated her “social media contract” and had violated patient and employee rights by uploading videos of patients’ and physicians’ faces. The plaintiff reportedly advised management that, “as a last resort to get management’s attention to … time-sensitive issues, she had turned to social media.” The plaintiff claims wrongful discharge in violation of public policy and requests compensatory and consequential damages, punitive damages, and attorney fees.

Evans v. Kast Construction Company LLC (Southern District of Florida)
The plaintiff, a former interior superintendent at a construction company, alleges that he was unlawfully discharged in violation of the Emergency Paid Sick Leave Act (EPSLA) (part of the Families First Coronavirus Response Act (FFCRA)). The plaintiff alleges that the defendant gave him no “reasons for his termination, except that he was not a good fit.” The plaintiff claims that the actual reason he was terminated was “for taking leave in accordance with the FFCRA/EPSLA when Plaintiff was unable to work (or telework) due to a need for leave because he was subject to a State and local quarantine and/or isolation order related to COVID-19.” Thus, the plaintiff alleges an unlawful discharge.
May 13, 2020

**Shuttleworth v. Eriez Manufacturing Co.** (Erie County, Pennsylvania)
The plaintiff, the CEO of a manufacturing company, claims wrongful termination in violation of Pennsylvania public policy. He alleges that the employer’s owner and chairman of the board repeatedly insisted that the company remain open and “put the burden on the Commonwealth to force [the defendant] to close,” despite a Pennsylvania executive order that required the closure of all “non-life-sustaining businesses.” The plaintiff alleges that to comply with the executive order, he made a good-faith determination that the company was not a life-sustaining business, and was required to close. The plaintiff claims he was terminated as a result by the board of directors based on his attempt to comply with the executive order and temporarily close the business.

**Boshell v. Paul Phillips, et al.** (Somerset County, New Jersey)
The plaintiff, a former employee who has asthma, alleges various violations of the New Jersey Law Against Discrimination and wrongful termination in violation of the New Jersey Conscientious Employee Protection Act. The plaintiff alleges that as a result of the COVID-19 pandemic and the related executive orders issued by the governor of New Jersey, the defendant closed two of its offices and placed employees on furlough. After the defendant applied for and received a loan through the Payroll Protection Program, the plaintiff alleges that the defendant instructed all employees, including the plaintiff, to return to work on April 27, 2020. The plaintiff claims she was concerned about returning to work because of a lack of appropriate safety precautions in dealing with patients, a lack of PPE, and because of her underlying medical condition, which put her in a high risk category for contracting COVID-19. After the plaintiff spoke to her supervisor about her concerns, the plaintiff says she sent a follow-up email to her supervisor and Dr. Phillips, an individual defendant, requesting that she be allowed to remain on furlough or be placed on leave. The plaintiff also asked in the email, “who’s going to be responsible for medical bills/supporting my family? If something fatal happens, is the office responsible for it?” The plaintiff alleges that following this email, Dr. Phillips told her that he was terminating her employment due to her requests, inquiries, complaints and objections and because she threatened him with liability.

**Lula Jones, CNA v. Life Care Centers of America, Inc.** d/b/a Life Care Center Jacksonville (Middle District of Florida)
The plaintiff, a CNA at a Florida nursing home, alleges that she was terminated in violation of the Florida Whistleblower Protection Act and the federal Civil Rights Act of 1866. In addition to showing the executive director photographs that allegedly demonstrated “medication errors, patient neglect and the deplorable living conditions,” the plaintiff claims she complained about the purported lack of COVID-19 preparedness. The plaintiff alleges that the nursing home was hoarding PPE, and instructed the plaintiff and other staff to wear “used” cloth scarves instead of suitable masks. The plaintiff claims that after the nursing home implemented temperature checks, she was “singled out,” because she was required to pay out of pocket for COVID-19 testing despite her temperature purportedly being “just fine.” The plaintiff also alleges that her discharge (for attendance issues in 2019) was a pretext.

**Fuente-Alba et al. v. Cork Alliance Inc.** (Miami-Dade County, Florida)
The plaintiffs, a chief operating officer and a director of finance and
accounting, allege that the defendant, a “worldwide wine distributor,” breached their employment contracts. The plaintiffs allege that the defendant, “citing COVID-19 concerns,” reduced one plaintiff’s salary by 50%, and subsequently terminated both five-year employment contracts before their expirations. The plaintiffs allege that the defendant used “the COVID-19 outbreak as an excuse to unlawfully back out of its obligations,” despite the fact that “wine sales have skyrocketed,” and “[i]n a sense, the wine distribution industry has actually benefited from the changed conditions.”

**May 12, 2020**  
*Edwin Rios v. Table Tek* (Montgomery County, Pennsylvania)  
The plaintiff, a crew leader in charge of assembling and maintaining pool tables, claims wrongful termination in violation of public policy and the governor’s Business Closure Order. The plaintiff alleges that his employer ordered him to drive a small, unmarked van and to “stay under the radar” while servicing clients, despite having typically driven a company van with a logo. After the plaintiff contacted his sales manager to voice his concerns that he “was being ordered to work illegally in defiance of COVID-19 Orders,” he was directed to return to work and terminated.

**May 11, 2020**  
*Metzger v. Iowa Dermatology Clinic, P.L.C., et al.* (Dallas County, Iowa)  
*Stocker v. Iowa Dermatology Clinic, P.L.C., et al.* (Polk County, Iowa)  
In similar complaints, the plaintiffs, an advanced registered nurse practitioner and a dermatologist, allege wrongful termination and breach of their employment contracts, in violation of Iowa law. The complaints allege that the defendant employer terminated the plaintiffs for “a pretextual ‘Cause’.” The complaints also allege that the defendant clinics “encouraged employees, including the Plaintiff, to continue to see patients in person in hopes of avoiding interruption in revenue,” despite “governmental restrictions and guidelines,” and the plaintiffs claim that their terminations were in response to “attempts to follow . . . governmental restrictions and guidelines [regarding the COVID-19 pandemic] and refusal to violate them.”

**May 8, 2020**  
*Kopit v. Beachwood Commons Assisted Living Ltd.; LifeServices Management Corporation* (Ohio Court of Common Pleas, Cuyahoga County)  
After her resignation, the plaintiff, a former senior living counselor in an assisted living facility, alleges that the defendants “wrongfully terminated” her “in violation of public policy.” The plaintiff criticized defendants’ response to COVID-19 and claims that she requested “prudent alterations to her working conditions, in an effort to limit her exposure and the risk to both her and her immunocompromised husband.” The plaintiff’s husband was described as a “cancer survivor” who, with his age and medical history, was in a category of “heightened morbidity and mortality risks from COVID-19.” The plaintiff reportedly sought to work remotely, a request she says was denied. The plaintiff claims that she “did what any reasonable employee would do under the circumstances and resigned from her employment with Defendants.” The plaintiff seeks reinstatement, monetary damages, and attorney fees.

**May 7, 2020**  
*Crider v. Lute Supply, Co.* (Boone County, Kentucky)
The plaintiff, a manager, alleges he was wrongfully terminated. He alleges that he requested intermittent leave for jury duty and to take care of his children amid the COVID-19 pandemic. The plaintiff claims that his employer initially granted his request, but that he then received a series of text messages from his supervisor harassing him about taking leave for jury duty and to care of his children during the COVID-19 pandemic, and that he was subsequently terminated in violation of Kentucky law, the Emergency Family Medical Leave Act and the Emergency Paid Sick Leave Act.

May 7, 2020
Kanyuk v. Shearman & Sterling LLP (Southern District of New York)
Plaintiff, the Manager of Facilities and A/V and a 25-year employee at the defendant law firm, alleges wrongful termination and age discrimination in violation of New York law. The defendant employer explained that the plaintiff was terminated due to being "accused of receiving kickbacks from vendors." The plaintiff claims that no details were provided, that he had no opportunity to defend himself, and that his employer "either made up the existence of the allegations or that they knew the allegations were likely false." Plaintiff alleges that he was second oldest employee in his department, and claims that the defendant employer's proffered reasons for his termination were "clearly a pretext for their plan to terminate their older employee in the face of the [COVID-19] business downturn."

May 7, 2020
McIntyre v. Midwest Geriatrics, Inc. (Douglas County, Nebraska)
Plaintiff, a medical technician at an assisted living facility, was infected with COVID-19 and alleges that she was wrongfully terminated by her employer in retaliation for attempting to take time off of work under the FMLA, due to her infection. She states that her employer claimed that she had spread COVID-19 throughout the facility. Plaintiff alleges that her employer told her that she was terminated for not wearing a mask while caring for sick residents, but plaintiff asserts that she did not wear a mask because no masks were made available by her employer. Plaintiff further alleges violations of the FLSA, Families First Coronavirus Response Act (FFCRA), and Emergency Paid Sick Leave Act (EPSLA), claiming that, prior to her termination, her employer failed to pay her for time she took off to self-quarantine.

May 5, 2020
Long v. Baptist Healthcare Systems, Inc. (Whitley County, Kentucky)
Plaintiff, a registered nurse (who was also pregnant), alleges that she was terminated when she sought workers' compensation after quarantining herself due to possible exposure to COVID-19. Plaintiff alleges that she was terminated by her employer in order to avoid her workers' compensation claim. Plaintiff also alleges that she was terminated, "as a means to reduce the nursing staff during COVID-19 due to a reduction in elective procedure and emergency room usage and to conceal its deficiencies in protecting its employees."

May 4, 2020
Fulmore v. City of Englewood, et al. (Bergen County Superior Court, New Jersey)
Plaintiff, who identifies himself as a public works employee, a union steward, and an associate minister for a church, claims retaliation and discrimination and purports to bring claims under the New Jersey
Conscientious Employee Protection Act and federal and states civil rights statutes. Plaintiff claims that he was treated with "hostility" after he complained that the defendant city "was not providing the employees in the [Department of Public Works] with proper safety equipment and was not properly isolating/quarantining the employees." Plaintiff also claims that a defendant supervisor "improperly and unlawfully disclosed the name of the individual who had tested positive for COVID-19 to Plaintiff." Per Plaintiff, among other things, his supervisor told him (and not others) to self-isolate due to exposure to a coworker diagnosed with COVID-19. Plaintiff also claims that another supervisor disclosed "Plaintiff’s confidential and private health information [the fact of requested self-quarantining] to the pastor of [the church at which Plaintiff serves as an associate minister]." Plaintiff requests compensatory, punitive and emotional distress damages and other relief.

May 4, 2020
McClendon v. USA Vinyl, LLC (Franklin County, Ohio)
Plaintiff, a quality control supervisor, alleges that he was discharged in violation of the FMLA, an Ohio disability discrimination law, and Ohio public policy. Plaintiff alleges that he was discharged after he informed defendant that he had been in close contact with a person who had been diagnosed with COVID-19 and that his doctor ordered him to self-quarantine for 14 days because he could not be tested for COVID-19. Plaintiff alleges that defendant "told him he was being discharged for reporting his proximity to a COVID-19 sufferer."

May 4, 2020
Perrella v. Railroad Group, LLC, et al. (Burlington County, New Jersey)
Plaintiff, an "Accounts Payable/Assistant Controller," alleges that defendants retaliated against her in violation of the New Jersey Conscientious Employee Protection Act and the New Jersey Law Against Discrimination. Plaintiff, who alleges she is a high risk individual for COVID-19 because she suffers from several auto-immune disorders, claims she was terminated after raising concerns about defendants’ plans to take precautions against COVID-19 and complaining that she was forced to work in violation of a state shutdown order.

May 1, 2020
Korloff v. Barclay Water Management, Inc., et al. (Monmouth County New Jersey)
Plaintiff, a "Safe Delivery Specialist," brings claims including disability discrimination, failure to accommodate, failure to engage in the interactive process, retaliation, and wrongful termination. He alleges that he suffered from a compromised immune system and his doctor provided a note that he should avoid working in the field, but that defendants refused to accommodate him. Plaintiff alleges that when his wife tested positive for COVID-19, he refused to attend work per his doctor’s orders and for the "health, safety, and welfare" of his coworkers. Plaintiff alleges he was laid off as a result and was told he “was not covered for paid leave under the Families First Coronavirus Response Act.”

May 1, 2020
Lange v. Progressive Broadcasting Systems Inc. dba WFRN Radio (Elkhart County, Indiana)
Plaintiff, a 22-year sales representative for a Christian radio station, alleges wrongful termination in violation of public policy. Plaintiff alleges
April 30, 2020
*Rivera v. Hovione, LLC, et al.* (Burlington County, New Jersey)
Plaintiff, a Mechanical Technician with a pharmaceutical company, alleges wrongful termination, retaliation, and violation of New Jersey’s Conscientious Employee Protection Act. Plaintiff alleges he was terminated as a result of his complaints about a lack of PPE and proper prevention and screening for COVID-19.

April 30, 2020
*Jaramillo v. Martin Hicks, et al.* (Cibola County, New Mexico)
Plaintiff, the City Manager for the City of Grants, New Mexico, alleges that defendants violated the New Mexico Whistleblower Protection Act. Plaintiff claims that the Mayor of the City ordered her to keep a City-owned golf course open in violation of a public health order put in place as a result of COVID-19. Plaintiff alleges that when she protested and refused, she was terminated.

April 30, 2020
*Krissy v. Costco Wholesale Corporation, et al.* (Santa Clara County, California)
Plaintiff, a meat cutter, brings numerous causes of action including disability discrimination, harassment, wrongful termination/constructive discharge, infliction of emotional distress, invasion of privacy, and defamation. He alleges that his coworkers and supervisors called him names and falsely accused him of having contracted COVID-19, and refused to work with him. Plaintiff alleges that the behavior was so severe that he was constructively terminated.

April 24, 2020
*Dozier v. City of Jasper* (Northern District of Alabama)
Plaintiff, a laborer with the City of Jasper’s Parks and Recreation Department, brings a claim for interference with the Families First Coronavirus Relief Act. Plaintiff alleges that she requested 12 weeks of leave to care for her children, whose schools were closed as a result of COVID-19, but the City refused her request and terminated her employment.

April 23, 2020
*Reggio v. Tekin & Associates, LLC* (County of Dallas, Texas)
Plaintiff alleges wrongful termination in violation of the public policy of the State of Texas. Plaintiff, who lives in Dallas County but works in Collin County, alleges she was terminated after she refused to violate a Dallas County shelter-in-place order that purportedly made it unlawful for her to travel to work in another county.

April 22, 2020
*Milanes v. Alaris Health, LLC* (Hudson County, New Jersey)
Plaintiff, a nurse, alleges retaliation and whistleblower claims under New Jersey law, as well as battery and fraud, against her former employer, a long-term care facility. Plaintiff, who contracted COVID-19 while working...
at the defendant nursing home facility, asserts that she was terminated after notifying local public health authorities of the defendant’s attempts to cover-up the spread of COVID-19 at the facility, as well as defendant’s failure to provide PPE to the staff.

**April 22, 2020**
*Chapman v. Alaris Health, LLC* (Hudson County, New Jersey)
A companion case to Milanes, Plaintiff, a nurses’ assistant, alleges that she was wrongfully discharged in violation of public policy, and in violation of state whistleblower law. Plaintiff alleges that despite testing positive for COVID-19, defendant terminated her for not returning to work.

**April 22, 2020**
*Frunzi v. MEI Group* (Tarrant County, Texas)
Plaintiff alleges that his termination amounted to disability, age, and race discrimination, among other forms of discrimination, pursuant to the Texas Commission on Human Rights Act. Plaintiff states that he has a preexisting lung condition, of which the defendant employer was aware, and requested an accommodation in the form of working from home during the COVID-19 pandemic. Plaintiff alleges that he gave his employer a doctor’s note stating that he was at a heightened risk for COVID-19 because of his lung condition, and that the defendant terminated him the next day.

**April 21, 2020**
*Woolslayer v. Driscoll* (Western District of Pennsylvania)
Plaintiff alleges retaliation under 42 U.S.C. § 1983, against the President of Indiana University of Pennsylvania. Plaintiff alleges that he was terminated in retaliation for informing other employees of the University where he worked that a colleague’s family member had been infected with COVID-19.

**April 21, 2020**
*Benavides v. Board of Regents of the University of Michigan, et al.* (Washtenaw County, Michigan)
Plaintiff asserts disability discrimination claim under Michigan law. Plaintiff alleges that due to her possible infection with COVID-19, her supervisor and HR at the hospital where she worked advised her to not come to work until she received her COVID-19 test results. Plaintiff claims that despite this advice, after calling in sick for several days, the hospital terminated her for a “continued pattern of unscheduled absences.”

**April 17, 2020**
*Andrews v. Andrews Hydra Platforms, Inc.* (County of York, South Carolina)
Plaintiff alleges a violation of the federal Emergency Paid Sick Leave Act (part of the Families First Coronavirus Response Act (FFCRA)) and South Carolina Payment of Wages Act. Plaintiff alleges that she was terminated for seeking paid leave under the new federal law in order to take care of her children, whose school had been closed due to the pandemic.

**April 16, 2020**
*Sizemore-Harvey v. Senior Haven LLC* (Multnomah County, Oregon)
Plaintiff alleges state law whistleblower and sick leave retaliation claims against her former employer, an assisted living facility. Plaintiff claims she was terminated in violation of state law after she reported to defendants
that she believed it was in violation state and federal safety rules by continuing to encourage elderly patients to continue group activities during the COVID-19 pandemic, and after she exercised her right to take available sick leave to self-quarantine.

**April 14, 2020**

*Hartsuch v. Howard Young Medical Center & Jennie Larsen* (Western District of Wisconsin) (Amended)

Plaintiff, a physician employed by a staffing agency and assigned at the defendant medical center, reportedly complained in March 2020 about policies of the medical center, regarding Particulate Respirator N95 facemasks and regarding the discharge of COVID-19 patients unable to self-isolate. He also reportedly communicated with the medical center about, among other things, the supply of N95 facemasks. Plaintiff claims that he was thereafter removed from the schedule and then discharged. Plaintiff alleges that defendants violated public policy and violated Wis. Stat. § 230.83, and that the individual defendant defamed him.

**April 14, 2020**

*Thomas v. Franciscan Alliance, Inc.* (Northern District of Illinois)

Plaintiff, an emergency room nurse who suffers from asthma and is immuno-suppressed, alleges she was fired in violation of the Illinois Whistleblower Act and the FMLA, in part due to having taken intermittent FMLA leave in the past. Plaintiff alleges she was assigned to a room that lacked negative air pressure, and was thus especially dangerous due to the COVID-19 pandemic. Plaintiff alleges that she requested safety precautions and PPE, but was subsequently fired.

**April 13, 2020**

*Norris v. Schoppenhorst-Underwood & Brooks Funeral Home, LLC* (Bullitt Circuit Court, Kentucky)

Plaintiff, the president of a funeral home, alleges she was terminated for attempting to comply with a public mandate intended to slow the spread of COVID-19. Plaintiff discussed with staff how to safely conduct funeral services and alleges that the owner of the funeral home terminated her employment after telling her that he was not going to limit the size of gatherings at funerals or implement more frequent cleaning and disinfecting.

**April 9, 2020**

*Lynch v. Delisa Demolition* (State of New Jersey, Monmouth Superior Court)

Plaintiff alleges that defendants wrongly terminated his employment in violation of the New Jersey Law Against Discrimination, N.J.S.A 10:5-1, et seq., where plaintiff was purportedly separated March 31, 2020, "two days before he was scheduled to return to work from a physician-ordered and government-mandated quarantine for symptoms consistent with the novel coronavirus." Plaintiff claims wrongful discrimination based handicap and retaliation.

**April 9, 2020**

*Michael Manwell v. Rochester Gear, Inc.* (Eastern District of Michigan)

Plaintiff asserting wrongful termination where plaintiff was allegedly sent home after demonstrating symptoms possibly related to COVID-19. Plaintiff claims that by separating him on March 23, 2020, defendant violated the FMLA and public policy.
April 8, 2020

*King v. Trader Joe’s East, Inc.* (Jefferson Circuit Court, Kentucky)

Plaintiff alleges wrongful termination in violation of Kentucky public policy and various Kentucky statutes. Plaintiff alleges he was terminated because he complained about workplace safety regarding the COVID-19 pandemic, and made numerous requests to Trader Joe’s to implement safety measures in accordance with the Kentucky governor’s executive orders and CDC guidance.

April 7, 2020

*Dent v. PruittHealth* (State of South Carolina, County of Bamberg, Court of County Pleas)

Plaintiff, an LPN Charge Nurse whose employment purportedly ended on March 13, 2020, alleges that defendant violated S.C. Code Ann. Section 44-4-530(E) ["An employer may not fire, demote, or otherwise discriminate against an employee complying with an isolation or quarantine order…"] and “other mandates of public policy relating to the standard of nursing care in nursing home facilities.” Plaintiff was allegedly told to be off for 14 days after she reported possible exposure to a relative who had in turn possibly been exposed to COVID-19, and alleges she was then terminated.

April 3, 2020

*Hanson v. Marshall County* (Marshall County Circuit Court)

Plaintiff alleges wrongful discharge in violation of Kentucky public policy, and in violation of a Kentucky whistleblower law. Plaintiff alleges she was terminated from her 911 dispatch position for voicing concerns to her supervisor about the lack of protective measures to protect employees from the ongoing COVID-19 pandemic.

April 2, 2020

*Webster v. Tower Construction Management LLC* (Leon County Circuit Court)

Plaintiff alleges that she was wrongfully terminated in violation of Florida’s Whistleblower Act. Plaintiff claims that she engaged in allegedly protected whistleblower activity when she requested a remote work accommodation in light of her and her daughter’s stated health conditions and concern for COVID-19 exposure, and that she was terminated as a result.

April 2, 2020

*Guaypatin v. Olshan Realty LLC* (Southern District of New York)

Plaintiff, a former assistant property manager, alleges violations under New York and federal law in connection with her termination. Plaintiff asserts that her employer claimed she was being terminated because her employer believed she had been potentially been exposed to COVID-19 through her daughter’s school. The plaintiff alleges her termination was pretext for national origin discrimination (Ecuadorian) and harassment in violation of the New York City Human Rights Law. Plaintiff also alleges that her employer deprived her of wages in violation of the New York Labor Code and the Fair Labor Standards Act by misclassifying her as exempt from overtime.

March 27, 2020

*Robbie Payne and Erica Shaw v. Radio Communications Systems Inc. dba RCS Communications* (Jefferson County Circuit Court)

Plaintiffs, a former warehouse manager and a former administrative
assistant, allege that they were wrongfully terminated in violation of Kentucky public policy. Plaintiffs claim they were terminated because they raised health and safety concerns related to their employer’s obligations to mitigate COVID-19 exposure under the “general duties” provision of Kentucky’s Occupational Safety and Health Act.