

Cross Border Business Law Blog

COVID-19 Office Closures & H-1B/E-3 Employees

By Leo Peng and Scott Armstrong on 3.19.20 | Posted in Immigration

We sincerely hope everyone is staying healthy. We understand that many organizations are adjusting their operations to respond to the challenges of the COVID-19 outbreak and for the protection of employees, including closing office facilities and directing employees to remotely work from home or another location. As a reminder, H-1B and E-3 authorization approved for foreign workers is specific to a number of issues including the employer, wage, work location and job duties.

In general, any location where an H-1B or E-3 employee is performing work should be covered by a U.S. Department of Labor certified Labor Condition Application (“LCA”), which includes posting and notice requirements. H-1B or E-3 employee whose home is within normal commuting distance of the normal place of employment should re-post the existing LCA (even though it does not specifically include their home address as a work location) for 10 consecutive business days to comply with notice and posting requirements, and the posting notices must be placed in the Public Access File when taken down.

Please contact the Foster Garvey [Labor, Employment & Immigration](#) team if you have any questions regarding this and other worksite-related obligations of an H-1B or E-3 employer.

Tags: COVID-19, Department of Labor, E-3 status, E-3 visa, H-1B filings, H-1B visa, H-1B workers, H1B visa, Labor Condition Application, Remote Employees