

Firing and Furlough Amid COVID-19

1. **Due to COVID-19, many businesses and schools have been closed. What obligation does a business or school owner have towards his employees? If one is obligated, are there any exceptions? Is the halacha different if there is a physical signed contract?**

Answer 1: The following pertains to employees who work “at will,” who can be terminated with some important conditions listed below:

1. One has to give his employee ample time to find a job.
 - In the United States, this is usually around 2 weeks.
 - In Eretz Yisroel, the *minhag* is that additional time is added based on how long one has worked at this particular company or school.
2. This is questionable in the current situation, when jobs are very hard to find.
3. The Halacha may be different in an extraordinary situation, such as a *makkas medinah*.

Answer 2: The following pertains to those with a halachically-binding contract or the type of job that is understood to be for a certain time period, such as *rabbeim*, most school staff, or playgroup *moros* or assistants. When these people are hired, it is understood that the hiring is for a year, and it is difficult to get a job mid-year.

The general *halacha* in a case of *oneis*, where it was nobody's fault, is that the employer is not obligated to pay. However, *makkas medinah* (when an entire region or country is experiencing the same *oneis*) is less clear and is a big *machlokes* amongst the *poskim*.

- The *Mordechai* quotes the *Maharam*, who discusses a situation in his time, when he hired a *melamed* and then the government instituted a decree against learning. He considered this a *makkas medinah* and thus said that it is different. However, it is unclear what that means.
 - There is a three-way *machlokes* in understanding the *Maharam*:
 - The *Rama* understands it to mean that in the case of a *makkas medinah*, you have to pay in full.
 - The *Sema* understands it as sharing the load. Whereas normally an employer would not have to pay anything, in this case he needs to pay half.
 - The *Nesivos* explains that the *Maharam* is referring only to the case of a *melamed*, but a regular *makkas medinah* would have the same *halacha* and an employer wouldn't have to pay. (The *Vilna Gaon* gives the same *p'sak*, but simply argues on the *Maharam*.)
 - The *Chasam Sofer* experienced this type of case himself and paid in full, but suggests a *pesharah* (compromise) due to all the differing opinions and says that one should pay half.