



Starting Soon:

LEGAL CONSIDERATIONS FOR REOPENING BUSINESSES IN THE TIME OF COVID-19



Coffee Break Series:

LEGAL CONSIDERATIONS FOR REOPENING BUSINESSES IN THE TIME OF COVID-19

- Preparing your workplace for reopening
- Best practices for reinstatement of employees
- Managing employees reluctant to return to work

TODAY'S PANELISTS



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LEGAL CONSIDERATIONS FOR REOPENING BUSINESSES IN THE TIME OF COVID-19

May 7, 2020

COFFEE BREAK AGENDA

- How to prepare for opening the doors?
- How to reinstate employees?
- What to do after the doors open?

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BEFORE OPENING THE DOORS

- Be familiar with agency guidance
- Make a timeline
- Have a strategy
- Prepare the premises

BECOME FAMILIAR WITH THE RELEVANT GUIDELINES

- Federal agencies such as the CDC and EEOC (among others) have started releasing important guidelines employers should consider when deciding whether it is safe to reopen and, if they do reopen, what measures employers may implement to help keep the workplace safe and prevent the spread of COVID-19.
 - <https://www.whitehouse.gov/openingamerica/>
 - <https://www.cdc.gov/coronavirus/2019-ncov/hcp/return-to-work.html>
- Best practices for reinstating workforce
- Covers topics such as: personal protective equipment, sanitation, and business travel

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HAVE A STRATEGY

- Make a timeline
- Create a COVID-19 Committee or task force
- Which positions will be reinstated first?
- Which services will be provided first?
- Will you change schedules and hours of operation?
- What physical and cultural controls will you install?

CREATE A COVID-19 COMMITTEE OR TASK FORCE

- Select a group of employees to serve in a committee, tasked with creating a comprehensive plan to reopen the business.
- Develop the company's goals and timeline for reopening.
- Then, develop a playbook laying out how the company will achieve those goals.
- Members should have varying positions and experience.

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SELECTING WHICH EMPLOYEES WILL RETURN FIRST

- As much as possible, treat employees equally
- If some employees are brought back first, make sure you have a well documented, legitimate, nondiscriminatory reason
- **DOCUMENT, DOCUMENT, DOCUMENT**

LOGISTICS TO CONSIDER

- Necessary materials and physical controls
- Protocols for:
 - daily disinfecting
 - social distancing among employees
 - continued remote work
 - contact tracing
 - taking an employee's temperature
 - training managers and key employees
 - limiting contact with third parties
 - travel

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HOW TO REINSTATE EMPLOYEES

- Clear communication in writing
 - Expectations
 - Hours/schedule
 - Wages and other terms of employment
 - Unemployment benefits
 - PTO
 - At-will employment
- Notice

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WHAT IF EMPLOYEES REFUSE TO RETURN

- Protected reasons
- Effect on unemployment benefits
- Furlough v. layoff
- Replacements

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AFTER THE DOORS OPEN

- Continue safety precautions
- Be prepared for an increase in accommodation and leave requests
- Other employment laws still apply! For example, don't forget about meal and rest breaks and the FFRCA

EMPLOYEE ENGAGEMENT

- Communication and transparency is key
- Share return to work plan in advance
- Be available to answer questions and seek input
- Be empathetic towards employees' who express fear and anxiety about returning to work
- Offer resources, including an employee assistance program

QUESTIONS?



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