



Best Practices in Reopening Your Business:

Next Steps for Employers & Keeping Employees Safe

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Introduction

- Governor Pritzker's Stay-at-Home order was issued on March 21, 2020
- It has now been extended to May 30, 2020
- Employers and employees have been greatly impacted
- Proud of how Illinois employers have responded as a community

Agenda

- What are the next steps for employers?
- We are in uncharted territory
- How do we keep employees safe?
- How do we safely reopen or ramp up operations?

Restore Illinois

- Governor's Five-Phase Approach to Safely Reopen
 - Phase 1: Rapid Spread
 - Strict stay at home and social distancing guidelines
 - Only essential businesses remain open
 - Potential to return to this phase if mitigation efforts unsuccessful
 - Phase 2: Flattening
 - Non-essential retail stores reopen for curbside pickup and delivery
 - Wear face mask when outside the home
 - Can begin outdoor activities: golf, boating, fishing while maintaining social distancing

Restore Illinois

- Phase 3:
 - Manufacturing, offices, retail, barbershops and salons can reopen with safety precautions
 - Gatherings of 10 or fewer allowed
 - Masks and social distancing
- Phase 4:
 - Gatherings of 50 or fewer allowed, restaurants and bars reopen, travel resumes, child care and schools reopen with guidance
 - Masks and social distancing
- Phase 5:
 - Economy fully reopens with safety precautions
 - Conventions, festivals, and large events are permitted; all business, schools and places of recreation can open with new safety guidance and procedures

When To Return And Reopen

- Tough question
- When the stay-at-home order ends
 - Is it safe then
- Follow the federal government standard
 - Two weeks of sustained reduction in cases
 - Local hospitals must have the capacity to treat all patients without crisis care
 - Jurisdictions must have robust testing program for at-risk healthcare workers, including emerging antibody testing
- *Or* do we follow the Governor Pritzker plan?

When To Return And Reopen

- Do we feel either standard is appropriate?
 - May depend on your business
- Do we have an independent standard separate from a government standard?
- Do we want to lead, be in the pack, or follow?
- Be aware of what others are doing

Who Comes Back

- Need to decide who comes back
 - Key personnel first?
 - Cross-train employees
- Considerations for at-risk populations:
 - Age, underlying health conditions, pregnant employees
 - Can employees self-identify as at-risk?
- What about employees who have “immunity” or virus antibodies?
- What about people who have to take public transportation to commute; greater chance for exposure

Who Comes Back

- What if someone does not want to come back?
 - Is an expression of fear sufficient?
 - What do we do about absenteeism policies?
- Do we continue remote work longer?
- Does childcare continue to be a consideration?
- ADA and reasonable accommodation issues
- New policies and procedures

Reducing Risk in the Workplace

- Continue to follow CDC guidelines including social distancing
 - Lines/stickers on the floor
 - Workstation dividers
 - Is that possible given your work place?
- PPE for all
 - Sanitizers and gloves
 - Adequate supply is essential
- Masks
 - Effective May 1st, employers **MUST** make them available if social distancing is not possible
 - Make them available
 - Require employees to use
 - What if an employee does not wear the mask?

Reducing Risk in the Workplace

- Taking temperatures
 - EEOC guidelines say you can test because there is a “direct threat”
 - Pay employees for standing in line to get temperature taken
 - Have employees complete daily questionnaires about how they are feeling and symptoms
- Also ask employees the following:
 - Have you been in physical contact with anyone who has tested positive or has exhibited symptoms?
 - Have you traveled to any hotspots?
- Can we reconfigure the workplace? Partitions?
- Staggered work hours; different teams to limit contact
- Do not share equipment

Reducing Risk in the Workplace

- Limit employee entry points
 - Punching in and out
 - Biometrics are an issue
 - Home office equipment and expense reimbursement
- Limit entry of truck drivers/deliveries
 - Have them stay in truck
 - Outside portable toilets for driver
- Suspend visits to your facility

Reducing Risk in the Workplace

- No handshake rule
- No communal kitchens
 - Or rearrange tables and seating
 - No gatherings
 - Frequent cleaning
- Lockers
 - Have employees change at home if possible
 - Limit the number of employees in the locker room
 - Disable hand dryers; use disposable paper towels
- Smoking shelters; stagger breaks

Reducing Risk in the Workplace

- No more printed materials
- No group meetings; or social distance them
- Adjust/stagger break times
- Everyone has their own pen/pencil
- Encourage virtual meetings
- Prop doors open if possible
- Cleaning, cleaning, cleaning
 - Daily disinfection in high traffic areas, machines and elevators
 - After each shift
 - Promote good hygiene; washing hands; coughing
 - Signs; videos
- Verify the outside janitorial services are cleaning properly
- Change air filters in office/plant

What To Do When Someone Tests Positive

- Isolate the employee
- Reporting requirements
- Determine who he/she has worked with/near; contact tracing
- Send the employee home if able to drive
- Clean the work area
- Follow-up with the individual
- Communicating with employees
- Return to work procedures

Travel

- Check current travel policy
- Are we permitting business travel?
 - What about hot spots?
 - What if an employee refuses to travel?
- Visit customers “remotely” as much as possible
- What do we do when the employee returns from travel; quarantine
- Ask customers what they prefer
- Use technology for remote engagement
- No visitors

The Second Wave

- Most are predicting a second wave
- We have seen this in other countries already
- Prepare for that now

Communications

- Communicate, communicate, communicate!
- Be honest, open and transparent
- Have talking points ready
- Senior leadership must be involved
- Tell employees everything the company is doing to keep them safe; provide advice on how they and their families can stay safe
- Remind employees constantly about what they can do to stay safe
 - Hand washing
 - PPE
 - Social distancing
 - Car pools
- Remind employees about the EAP; do not ignore mental health aspects

Communications

- Consider having a PR firm ready to go if an employee dies or there is the prospect of bad press
- Have a communications playbook ready
- Intranet
- Publicize links where employees can get up to date information
- Designate someone to be fully informed with the latest information
- Consider a virtual town hall meeting

Chicago Fair Workweek/Scheduling Ordinance

- Mandates on how employers schedule their employees, including 14-day notice of scheduling, predictability pay for changes in scheduled shifts, and extra pay for workers who work two shifts within 10 hours
- Will go into effect July 1, 2020
- Due to COVID-19, several potential changes:
 - Suspension of private right of action for 6 months;
 - No fees or fines for 6 months;
 - Reprieve from other restrictions if employees have declined by 40-50%.
- Updated rules to be issued May 1

Illinois Emergency Workers' Compensation Rules

- Sangamon County, Illinois judge approved a TRO against the emergency worker's compensation rules that would have allowed essential employees who contracted COVID-19 to have a "rebuttable presumption" that the virus was contracted at the workplace
- The Illinois Workers Compensation Commission will formally withdraw the emergency rules
- Issue will move to negotiating a legislative solution on the matter and to advance the measure when the legislature resumes this session

Likely Lawsuits to Come

- Wage and hour/timekeeping/non-exempt issues
- New leave laws
- Retaliation for staying home
- ADA/reasonable accommodation
- Safety issues/OSHA
- WARN/mass layoff/notice issues/whether the pandemic was “unforeseeable”
- NLRA

COVID-19 Resources at B&T



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QUESTIONS?