



News & Types: Client Advisories

Opening Up Your Workplace Again - Part 2

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Practices: Employment, Labor & Benefits

EXECUTIVE SUMMARY

On Thursday April 16, 2020, President Trump unveiled his "Guidelines for Opening Up America Again" (the "Guidelines"). The Centers for Disease Control (CDC) and several state and local health authorities have issued requirements and instructions regarding when and how to implement the Guidelines to get people back to work and provide some initial topics for employers to consider prior to reopening. Masuda Funai is publishing a series of articles addressing the business, human and safety aspects that employers will need to consider as part of each company's individualized reopening plan. Please reach out to your relationship attorney with any questions. Today's article will discuss the "Returning to Work" considerations with respect to:

- Workplace modifications
- In person interactions

Last week, Illinois Gov. J.B. Pritzker announced the extension of the stay-at-home order through May 30, with some modifications that would allow certain businesses, such as garden centers and golf courses, as well as parks, to open. However, in a lawsuit filed last Thursday by Republican State Rep. Darren Bailey of Xenia, Clay County Circuit Court Judge Michael McHaney ruled on Monday against Gov. J.B. Pritzker's executive stay-at-home order and granted a restraining order to temporarily block the order. Gov. Pritzker's legal team filed an appeal on April 28, 2020 calling for a reversal of that ruling, and to dissolve Republican Rep. Darren Bailey's temporary restraining order.

Other states, such as Georgia, Tennessee, Oklahoma, and South Carolina have relaxed the restrictions of their state-imposed, shelter-in-place directives. Both non-essential businesses that have suspended operations and essential businesses that limited the number of employees at their worksites need to prepare for the return of their workforce, which will not mean they can return to "business as usual."

To comply with CDC guidelines and reduce the risk of infection, employers should develop a social distancing plan by taking the following steps:

- Survey and become familiar with the premises, including the offices areas, production lines, warehouses and all employee workspaces and areas where employees gather, such as locker rooms and break rooms.
- Understand how employees work in such areas, including how frequently employees come within 6 to 10 feet of each other in the current layout. For example, how often do employees go to a file room to file or retrieve documents and is it possible for them to practice social distancing while doing so?
- Consider reconfiguring workstations and production lines to increase the distance between employees, if possible. If space provides, move desks or install partitions or cubicles for office workers.
- Restrict general employee access to certain areas, such as tool rooms, supply rooms and file rooms by assigning responsibility for retrieving or picking needed materials.
- Reduce seating in break areas, stagger lunch/break periods or add new areas for employees to eat meals or take breaks.
- Modify work schedules to reduce the number of employees on-site at the same time.
- Continue to allow employees who can work remotely to do so and provide the necessary support to enable them to work effectively. Consider having a rotating schedule so employees work remotely and come to the facility on alternating days.
- Mark proper distances on the floor for employee reference.
- Train employees about proper social distancing and send out reminders from time to time.
- Limit in-person meetings and facilitate the use of conference calls and video conferencing.

There are many ways to limit or reduce employee contact. Most changes do not require substantial expenditures by employers, but require extensive knowledge of business operations and the ability to think out of the box.