



News & Types: Client Advisories

# Opening Up Your Workplace Again - Part 4

5/5/2020

By: Frank J. Del Barto

Practices: Employment, Labor & Benefits

## EXECUTIVE SUMMARY

On Thursday April 16, 2020, President Trump unveiled his "Guidelines for Opening Up America Again" (the "Guidelines"). The Guidelines are designed to help state and local officials reopen their economies, 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.

Today's article will discuss the "Returning to Work" considerations with respect to:

- Return to Work in Phases
- Continuing to Work Remotely
- Minimize Essential Travel

Please reach out to your relationship attorney with any questions.

**Return to Work in Phases:** The Guidelines encourage a return to work in phases, if possible. In order to do so, employers should review their physical layout and consider the following:

- Returning an increasing percentage of employees over a period of time;
- Returning only certain areas of the company, or employees on alternating days;
- Spacing between employee work areas (i.e., every third desk);
- Workspace alterations (cubicle installation or glass partitions);
- Installing signs denoting workspace and common area use restrictions;
- Coordinating with landlord (safety, hygiene, cafeteria and elevator usage); and
- Ensuring adequate number of masks and cleaning supplies for employees returned.

**Continuing to Work Remotely:** The Guidelines encourage a continuation of remote work whenever possible and feasible with business operations. Having had a significant number of employees working remotely for the last six weeks with little advance planning, employers should now consider a more formal remote work plan that:

- Requires a formal request/application;
- Requires employees to enter into a formal agreement;
- Confirms compensation, working hours, and reporting expectations;
- Ensures adequate workspace, equipment and office supplies;
- Protects company confidential information and property; and
- Ensures well-being (schedule, interaction with colleagues, etc.).

**Non-Essential Travel:** The Guidelines also encourage employers to continue to minimize non-essential travel and adhere to the CDC's guidelines regarding isolation following travel. In doing so, employers should:

- Evaluate the COVID-19 risk profile in the location of travel;
- Balance the value of a face-to-face meeting with a virtual meeting;
- Be prepared to address employee fears of travel (air, hotel, rental car, ride share, etc.); and
- Consider the fears of non-traveling employees being exposed to traveling employees.