

Things to Consider when building Reopening Plan

Be sure to take the time to review White House Guidelines

- <https://www.whitehouse.gov/openingamerica/>

Follow Applicable Rules and Guidelines

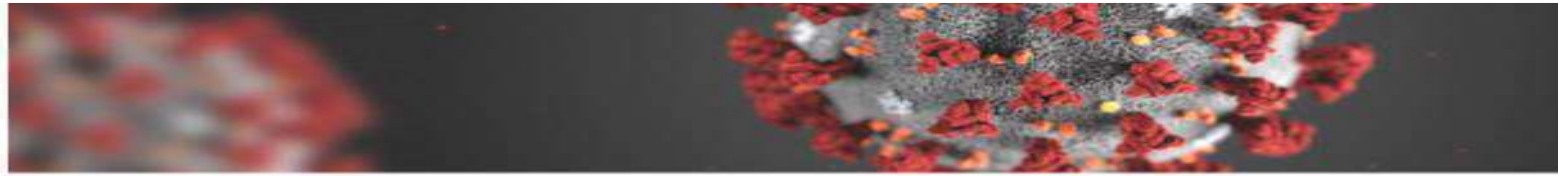
- •Occupational Health & Safety Act (OSHA) imposes a general duty to maintain workplace safety.
- •Best practice is to comply with CDC and state or local public health guidelines to minimizing liabilities.
- •Ensure compliance with state or local rules.
- •*E.g.*, Face mask requirements.
- •*E.g.*, Mandatory social distancing restrictions, including limitations on how many customers may enter an establishment.
- •*E.g.*, Industry specific restrictions.

Minimize Health Risks

- •Develop a plan for reducing workplace risks.
- •Continually assess risk level and act accordingly.
- •Send employees home if they are exhibiting symptoms.
- •Additional practices to consider:
 - •Heightened cleaning protocol
 - •Discourage shared equipment
 - •Social distancing / minimize interactions
 - •Permanently changing operations
 - •Taking temperatures during pandemic*
 - •Train employees / educate customers
 - •Require face masks*

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Ten Steps All Workplaces Can Take to Reduce Risk of Exposure to Coronavirus

All workplaces can take the following infection prevention measures to protect workers:

- 1** Encourage workers to stay home if sick.
- 2** Encourage respiratory etiquette, including covering coughs and sneezes.
- 3** Provide a place to wash hands or alcohol-based hand rubs containing at least 60% alcohol.
- 4** Limit worksite access to only essential workers, if possible.
- 5** Establish flexible worksites (e.g., telecommuting) and flexible work hours (e.g., staggered shifts), if feasible.
- 6** Discourage workers from using other workers' phones, desks, or other work tools and equipment.
- 7** Regularly clean and disinfect surfaces, equipment, and other elements of the work environment.
- 8** Use Environmental Protection Agency (EPA)-approved cleaning chemicals with label claims against the coronavirus.
- 9** Follow the manufacturer's instructions for use of all cleaning and disinfection products.
- 10** Encourage workers to report any safety and health concerns.

For more information, visit www.osha.gov/coronavirus or call 1-800-321-OSHA (6742).



Plan for a Confirmed Case

- • Know in advance how you will handle a confirmed or suspected case.
- • At a minimum, you should have a deep-cleaning.
- • State/local law may require specific protocol.
- • Consider the following questions:
 - • How will you communicate to your employees and or patrons?
 - • What additional safe-guards will you offer employees?
 - • Will you require self-isolation for employees who have been in close contact?
 - • Will you temporarily close-shop?

Be Aware of Employee Rights for Time Off for Covid -19

- FFRCA now requires federal paid leave if an employee is unable to work because:
 - They have symptoms and are seeking diagnosis;
 - Under medical or government isolation orders;
 - Providing care to someone with COVID-19; or
 - Caring for children due to school/daycare closure.
- Check state and local rules, which may impose additional paid sick leave requirements.
- The Americans with Disabilities Act may require leave of absence as a reasonable accommodation for employees with health conditions. Check EEOC guidelines.

The Families First Coronavirus Response Act (FFCRA or Act)

requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19.

- These provisions will apply from April 1, 2020 through December 31, 2020.

• PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

- Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of
 - their regular rate of pay, or the applicable state or Federal minimum wage, paid at:
 - 100% for qualifying reasons #1-3 on next slide, up to \$511 daily and \$5,110 total;
 - 2/3 for qualifying reasons #4 and 6 on next slide, up to \$200 daily and \$2,000 total; and
 - Up to 12 weeks of paid sick leave and expanded family and medical leave paid at 2/3 for qualifying reason #5
- On next slide for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19
2. has been advised by a health care provider to self-quarantine related to COVID-19
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.

Leave Rights vs. Layoffs

- DOL Guidance regarding this question in their Q + A section in response to Q: 26 and 27
- **Q 26.** If my employer is open, but furloughs me on or after April 1, 2020 (the effective date of the FFCRA), can I receive paid sick leave or expanded family and medical leave?
- **A: *No.*** *If your employer furloughs you because it does not have enough work or business for you, you are not entitled to then take paid sick leave or expanded family and medical leave.*
- **Q 27.** If my employer closes my worksite on or after April 1, 2020 (the effective date of the FFCRA), but tells me that it will reopen at some time in the future, can I receive paid sick leave or expanded family and medical leave?
- **A: *No,*** *not while your worksite is closed. If your employer closes your worksite, even for a short period of time, you are not entitled to take paid sick leave or expanded family and medical leave.*

Expanded Unemployment Insurance

Individuals **must** be able and available to work **unless** they cannot work because of the specific circumstances that relate to COVID-19, including:

- The individual has been diagnosed with COVID-19 or is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.
- A member of the individual's household has been diagnosed with COVID-19.
- The individual is providing care for a family member or a member of the individual's household who has been diagnosed with COVID-19.
- A child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID-19 public health emergency and such school or facility care is required for the individual to work.
- The individual is unable to reach the place of employment because of a quarantine imposed as a direct result of the COVID-19 public health emergency.
- The individual is unable to reach the place of employment because the individual has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19.
- The individual was scheduled to commence employment and does not have a job or is unable to reach the job as a direct result of the COVID-19 public health emergency.
- The individual has become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19.
- The individual has to quit his or her job as a direct result of COVID-19.*
- The individual's place of employment is closed as a direct result of the COVID-19 public health emergency.
- The individual meets any additional criteria established by the Secretary of the U.S. Department of Labor for unemployment assistance under the Pandemic Unemployment Assistance program.

Voluntary Quits and Expanded Federal Unemployment Benefits

- **QUESTION?**

I'm afraid of getting coronavirus from customers coming to the store, so I quit and filed for unemployment. Can I obtain benefits under the CARES Act?

- **ANSWER: No** Under the CARES Act, you may be eligible for benefits if you meet one of the circumstances listed in the Act, but none include the scenario described. On these facts, you are not eligible for Pandemic Unemployment Assistance (PUA) because you do not meet any of the qualifying circumstances.... *voluntarily deciding to quit your job out of a general concern about exposure to COVID-19 does not make you eligible for PUA.*

For more information regarding Employee rights related to CARES ACT: go to:

- <https://www.dol.gov/coronavirus/unemployment-insurance#fact-sheets>