

Welcome!

Reopening Your Doors

May 8th, 2020

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I N T E G R A S

Legal Disclaimer

This presentation has been prepared by Integras Intelligence for general informational purposes only. The material discussed during this webinar should not be construed as legal advice or a legal opinion.

Agenda

- Our Firm
- General Considerations for Reopening
- Assessing Your Needs – Gap Analysis
- Filling the Gaps – Plan for Reopening

Our Firm

- Established in 2007
- Professionals with diverse backgrounds
 - Law Enforcement: FBI, NYPD, USSS
 - Private Sector: Security/Investigations, Financial, Corporate America
- Services – Risk Mitigation
 - Background Checks/Due Diligence
 - Investigations, TSCM
 - Security Consulting, Crisis Preparedness and Response
- COVID-19 Initiatives

General Considerations for Reopening

- Infectious Disease Preparedness and Response Plan
- No “Experts”
 - Developing Situation That is Constantly Changing
 - Everyone Needs to Educate Themselves, Seek the Proper Assistance and Make the Best Possible Decisions
 - Every Organization is Different - No One Size Fits All – Assess and Decide What is Right For Your Organization

General Considerations for Reopening

- Duty of Care, Liability, Reputation
- Ignorance is No Excuse – Make Decisions With Your Eyes Wide Open
- Regulations, Guidance and Enforcement
 - Occupational Safety and Health Administration (OSHA)
 - CDC
 - EEOC
 - State/Local Executive Orders
- Third Parties – Visitors, Contractors, etc.

Assessing Your Needs – Gap Analysis

- Purpose of Assessment
 - Don't Start Planning or Take Actions Without Understanding Your Needs
 - Identify Exposure Areas
 - Strengths and Weaknesses of the Organization for Reopening
 - Prioritize Needs
 - Create a Plan and Timeline

Assessing Your Needs – Gap Analysis

- Have a Reopening Team? If not:
 - Who will be involved?
 - Multidiscipline – C-Suite, Facilities, HR, Risk Management, Legal, Security etc.
 - Chain of Command
 - Roles and Responsibilities
 - External Resources (Law Firm, Consultants, Medical Expert, etc.)
- Know Federal/State/Local Mandates
- Monitor Developments
 - Statistics (Infections and Deaths); Resurgence
 - What are other similar organizations doing? How have the results been?
 - Technology

Assessing Your Needs – Gap Analysis

- Human Resources
 - Analysis of Workforce to Determine WFH vs. In-Office
 - Policies (Sick Leave, WFH, Wellness Plans, Return to Work After Exposure/Infection, Visitors)
 - Employee Schedules
 - Travel
 - Consequences for Not Complying
 - Confidentiality
- Communication
- Training
- Document Everything!

Assessing Your Needs – Gap Analysis

- Considerations
 - Coordination with Building/Property Manager
 - Cleaning (Initial, Ongoing, High-Touch Surfaces)
 - Sanitizing Stations
 - Supplies (Anti-Microbial Wipes, Disinfectant, Paper Towels, Tissues, PPE)
 - Touchless Receptacles
 - Office Configuration - Proper Distancing, Barriers
 - No Sharing – Equipment, Workspace, etc.
 - Signage
 - Security
 - Internal Contact Tracing

Assessing Your Needs – Gap Analysis

- Access/Egress/Hallways
 - Return to Work Testing
 - Return to Work Pre-Shift Screening
 - Temperature Checks, Self Certification (Written, Oral)
 - Policy for Refusing Entry; Communication; Confidentiality; Responsibility; Challenges
 - Contact Points (Doors, turnstiles, elevators)
 - Cleaning of High Touch Surfaces
 - Sneeze Guards
 - Reception/Security Desk – Distancing
 - One Directional Doors/Hallways
 - Hand Sanitizer Stations
 - Signage

Assessing Your Needs – Gap Analysis

- Conference Rooms, Restrooms, and Breakrooms, Mailroom
 - Open/Closed
 - Propped Open/Automatic Doors
 - Maximum Occupancy
 - Proper Seating, Sneeze Guards
 - Hand Sanitizer Stations
 - Signage/Floor Markings

Fill the Gaps – Plan for Reopening

- This is a project. Ensure there is a PM and supporting staff.
- What gaps were discovered during your assessment?
- Prioritize the importance of the changes that are needed.
- Create a plan, timeline and assign specific duties.
- Monitor progress and reassess as needed.
- Communication and Training

Final Thought

Properly Assessing, Planning and
Executing a Reopening Plan is
Going to Take Time, Resources and
Patience (And, It Doesn't Stop
There)

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About Compass

- 10-year track record of success
- HR programs delivered by credentialed HR professionals on service delivery teams
- Access your team during non-business hours
- Culture of investment in training and professional development
- Bar admitted attorney on retainer to guide your Compass team
- Fully insured

Bringing Your Employees Back to Work

Presented by: Jane C. Tucker, JD, SPHR
HR Business Partner

Agenda

- Determining Which Employees To Bring Back to Work
- Responding to Employees Who Say That They Cannot Return to the Workplace
- Considerations for Remote Work
- Wage and Hour Implications of Potential Changes in Pay, Hours, Schedules, or Job Duties
- Q&A

Determining Which Employees To Bring Back to Work

- Consider starting with an employee survey asking employees about their willingness to return work, primary concerns, work/life balance concerns (no school/daycare) etc.
- Determine which employees are legally permitted to return to the worksite.
- Identify essential business functions that must be performed onsite in order to determine which employees need to return to the worksite immediately vs. those who can work from home.
- Review and revise job descriptions and organizational charts as necessary to reflect changes in job duties and organization structure/reporting relationships.

Responding to Employees Who Say That They Cannot Return to the Workplace

- Is the employee sick with COVID-19, experiencing symptoms associated with COVID-19 and seeking a medical diagnosis, tested positive for COVID-19, or been ordered to self-quarantine by health care provider or local health department?
 - Families First Coronavirus Response Act (Emergency Paid Sick Leave Provisions)
 - Applicable State laws (e.g., NYS COVID-19 Paid Family Leave)
 - Family and Medical Leave Act
- Does the employee need to care for a family member sick with COVID-19, has tested positive for COVID-19, or has been ordered to self-quarantine by health care provider or local health department?
 - Families First Coronavirus Response Act (Emergency Paid Sick Leave Provisions)
 - Applicable State laws (e.g., NYS COVID-19 Paid Family Leave)
 - Family and Medical Leave Act
- Does the employee need to care for a child whose school or daycare is closed or whose childcare is unavailable?
 - Families First Coronavirus Response Act (Family Leave Provisions)

Responding to Employees Who Say That They Cannot Return to the Workplace

- Does the employee have an underlying health condition that puts the employee at increased risk from COVID-19?
 - Americans with Disabilities Act (ADA)
 - State or local human rights laws
- Does the employee live in a household with family members who are in a vulnerable population or have underlying health conditions?
- Is the employee part of a vulnerable population (e.g., age)?
- None of the above, but the employee is afraid to return to work due to possible COVID-19 exposure?
 - Generalized fear vs. diagnosed anxiety disorder
 - Be empathetic
 - Create a plan to address employee fears and concerns through regular communication of steps being taken to keep them safe in the workplace
 - Termination may be allowed as a last resort
 - Address the unemployment benefits issue

Considerations for Remote Work

- Create a policy and procedure for responding to requests to work remotely.
- Determine which positions/employees will be eligible for remote work while being mindful of avoiding discrimination against certain groups, e.g., elderly or pregnant workers (use objective measures such as job functions, seniority or merit).
- Develop a remote work policy and agreement.
- Consider related IT, timekeeping and performance management issues

Wage and Hour Implications of Potential Changes in Pay, Hours, Schedules, or Job Duties

- Evaluate need to reclassify exempt employees to nonexempt (salary basis test, salary thresholds, changes in duties) and related potential for overtime pay.
- Arrange preparation and distribution of any legally required notices regarding changes in pay or status.
- Identify and address potential off-the-clock work issues (e.g., symptoms checks at home, temperature check lines at work, putting on PPE or cleaning tools at home or at work).
- Non-exempt employees should be paid for any time being tested for COVID-19 or spent waiting to be tested, if testing is required by employer.
- Identify and address potential additional meal and rest break claims (e.g., if employees are asked to eat lunch at their workstations, if COVID-19 procedures cut into meal breaks).
- Consider hazard pay or shift differential pay, if appropriate.

Be Prepared for an Uncertain Future

- Be prepared for the possible need for future employee layoffs and/or temporary furloughs or alternatives such as wage or hours reductions.
- Be prepared in the event that a large number of employees take sick time or other leaves of absence.
- Be prepared for another shutdown or a partial shutdown due to future government orders and/or second wave of illness next fall or winter.
 - What will that look like the 2nd time around?
- Have an employee notification plan ready.
 - Update employee contact information.
 - Establish methods for communicating with your workforce quickly.

Questions?

Thank you for joining us today!

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