



**Laura Salerno Owens, President and Shareholder**

[laurasalerno@markowitzherbold.com](mailto:laurasalerno@markowitzherbold.com)

(503) 295-3085



**Kyle Busse, Of Counsel**

[kylebusse@markowitzherbold.com](mailto:kylebusse@markowitzherbold.com)

(503) 295-3085

### **Employer Reopening Checklist with Sample Policies**

#### **Make a set of “no personal contact” rules**

Limit handshaking, closed meeting spaces, hugging, or any other physical contact.

#### **Questions to ask:**

- Where is contact made between people in a normal situation?
- Is contact necessary?
- Is there any personal protection equipment (PPE) that my staff could use to reduce the transmission of infection for essential contact?
- How and where can I post new no-contact rules to ensure my staff has read and understood our updated policy?

#### **Encourage “no item sharing” when possible**

This includes things like pens, staplers, notebooks, dry erase markers, desk space, file folders, computers, and anything else that can be assigned to individual workers and not shared. We recognize not all businesses will be able to afford a zero-tolerance policy of shared work tools, but where, within reason, a limiting of exposure to shared objects, caution should be made.

#### **Questions to ask:**

- What are the essential tools of my business? And who uses them?
- Are there any high-risk staff whose job may increase their risk of infection?
- Are there any PPEs that can help protect my workers?
- What are the items my business can afford to supply all workers with?
- How and where can I post new no item sharing rules to ensure my staff has read and understood our updated policy?

#### **Reorganize your floor plan**

What can you do to your work space that will maximize 6-foot distance between workers, customers, and visitors? Can you stagger workspaces? Adjust desks to point towards walls or office partitions?

**Questions to ask:**

- What are the essential needs for space for my business?
- What are areas that are underutilized today?
- Are there any superfluous areas now that folks need 6-foot barriers, and how can I reimagine those spaces to make room for today's needs?
- What are we using \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ space for?

**Get rid of common “gathering” areas**

In accordance with the step above, reconfigure your water cooler hang out spots, too. Can you reallocate these communal gathering places for open-air conferences space or more roomy desk arrangements? Before COVID-19 workers liked to share kitchenettes, breakrooms, and staff lounges, but we might not be able to afford such on-the-job luxury spaces. Where can you minimize hang-out spaces and maximize 6-foot distances?

**Questions to ask:**

- Do you have common gathering areas?
- How do your employees naturally hang out? And where?
- While not eliminating employee camaraderie, what's the best approach to minimize staff exposure to one another?

**Close breakroom hangouts**

Workers will need breaks, legally and mentally. But how will you handle them? Previously, restaurant and retail breakrooms could be found with several staffers relaxing on worn out couches, quickly eating snacks or cracking jokes before returning to the floor. Now, these breaks need to be monitored. Is your staff 6 feet apart? Does your breakroom have enough room to accommodate the amount of workers who would be taking a break at once? What about smoke breaks and lunch breaks? Are there signs posted to wash hands before re-entering the workfloor after breaks, just as there were in restrooms?

**Questions to ask:**

- What breaks or time off standards are required in your line of work, and how does your physical space address these needs?
- Are there any easy ways to improve those spaces to make them less partial to contagion?
- What are you doing to clean these spaces? Is there any way to improve?
- Do you have signs posted for staff workers to ensure they are washing their hands with soap and water for 20 seconds before returning to work?

**Create prominent hand sanitizing stations, complete with cleaning supplies**

Hand sanitizer might be your newest line item on your profit and loss statement (P&L). Businesses are going to need to invest in safety equipment of both their workers and patrons to keep the confidence of consumers coming back. If your shop feels risky, shoppers might not return. So make a point to buy 60% or more alcohol per volume hand sanitizers and make them freely available across your business or office space.

**Questions to ask:**

- Are you able to afford hand sanitizer stations?

- Where would be the best place(s) to put hand sanitizer stations?
- What signage would you need to create?
- Are there hand sanitizer dispensers available for guests, visitors, mailmen, clients, friends, neighbors, customers?

### **Post communal equipment cleaning rules**

If your office has gym equipment or common-use equipment (such as copy machines, metal machinery, and industry-specific tools) consider posting clear directions about how to clean the equipment between uses to keep multi-users safe.

#### **Questions to ask:**

- What are the most common communal equipment uses in your line of work?
- Are these shared?
- What are the equipment cleaning considerations you deem reasonably required to keep clean of COVID-19 or other germs?
- Are there any training sessions needed to ensure the safety of staff while increasing their cleaning responsibilities?
- How much time would you expect this to take?
- Does that impact the expectations of each individual contributor's workloads?

### **Create appropriate face mask rules**

States and companies are able to make individual requirements regarding face mask requirements. For instance, Ohio Governor Mike DeWine [is requiring](#) face coverings for employees and clients/customers at all times. And JetBlue, the airline company, was the first to require [both staff and passengers](#) to wear face masks at all times during travel. While heeding federal and local regulations, create face mask rules that you deem are the most appropriate for your line of business. Then, update your employee handbook with your new policies, and make sure employees are clear with your expectations of both them and the customers you serve.

#### **Questions to ask:**

- How close are my employees to customers?
- How much do you think wearing face masks would increase the confidence of your employees and clients?
- What is your budget for PPE?
- Is it reasonable to expect face mask policies? For how long?
- What all would go in your policy, and what are the consequences for employees who break conduct?

### **Limit the number of people in a closed room**

If you must have a "closed-room" discussion after opening your office, assess the options to either:

1. Host the discussion in a large enough room to give each attendee a 6-foot space between one another, or
2. Host the meeting virtually, wherein each participant may be under the same roof, but the meeting still takes place via a web conferencing tool online, to minimize direct exposure.

As a general rule, post the number of people each room can accommodate, and make sure to update room booking software accordingly. For instance, if your conference rooms were bookable for 10

people before coronavirus, and now it is deemed that the space can actually only host 3 to 4 people, update the preferences so that employees aren't making inadvertent errors in booking meetings.

**Questions to ask:**

- How many conference rooms do you have / do you need?
- Are there any ways to conduct business virtually?
- How many people can safely fit in your conference rooms now?
- Are there adequate cleaning supplies and ventilation systems to prevent the transmission of COVID in these spaces?
- Do you feel comfortable with your workers using these spaces for group discussions?

**Break the 9-5**

The 9am to 5pm workday might be under societal scrutiny as group dynamics wane in favor for distanced interactions between people. And, it's not just the 9-5ers who need to consider this, but how can your business adjust its hours of operation all together to make room for something new.

**Questions to ask:**

- What are other ways your business could reduce the likelihood of infection?  
Could you stagger workdays into shifts where employees come at non 9-5 hours based on team or function?
- What are the parts of your business' products of services that can remain remote? As an example, consultancies often set up in-person "discovery meetings" with new clients. Could this remain virtual moving forward?
- Would employees consider working weekends for two days off during the weekday?

**Then, after you've made your new policies ...**

After you've formulated your new policies, it's critical that you document those policies for employees to access and review. The best way to do this is to update a digital employee handbook. The employee handbook, if you don't already have one, is a singular place for your company to publish policies, expectations, recourse for misconduct, and more. A digital copy makes it easy for a company to update and disseminate information as it changes.

## APPENDIX D

### Sample remote work policy

#### COVID-19 Temporary Remote Work Policy Overview

As a part of **THE COMPANY'S** continued response to the novel coronavirus (COVID-19) pandemic, **THE COMPANY** may allow employees to temporarily telework (work remotely or work from home) during the time period between \_\_\_\_\_, 2020 and \_\_\_\_\_, 2020. Under the temporary remote work policy, employees will perform essentially the same work that they would on-site in accordance with performance expectations and other terms determined by their supervisors.

**THE COMPANY** may support remote work arrangements for staff in some situations based on the individual's request and **THE COMPANY'S/DEPARTMENT'S** ability to accommodate the request in accordance with a specific contingency plan. Remote work arrangements may not be feasible in all cases and requests should not compromise continuity of operations for members of **THE COMPANY** and the performance of essential functions of each office and department.

Remote Work Agreement: The temporary remote work request form is accessible via [ ]. Once submitted, **your direct supervisor** may contact you for additional information and/or ask you to further explain (1) how you plan to fulfill work expectations remotely and (2) how you plan to communicate regularly with co-workers, supervisors, and members of **THE COMPANY** during regular work hours. If approved by **[supervisor]**, a remote work agreement must be executed by the appropriate parties prior to beginning remote work.

Work performed remotely or from home is considered official **COMPANY** business; therefore, **[DEPARTMENTS/GROUPS]** may establish specific conditions that apply to employees engaged in remote work.

Termination of the Temporary Remote Work Agreement: **THE COMPANY** reserves the right to modify the temporary remote work arrangement at any time. Employees may be required to return to the central workplace if deemed as having performance or work conduct problems, or if **THE COMPANY** feels it is in the best interest of **THE COMPANY** and/or the employee to modify or suspend the arrangement, either permanently or temporarily.

Hours of Work: The amount of time and work hours that the employee is expected to work will not change due to participation in a temporary remote work agreement. Hours of work should remain the same unless specified in the agreement. The employee agrees to apply themselves to work and be available to communicate with their co-workers, supervisor(s), and members of **THE COMPANY** during work hours. Normal procedures will be followed for the approval of overtime and use of leave. Nonexempt employees are responsible for reporting all hours worked each week. Failure to report time, like failure to obtain approval for overtime, can result in the termination of the temporary remote work arrangement or other disciplinary action.

Compliance with **COMPANY** Policies: Employees must agree to comply with **COMPANY** rules, policies, handbooks, practices, and instructions and understand that violation of such may result in the termination of the temporary remote work arrangement and/or disciplinary action, up to and including dismissal.

Security of Information and Records: Employees must use secure remote access procedures and are responsible for the security of all documents and records in their possession while remote working and must adhere to **THE COMPANY'S IT** and other security procedures to ensure confidentiality and security of data. Employees working remotely agree not to share individual log-in passwords with anyone outside of **THE COMPANY**. Any use of restricted-access information or materials at an alternate work location must be approved and described in the remote work agreement, along with procedures for removing and returning those materials. Employees approved to telework agree that their access and connection to **THE COMPANY'S** network(s) may be monitored to record dates, times, and duration of access. If any unauthorized access or disclosure occurs, the employee must inform the direct supervisor immediately.

Equipment and Materials: Employees approved to telework must agree to use equipment provided by **THE COMPANY** and supplies for business purposes only and to notify the supervisor immediately of equipment malfunction in order to schedule repair or replacement. Please work with the **[ ] at 555-555-5555** to address any of these issues. Any damage or theft of the equipment should immediately be reported to the supervisor. **COMPANY**-owned equipment used in the normal course of employment will be maintained and repaired by the **COMPANY**. Employees approved to telework must return all **COMPANY**-owned property when the remote work arrangement ends. When employees are authorized to use their own equipment, the department will not assume responsibility for costs of repairs, maintenance, or service.

Other Costs: Under this temporary policy, **THE COMPANY** is not responsible for operating costs (such as electric bills, internet, etc.), home maintenance, or other costs incurred by employees in the use of their homes as alternate work locations.

Liability: **THE COMPANY** assumes no responsibility for injuries occurring in the employee's alternate work location outside the agreed-upon work hours, or for liability damages to employee's real or personal property resulting from participation in the telework program. Workers' compensation coverage is limited to designated work areas in employees' homes or alternate work locations. Workers' compensation does not apply to injuries of any third parties or members of the employee's family on the employee's premises. Employees agree to practice the same safety habits they would use in the workplace and maintain safe conditions in their alternate work locations. Employees must follow normal procedures for reporting illness or injury. Please contact **Human Resources** if you have any questions regarding this policy or if you have questions about teleworking that are not addressed in this policy.

COVID-19 Temporary Remote Work Request Form

Complete this form to request a temporary remote work arrangement from \_\_\_\_\_, 2020 to \_\_\_\_\_, 2020, and obtain approval from your supervisor. Department operations and office coverage will be considered before requests are approved. Send the signed copy as an attachment to Human Resources at \_\_\_\_\_.

**Temporary Remote Work Option - Employee Completes**

Name: \_\_\_\_\_

(company name) E-mail Address: \_\_\_\_\_

Job Title: \_\_\_\_\_

Department: \_\_\_\_\_

Begin Date: \_\_\_\_\_

End Date: \_\_\_\_\_

**Provide details about how you will complete your work effectively under this requested arrangement:**

Detailed plan to fulfill work expectations:

Detailed plan how communications with co-workers, supervisors, and community members will occur during your regular work hours.

*I understand that (Employer's name) may modify or suspend the temporary remote work arrangement at any time.*

Employee's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Adjusted Work Arrangement - Supervisor Completes**

Approved \_\_\_\_\_

Approved with Adjusted Date(s) \_\_\_\_\_

Begin Date: \_\_\_\_\_

End Date: \_\_\_\_\_

Not Approved \_\_\_\_\_

Comments:

**For security purposes, all remote work must be performed using a (company name)-issued device connecting through a (company name) VPN. (Company name) office phones may be forwarded to (company name) mobile phones. Remote workers must always adhere to (company name) IT best practices and our Information Security Policy published online at:**

\_\_\_\_\_

**Approval Signatures**

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Head

\_\_\_\_\_  
Date

\_\_\_\_\_  
Human Resources

\_\_\_\_\_  
Date



## APPENDIX E

### Sample social distancing policy

**To reduce the spread of COVID-19 and to comply with the Oregon Governor's Executive Order 20-12, the following Social Distancing Policy is in effect until further notice:**

**Remote Work.** The [company] has transitioned all employees to remote work except for [redacted]. [One employee] will come to the office from 8:00-4:30 each day to [redacted]. No other employees are approved for coming to the office, even for short trips or after hours, without first contacting [the Operations/HR Director] to work through alternatives and/or for approval and to coordinate details and timing. If [the Operations/HR Director] is not available, a *backup* contact for this is [redacted].

#### **In-Office Protocols (for individuals with permission to be at the office)**

1. Anyone who is experiencing symptoms of sickness is prohibited from coming to the [office]. And anyone who comes into the office and begins to feel sick should immediately leave and notify [the Operations/HR Director].
2. Upon arrival at the office, individuals must wash their hands with soap and water and wipe down door handles and hard surfaces with disinfectant wipes. Immediately report any shortages of soap or disinfectant wipes to [the Operations/HR Director].
3. While working in shared space, use the 6-foot rule for social distancing at all times. No exceptions. Do not shake hands with another person or touch another person in any form.
4. To every extent possible, allow 15-30 minutes before walking into airspace that another person has been in. Set materials out in advance that are to be picked up and allow wait time before retrieving items that have been dropped off.
5. Wash your hands frequently. Wash them after you touch any paper, envelope, package, or other hard surfaces that have been touched by another person.
6. Routinely wipe down door handles and other hard surfaces that are touched by you or another person.
7. Remember to keep your hands away from your mouth, nose, and eyes at all times, and especially with unwashed hands.
8. Cover sneezes and coughs with a tissue or sleeve, and then throw the tissue away.
9. Help ensure that everyone you encounter understands and follows the in-office protocols listed above.
10. Upon arrival at home, wash your hands with soap and water.
11. Report any issues or questions that arise to the [Operations/HR Director].