

This is intended to serve as a guide and planning tool for [your re-opening team](#) as your company implements, maintains and updates safety protocols for COVID-19 protection and risk mitigation.

OSHA, CDC and state/local requirements and guidance should be consulted on a daily/regular basis and adjustments and modifications made as needed. For more resources and LP's response to COVID-19, [visit this webpage](#).

	ACTION ITEM	PRACTICAL CONSIDERATIONS	LEGAL CONSIDERATIONS
BUILDING PROTOCOLS	Elevator Protocol	Building owner to decide. Likely only two people at a time	Consult and comply with OSHA, CDC and state/local requirements and guidance . Consider staggering shifts to reduce congestion and consider relaxing attendance requirements for employees delayed by elevator protocols.
	HVAC/Air Filtration	Building owner to decide.	N/A
	Access/Entry/Exit Review	Perform building/property review and assessment to prepare and plan for re-opening, including a review of entrances/exits to building/office and determine any changes necessary (i.e., create one-way flow of traffic into, and one-way flow of traffic out of, the building/space).	Consult and comply with OSHA and state/local guidance and ordinances.
YOUR PHYSICAL SPACE	Cleanliness	<ul style="list-style-type: none"> Space should be disinfected 1) before re-entry; and 2) daily after re-opening. Disinfect all commonly touched areas at least twice a day, shared office equipment after each use, and maintain a daily cleaning log to ensure proper sanitizing is maintained. Consider providing Clorox wipes at each desk Place sanitizer and wipes next to shared equipment (printers, scanners, copiers, etc.) Increased janitorial sanitation/cleaning and upgrade quality of products used. 	Make sure cleaning and disinfecting is consistent with OSHA & CDC guidelines .
	Structure	<ul style="list-style-type: none"> Reconfigure your space to spread out desks/work stations and put more employees in enclosed offices. Consider using workspace dividers Consider terminating shared services, coffee, filtered water, microwave, refrigerator, icemaker, dishwasher, snacks and food service. Common use glassware and cups should be removed. Reduce chairs in meeting rooms Traffic control signage for hallways (one way) Close common areas (lounges, kitchens, breakrooms). 	Meet your obligations under the OSHA General Duty Clause, which (as the name suggests) states the employer's general duty to provide a safe workplace. The key here is that the employer is taking reasonable steps to prevent infection. What those reasonable steps are will depend on the particular business and workplace.
	Visitors	<ul style="list-style-type: none"> Touchless deliveries from vendors No outside guests for at least a month following reopening 	

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YOUR WORKFORCE	Scheduling	Phased re-entry of workforce	
		Staggering workdays, start times and breaks	Staggering workdays, shifts, start times and breaks is a practical way to reduce the number of employees gathering at any particular time.
		Consider who can continue to work from home	There are some positions where it's easier for employees to work from home, and some employees who are more effective at working from home. Consider whether some employees should be allowed or directed to stay remote. Just be careful that decisions as to who can work remotely are based on legitimate business reasons. Be aware of accommodation requirements (for both disability and pregnancy) for employees who have a need to stay remote. At the same time, do not force employees (due to age, disability or pregnancy) to work remotely if others aren't being required to do so.
		Consider leave obligations and accommodation requirements	<ul style="list-style-type: none"> The Families First Coronavirus Relief Act (FFCRA) gave employees of employers with fewer than 500 employees certain paid leave entitlements. Make sure that you understand who is eligible and are prepared to respond to requests for these types of paid leave. Also keep in mind all of the pre-COVID employment laws that may apply, including accommodating employees who are pregnant or have certain medical conditions, and "regular" FMLA.
	Transportation	Update RTA plan to consider pre-tax parking options	N/A
	Travel	Possible self-quarantine for employees who travel	OSHA, CDC and state/local requirements and guidance should be consulted. In addition, consider whether you want to implement a policy that requires self-quarantine above and beyond legal requirements.
	Supply Chain Management	Review supply chain and determine if you will be able to obtain what you need in order to re-open and conduct business.	Review supply contracts to insure compliance and determine whether modifications are warranted. Take steps to redress concerns over any supplier's ability to meet your needs . And, consider any contract disputes that may have arose prior to re-opening and evaluate with counsel.
PTO	Consider allowing employees to use paid time off in advance of it being accrued.	Consult your paid time off policies to ensure that you are being consistent, and revise policies as necessary to reflect new approaches.	

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HEALTH & SAFETY	Masks and other Personal Protective Equipment (PPE)	Determine whether use of PPE is mandatory or permissible in your jurisdiction.	<ul style="list-style-type: none"> If your jurisdiction requires certain PPE (such as face coverings), the employer generally must pay for or reimburse the employee for their cost. Illinois requires employers to provide face coverings to all employees who are unable to maintain a six-foot distance from others, and to require these employees to wear them. If your jurisdiction doesn't require PPE, then consider whether you will (i) implement any restrictions or requirements around PPE, and/or (ii) provide employees with face coverings, masks, gloves, sanitizer, ceramic cups and other PPE to be maintained by the individual. If PPE is required (or not required, but the company elects to provide and implement restrictions and/or requirements around PPE), make sure you are also instructing employees in how to wear and care for PPE properly, and ensure that PPE doesn't interfere with other protective equipment required for the position.
	Tests and Symptom Checks	Consider checking employees' temperature, requiring employees to report COVID-19-like symptoms, or even requiring testing for the virus or antibodies	The EEOC has confirmed that employers are permitted to require employees to take tests and answer questions relating to COVID-19 infection and symptoms; however, it's critical that the company's approach be consistent and that all information collected be kept confidential. In addition, keep in mind that screening time may be considered working time that must be paid, and ensure that any test-related requirements are actually feasible (i.e. tests are available).
	Social Distancing Touchpoints	Restroom doors should be propped open to the extent privacy allows	Note that lactation rooms require a closed, locked door, so have disinfectant wipes available for before and after opening the door and the refrigerator inside.
	Screening Tests	Consider which health screening tests might be used	If employees are being screened or asked to self-screen, make sure that application is non-discriminatory (i.e. applied to all in a certain job family) and that all information is kept strictly confidential.
	Employee Self-screening	Communicate importance of self-health awareness to employees and do not come in or WFH if showing any symptoms	
	Contact Tracing	If possible, ID people who came into contact with known cases of COVID 19	Keep this information strictly confidential, and do not disclose the identity of those who may have come into contact or been infected.
COMMUNICATION PLANNING	Notifications	Building protocols for arrival	There are a number of postings that employers may – or in circumstances must – post relating to workplace safety and other COVID-19-related employee rights. The mandatory postings include a poster that we expect the State of Illinois to issue this week. You may view these postings here.
	Communication to workforce prior to opening detailing all safety protocols	Determine how many people would actually be needed in the office for support.	
	Training session prior to re-entering the office	Explaining new protocols to employees.	Emphasize compliance with federal, state and local requirements and continued evolution of plan in light of developments. Use language focusing on endeavoring to make the workplace safe rather than ensuring that it will be.
	Communicate	Create a communications plan for daily/weekly updates to employees.	

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POLICY CHANGES	Paid-leave policies	Should be adjusted to reflect regulatory requirements and actual business needs.	Revise policies to reflect new emergency paid sick leave (EPSL) and extended FMLA (E-FMLA) under the FFCRA; confirm that policies also comply with state/local requirements concerning paid leave.
	Attendance policies	Consider relaxing attendance policies to encourage sick employees to stay home, and consider requirements around return to work documentation to reflect reality of doctors not being available (i.e. email from doctor sufficient instead of requiring formal return to work justification).	Make clear that exceptions are specifically due to COVID-19, and thus limited in time. Require employees to provide documentation for EPSL/E-FMLA if you want to claim tax credit.
	Time-off request procedures	Should be clarified to indicate when time off can be required by the employer, should sick employees need to be sent home.	Revise policies to reflect that the employer may require use to paid time off.
	Flexible scheduling options	Can be implemented allowing for compressed work-weeks and flexible start and stop times.	Be careful to ensure that working time is accurately recorded, and be aware of state overtime laws (such as in California) that require overtime based on hours in a day, not just in a week
	Meal and rest break policies	Adjust stagger times and processes implemented to encourage physical distancing.	Ensure that breaks required by law are given in compliance with those legal requirements (which often dictate timing of breaks).
	Travel policies	Update to reflect essential versus non-essential travel and the impact of domestic or global travel restrictions.	Keep in mind that employees who have a pre-existing condition or are pregnant may be able to request not to travel as a reasonable accommodation. In this case, follow a standard reasonable accommodation analysis.
	Telecommuting policies	Detailed to reflect the type of work that is able to be done remotely and the procedures for requesting telework.	Ensure that all working time is properly recorded and that all other requirements relating to the work day (such as breaks) are complied with.
	Information technology policies	Revise to reflect remote work hardware, software and support.	Consider whether it is necessary or appropriate to reimburse employees for expenses relating to telework.
	Meetings policies	Schedule meetings online (or via conference call) when possible. If in-person meetings are absolutely necessary, limit the number of individuals attending in-person to as little as possible (a maximum of 5, socially distanced, being recommended)	N/A
DAY OF RETURN		Contract for additional cleaning throughout the day when you return to the office, and thereafter	Comply with OSHA and state/local guidance and ordinances.