

The background is a dark blue gradient with a subtle pattern of white dots. On the left side, there are several overlapping circular elements. A large, semi-transparent scale is visible, with numbers ranging from 140 to 260. The scale has tick marks and is partially obscured by other circular patterns. There are also several smaller circles, some with dashed outlines and arrows, suggesting a sense of motion or rotation. The overall aesthetic is technical and modern.

# BUSINESS REOPENING AFTER COVID-19: WHAT EMPLOYERS NEED TO KNOW

# DISCLAIMER

- This is strictly for informational purposes. The information is intended to be used solely by the subscribers to the Webinar.
- Any answered questions are for hypothetical purposes only. There is no attorney-client privilege information or specific advice.
- If you have specific questions and are a part of Foley & Foley's On-Call Triage Service, then please feel free to reach out to me at [wendy@foleylawpractice.com](mailto:wendy@foleylawpractice.com).

# STATE EXECUTIVE ORDERS FOR REOPENING

- Remember the plan that the CDC created and got taken down? Well now its official:  
<https://www.cdc.gov/coronavirus/2019-ncov/downloads/php/CDC-Activities-Initiatives-for-COVID-19-Response.pdf#page=53>.
- The last webinar went into the specifics of this plan, which is effectively the same, the only added provision is “closings”
- Remember, this will be significant for OSHA claims. Even if your state does not have a specific phase-in plan approach, you will still need to follow these guidelines.

# MASSACHUSETTS PHASE 1

- May 18<sup>th</sup> – Essential Businesses, Manufacturing, Construction, Worship, Hospitals and Community Health Centers.
  - Hospitals and Community Health Centers have specific guidelines and attestations they need to follow outside of the general guidelines.



# MASSACHUSETTS PHASE 1

- May 25<sup>th</sup>
  - Lab Space
  - Office Space (except Boston)
    - Working from home is still strongly encouraged, you should restrict occupancy to 25% maximum
  - Limited Personal Service
    - Hair – by appointment only
    - Pet grooming
    - Exterior car washing allowed
  - Retail
    - Remote fulfillment
    - Curbside pick up
  - Other Health Care Providers
  - Recreational and Outdoor

# MASSACHUSETTS PHASE 1

- June 1<sup>st</sup> – Office space in Boston but restrict workforce to 25% occupancy.
- <https://www.mass.gov/info-details/reopening-massachusetts#sector-specific-protocols-and-best-practices->

# MASSACHUSETTS PHASE 1 – ALL EMPLOYERS

- All employers need to write a COVID-19 Control Plan.
  - Social Distancing: all customers and employees stay 6ft apart, create protocols so employees can practice social distancing, post signs about social distancing, require face coverings for all employees.
  - Hygiene Protocols: provide handwashing capabilities, enforce frequent handwashing, sanitize high touch areas frequently.
  - Staffing and Operations: training employees in hygiene and social distancing, screen employees so that those who show symptoms do not come to work, create a plan for when an employee tests positive and a return to work.
  - Cleaning and Disinfecting: establish and maintain protocols for cleaning, disinfect the area of a positive COVID-19 employee, clean all common surfaces a frequent intervals.
  - <https://www.mass.gov/doc/covid-19-reopening-control-plan-template/download>

# MASSACHUSETTS PHASE 1 – ALL EMPLOYERS

- Once you have completed the checklist then you need to sign and post this poster: <https://www.mass.gov/doc/compliance-attestation/download>
- It effectively affirms to the public and any administrative agency walking in the door that you are wearing face masks, social distancing, practicing good hygiene, trained your employees on hygiene and social distancing, and are cleaning and disinfecting the work place.
- And then this poster: <https://www.mass.gov/doc/employer-reopening-poster/download>



# MASSACHUSETTS PHASE 1 – RECREATIONAL BOATING

- **Social Distancing:** docks should be used to facilitate boating access only, no on dock gatherings, close off common areas (gazebos, picnic areas, pools, etc.), no organized events on or off water, where social distancing is not possible only members from the same household, no more than 10 people in a boat, fuel dock operators should keep vessels spaced 6 ft apart, lunch and break times should be staggered, face coverings are required for all workers, minimize the use of confined spaces and have only one person at a time, for launch boats – captain, staff, and patrons must keep 6 ft apart and wear PPE (mask, gloves, goggles), dinghy docks must wait till it is all clear before approaching, staff should not assist boaters with launch/retrieval unless needed for the ADA, remote or credit card transactions are encouraged.
- **Hygiene:** Ensure access to handwashing facilities and supplies, employees should wear gloves when handling equipment, paperwork should be handled electronically to the extent possible, post signage through out the site to remind employees of hygiene and safety protocol, regular and no less than daily cleaning and sanitation of all high touch areas.

# MASSACHUSETTS PHASE 1 – RECREATIONAL BOATING

- **Staffing and Operations:** provide training to workers on up to date safety information, limit visitors and service providers on site, log all persons who are present at site for any duration including customers, send employees home who exhibit symptoms of COVID-19, encourage employees to self-identify symptoms or any close contact to a known or suspected COVID-19 case, post a notice to employees, workers, and customers of important health information and relevant safety measures.
- **Cleaning and Disinfecting:** Employers are required to conduct regular and not less than daily cleaning and sanitation of high touch areas, launch boats must be disinfected after every trip, pump out stations should be sanitized after each use, employers should keep cleaning logs including date and scope, conduct frequent disinfecting of heavy transit areas, in the event of a positive case, employers must shut down site for deep cleaning and disinfecting.
- <https://www.mass.gov/doc/recreational-boating-application-of-guidelines-5-18-20/download>

# MASSACHUSETTS PHASE 1 – FOR HIRE CHARTER BOATS

- **Social Distancing:** passengers and crew members must wear cloth face coverings, crewmembers must clean and dispose of the face covering in accordance with CDC guidelines, for hire vessels must remain a safe distance apart, passengers and crew members must remain 6 ft apart from each other, stagger lunch breaks and meal times, face coverings are required for all workers, minimize the use of confined spaces and only allow for one person at a time.
- **Hygiene Protocols:** Ensure access to handwashing facilities and supplies, provide handwashing capabilities to customers, crewmembers must provide for hourly touch point sanitations, vessel captains must provide training for crewmembers regarding COVID-19 mitigation plan and basic handwashing, respiratory etiquette, and social distancing, post visible signage on hygiene and safety protocols.



# MASSACHUSETTS PHASE 1 – FOR HIRE CHARTER BOATS

- Staffing and Operations: vessel captains must conduct pre-shift screening and maintain log, must bring their own food and kept separate, passengers and crewmembers should not share equipment, vessel captain must establish COVID-19 mitigation plan and publish it to the public, provide training on up-to-date safety information, limit visitors and service providers on site, log everyone who comes into the site, prohibit employees who show symptoms of COVID-19 and encourage to self-identify, post notice to employees, workers, and customers of important health information and relevant safety measures.
- Cleaning and Disinfecting: conduct frequent cleaning and disinfection of vessels, keep cleaning logs that include date and time, conduct frequent disinfecting of heavy transit and high-touch surfaces, in the event of a positive case shut down the site for deep cleaning and disinfection.
- <https://www.mass.gov/doc/for-hire-and-charter-fishing-application-of-guidelines-5-18-20/download>



# MASSACHUSETTS PHASE 1 – OUTDOOR RESTROOM CLEANING

- Products: surfaces should be cleaned prior to disinfection, follow the manufacturers instructions, check expiration date.
- PPE: Wear disposable gloves and masks for all cleaning and disinfection, clean hands after removing gloves, remove mask and gloves carefully to avoid contamination of the water and surrounding areas.
- Always clean from top to bottom, clean from dry to wet, and work toward the exit door.
- <https://www.mass.gov/doc/eea-covid-19-cleaning-of-restrooms-best-practices-5-18-20/download>

# MASSACHUSETTS PHASE 1 - TRANSIT

- Riders will be required to wear masks and social distance. Do not ride transit if you have symptoms of COVID-19.
- Employers should stagger schedules to reduce ridership.
- MBTA will take protective and preventative measures and frequently disinfect and clean stations and vehicles.
- Keep employees who commute remote where possible.

# MASSACHUSETTS PHASE 1 – OFFICE SPACES

- Offices have a limit of 25% maximum occupancy level/typical occupancy of the business. For those that have been considered “Essential Services” and have been open the entire time have until July 1<sup>st</sup> to comply.
- Must be separated by 6ft.
- Close or reconfigure common areas or where workers generally congregate.
- For work stations that cannot be spaced out there need to be physical partitions.
- Provide training to staff on safety precautions.
- <https://www.mass.gov/doc/office-spaces-checklist/download>

# OSHA POSTER ON MASKS

- Wash your hands prior to putting on the face mask
- Check for any damage
- Cover both your nose and mouth with the mask
- Adjust to ensure there is no leakage
- Wash your hands after taking off the mask
- <https://www.osha.gov/Publications/OSHA4015.pdf>



# CDC POSTERS

- Handwashing: [https://www.cdc.gov/handwashing/pdf/19\\_309599-A-Frankson\\_Handwashing.pdf](https://www.cdc.gov/handwashing/pdf/19_309599-A-Frankson_Handwashing.pdf)
- Respiratory etiquette: [https://www.cdc.gov/flu/pdf/protect/cdc\\_cough.pdf](https://www.cdc.gov/flu/pdf/protect/cdc_cough.pdf)
- Germs: <https://www.cdc.gov/handwashing/pdf/poster-germs-are-everywhere.pdf>;  
<https://www.cdc.gov/coronavirus/2019-ncov/downloads/stop-the-spread-of-germs.pdf>
- Cloth Coverings: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/cloth-face-coverings-information.pdf>
- How to protect yourself and others: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention-H.pdf>
- What to do if you are sick: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/sick-with-2019-nCoV-fact-sheet.pdf>

# CALLING BACK EMPLOYEES

- Employees who need an accommodation – those who are considered at-risk (65+ or immune compromised) can request for an accommodation. You must:
  - Engage in the interactive process with the health care provider
  - Determine a reasonable accommodation (you can chose amongst accommodations)
  - Determine if all of the reasonable accommodations pose undue hardship.

# RELIABLE SOURCES

- Department of Labor's – this agency is in charge of promulgating and executing the rules under the FFCRA, if it comes from them, then it is the most accurate/up-to-date information.
- Internal Revenue Service – this agency is in charge of applying tax credits to the FFCRA, they will have the most up to date information.
- Department of Treasury – this is department in charge of the PPP loans, here's their update FAQ to lenders: <https://home.treasury.gov/system/files/136/Paycheck-Protection-Program-Frequently-Asked-Questions.pdf>.
- Center of Disease Control – In charge of providing evidence-based, scientific information on COVID-19, how to prevent it, how to manage it, and what they symptoms are.
- State or Local Government Orders – each state website has an location where all the executive orders are kept. The order will have the list of essential businesses and the expected enforcement.
- State Department of Health – This will provide the up to date statistics on COVID-19 in your area.
- For SBA loans (PPP) – TALK TO YOUR LENDER, they are the entity taking on the liability of the loan, you want to be sure what they expect from you for forgiveness and implementation of the loan. Link to the interim final rule: [https://www.sba.gov/sites/default/files/2020-04/PPP%20Interim%20Final%20Rule\\_0.pdf](https://www.sba.gov/sites/default/files/2020-04/PPP%20Interim%20Final%20Rule_0.pdf) and additional guidance: <https://www.sba.gov/sites/default/files/2020-04/Interim-Final-Rule-Additional-Eligibility-Criteria-and-Requirements-for-Certain-Pledges-of-Loans.pdf>



# BIO – WENDY HANSEN

- After graduating law school on a merit scholarship, Wendy Hansen organized and created a legal compliance program for a large manufacturer in Massachusetts. Starting from the ground up, Wendy taught legal compliance and leadership training; implemented and produced policies from employee records to employee reviews; drafted and implemented a framework for a new Human Resources department for the company; and conferred with upper management regularly on HR and general business problems. This experience gives Wendy an insider's perspective on the day to day challenges HR and management face.
- As well as her strong human resources background, Wendy worked at an insurance defense litigation firm in Boston. She reviewed and analyzed employment law agency charges, demand letters, and litigation. Wendy worked with employers under their employment practice liability insurance on a variety of claims, including harassment, discrimination, retaliation and wrongful termination.
- Wendy graduated from New England School of Law, cum laude and received the Outstanding Scholastic Achievement Award. She was a Comment and Note Editor for New England Law Review, where her case comment, *Morrow v. Balaski: When Good Intentions Go Bad*, was published. She was a Mock Trial Regional Finalist her second year.
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# Q&A

The background is a dark blue gradient with a field of small white stars. Overlaid on this are several technical diagrams in a lighter blue color. In the top right, there is a large circular gauge with a scale from 0 to 210 and a needle pointing to approximately 190. Below it is a smaller circular diagram with concentric circles and arrows. In the bottom right, there is another circular diagram with concentric circles and arrows. In the bottom left, there is a circular diagram with a dashed arrow pointing left. In the top left, there is a small circular diagram with a dashed arrow pointing left.