A GUIDE TO **REOPENING YOUR BUSINESS**

Business leaders reopening their doors during COVID-19 have many things to consider.

In order to reopen, businesses must complete a "COVID-19 Preparedness Plan" to document how they will safely operate in response to COVID-19. You can find a template here from the MN DEED or create your own.

Your plan must meet the following:
- Require work from home whenever possible;
- Ensure that sick workers stay home, including by conducting health screenings to prevent sick workers from entering the workplace;
- Establish social distancing policies;
- Establish employee hygiene and source control policies; and
- Establish cleaning and disinfection protocols for areas within the workspace.

Start building your plan with these resources:
- CDC employer guidance for prevention, employer policies to review, and disinfecting guidance.
- OSHA with exposure risks and industry specific guidance.
- Minnesota Department of Employment and Economic Development on how to safely return to work.
- Minnesota Department of Health for help with social distancing and signage resources.
- Minnesota OSHA for worker's protections and protective equipment for non-critical business.
- An employment law attorney

FAQs

Must an employee return to work?

- Under MN Executive Order 20-40, Employees who have been teleworking, must be allowed to continue to telework.

- Employees who are currently not working and who are receiving unemployment benefits must return to work if their employer is reopening under the Executive Order. Indeed, the guidance warns that if the employee is offered work, they must return if they are able to do so, even if the employee does not "feel safe returning to work on site [due to COVID-19]."

- For more legal guidance, follow Felhaber Larson's employment blog.

Source: Felhaber Larson

How should I conduct health screenings? Can we check employee's temperatures?

Yes, you can check employee's temperatures before they start work in the office. Things to consider if you start this practice:

- How will you collect the temperatures safely?

- How will you store employee health data properly?

- Ensure any time spent waiting for a health screening is paid for non-exempt employees.

- Ensure you are following all anti-discrimination laws, in all aspects, for screening and sending people home, etc.

You may also consider employees do their own health screening check before coming into the office. Here's the internal Christensen Group health screening template based on CDC guidance.

What is required for cleaning and disinfecting?

- You should plan for daily cleaning and disinfecting routines and how you'd respond if there was an COVID19 exposure at the workplace. Follow the CDC guidance here.

- With disinfecting supplies low, keep track of your inventory. Here is a list of approved COVID19 disinfectants.

What are the OSHA requirements?

OSHA specific requirements will depend on your industry. OSHA has a full COVID19 guide here. Here a few questions to ask yourself as employer:

- Have we actively encouraged sick employees to stay home?

- Do employees know the symptoms of COVID19 and their responsibilities inform us of any COVID19 exposure?

- Have we created basic infection prevention measures?

- How will we identify and isolate sick people?

- What Personal Protective Equipment (PPE) is required for our business? Do we have enough available? Have we trained our employees?

- Have we communicated the plan to our employees?

Worker's Compensation – am I exposed to losses?

The short answer to this complex question is "maybe." While workers compensation laws provide compensation for "occupational diseases" that arise out of and in the course of employment, many state statutes exclude "ordinary diseases of life" (e.g., the common cold or flu). There are occupational groups that arguably would have a higher probability for exposure such as healthcare workers and first responders. However, even in those cases, there may be uncertainty as to whether the disease is compensable.

Minnesota has enacted a new law that provides employees on the front line of the COVID-19 pandemic are presumed to have contracted a workers' compensation occupation disease if they become ill with COVID-19 on or around April 8, 2020.

As of now, other states have pending legislative initiatives to expand the coverage for certain workers.

Is it safe to ask employees about their health? What if an employee asks for an accommodation?

Much of the EEOC guidance is the same as pre-COVID19. Although you can now take temperatures of employees and those during hiring and onboarding processes. You should still follow best practices for confidentially employee health data. For employees who request an accommodation, you should follow the

ADA interactive process. Follow the EEOC updated guidance and FAQ sheet here or consult with your employment law attorney.

Is there signage I should post in my establishment?

The MDH has many resources available to print and post. At CG, we have these posted at our front desk, kitchen areas and meeting rooms.

- Facility Health Screening

- Social Distancing

- Cover Your Cough