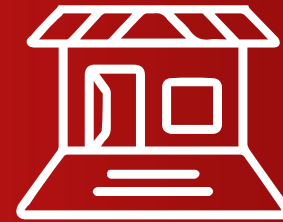


# COVID-19: Initial Considerations for Workplace Safety & Recovery Planning

Legal and Compliance Basics: What You and Your Lawyer Need to Know

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# What are common obstacles to return to work planning?

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**Think of it as “Workplace Safety” Planning**

**Common obstacles include:**

- Firm leaders & employees not being aware of the plan
- Lack of transparency in communications to your employees
- Being reactive rather than proactive
- Geographic differences by office and location of employees
- Client service considerations
  - When and why is in-person contact needed?
  - Client workplace health and safety



# Planning a Plan

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- Whose expertise and participation is needed?
  - Senior management and/or executive committee
  - Staff members
  - Human resources and training
  - Technology and security
  - Qualified legal counsel
- Who will manage the process?
- Filling the expertise gaps (review guidance from national, state and local authorities)
- Adapting to changing conditions



# Planning a Plan

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## Lawyer knowledge and experience

- Employment law, including -
  - Federal, state and local laws and ordinances on preventing workplace discrimination and harassment and required training
  - COVID-19 guidance from CDC, EEOC, state and local authorities
  - Current DOL guidance on application of sick, family and medical leave law under Families First Coronavirus Response Act (FFCRA) and Emergency Family and Medical Leave Expansion Act (EFMLA)
  - Current DOL guidance on providing continuing COBRA health insurance to employees due to RIF
  - Workers compensation laws and jurisdictional issues
- Workplace safety law, including –
  - OSHA requirements and COVID-19 guidance
  - OSHA approved state plans, as applicable (22 states)



# Planning a Plan

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## Lawyer knowledge and experience

- Contract law, including –
  - Vendor contract requirements
    - OSHA, CDC and state/local authorities guidance on workplace modification, cleaning, PPE, employee health screening
  - Evaluation of existing vendor contracts and property leases
    - Indemnification, hold harmless, severability and force majeure clauses
- Privacy law, including –
  - HIPAA
  - Federal and state COVID-19 guidance applicable to banking and health care clients (e.g. FDIC and HHS)
  - State and local laws
  - Jurisdictional issues impacting work from home and office operations

# Resources

## Government Resources

### OSHA Guidance:

- Guidance on Preparing Workplaces for COVID-19, <https://www.osha.gov/Publications/OSHA3990.pdf>

### CDC Guidance:

- Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19), <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>
- COVID-19 Contact Tracing Training Guidance and Resources, <https://www.cdc.gov/coronavirus/2019-ncov/downloads/php/contact-tracing-training-plan.pdf>
- Public Health Recommendations for Community-Related Exposure, <https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html>

### HHS Guidance:

- Return to Work (Employee), <https://hr.nih.gov/benefits/pay/workers-compensation/return-work-employee>

### EEOC Guidance:

- What You Should Know About the ADA, the Rehabilitation Act and the Coronavirus, <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

### White House Guidance:

- Opening Up America Again Guidelines, <https://www.whitehouse.gov/openingamerica/>

## AICPA Resources

- AICPA Coronavirus Resource Center, <https://www.aicpa.org/news/aicpa-coronavirus-resource-center.html>

### Aon Resources

- AICPA Member Insurance Programs COVID-19 Resource Center, <https://www.cpai.com/AICPA-Member-Insurance-Programs-COVID-19-Resource-Center?Main=P2En8qgA3+M=&Sub=VXg3tLzKw7A=&SecSub=VXg3tLzKw7A=>
- Aon COVID-19 Business Recovery Decision-Making Toolkit and Employer Best Practices: Screening for COVID-19, [https://www.aon.com/getmedia/fa48c655-2c97-438f-a863-7414c8b67f60/COVID19-Business-Recovery-Decision-Making-Tool-Kit-2020-05-04.aspx?refID=renew&utm\\_source=internal&utm\\_medium=email&utm\\_campaign=risk\\_alert\\_return\\_to\\_work\\_toolkit&utm\\_term=may2020&utm\\_content=&refID=renew&utm\\_source=internal&utm\\_medium=email&utm\\_campaign=risk\\_alert\\_return\\_to\\_work\\_toolkit&utm\\_term=may2020&utm\\_content=](https://www.aon.com/getmedia/fa48c655-2c97-438f-a863-7414c8b67f60/COVID19-Business-Recovery-Decision-Making-Tool-Kit-2020-05-04.aspx?refID=renew&utm_source=internal&utm_medium=email&utm_campaign=risk_alert_return_to_work_toolkit&utm_term=may2020&utm_content=&refID=renew&utm_source=internal&utm_medium=email&utm_campaign=risk_alert_return_to_work_toolkit&utm_term=may2020&utm_content=)

### Law Firm Guidance

- Ogletree Deakins, <https://ogletree.com/coronavirus-covid-19-resource-center/>
- Jackson Lewis, <https://www.jacksonlewis.com/practice/covid-19>
- Ford Harrison LLP, <https://www.fordharrison.com/CoronavirusTaskForce>

# Thank you

Stay Safe

