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Question & Answer Employer Guide: Return to Work in the Time of COVID-19

As government authorities look to implement business reopening measures, employers are now planning to move employees back into the workplace as state and local stay-at-home orders expire and other COVID-19 business restrictions expire or are modified. What are the various considerations employers must keep in mind when reopening their physical work locations?

This Question and Answer Guide describes a number of COVID-19 employment and return-to-work considerations. Because the COVID-19 pandemic is a fluid situation and highly dependent on jurisdiction- and sector-specific considerations, we anticipate that additional guidance will be coming from the federal, state and local governments as plans to allow businesses to open are developed in the coming days and weeks.

This information has been updated as of May 1, 2020.

Table of Contents:

Disclaimer: Because requirements at the federal, state, and local level are constantly changing, employers should monitor developments, and consult counsel for advice based on their specific circumstances.

I. General Questions: When and How to Resume Business Operations

When will employers be able to reopen physical locations?

This will vary based on the employer's location and industry. A current trend we are seeing is that states are reopening in phases. Employers will have to comply with state and local directives, which will guide when and how to reopen. As examples, in New York and New Jersey, the Governors' stay-at-home orders are currently set to expire May 15, 2020. For information on closure and other emergency orders that are currently in effect, visit our COVID-19: Government Actions resource page.

While employers will have to comply with state and local directives, on the federal level, the U.S. Centers for Disease Control and Prevention (CDC) just released guidance to assist businesses in making decisions regarding reopening during the COVID-19 pandemic. That guidance directs that businesses should not reopen unless they can answer yes to ALL of the following questions:

- Are you in a community no longer requiring significant mitigation (or restricting operations to designated essential critical workers)?
- Will you be able to limit non-essential employees to those from the local geographic area?
- Do you have protective measures for employees at higher risk (e.g., teleworking, tasks that minimize contact)?

Even if companies are able to answer yes to these three questions, the CDC recommends that businesses remain closed until they can implement a number of safeguards to combat the spread of COVID-19 — most of which we are seeing tracked in return to work orders being signed by Governors and listed in Occupational Safety and Health Administration Guidance on Preparing Workplaces for COVID-19. The safeguards include:

- use of healthy hygiene practices.
- intensified cleaning, disinfection, and ventilation.
- social distancing.
- telework and cancellation of non-essential travel.
- seating distance of at least 6 feet and staggered gathering (starting/closing) times.
- restricted use of any shared items or spaces.
- training all staff in all of the safety actions.

Even then the CDC does not recommend that businesses reopen until they also establish ongoing monitoring protocols such as:

- having sick employees stay home.
- establishing routine, daily employee health checks.
- monitoring absenteeism and having flexible time off policies.
- having an action plan if an employee or worker tests positive/presumptive positive for COVID-19.
- creating and testing emergency communication channels for employees.
- establishing communications with state and local authorities.

The CDC also recommends that employers be prepared to close quickly if needed based on applicable guidelines. Employers should also be aware of the CDC's Guidance for cleaning and disinfecting workplaces.

What legal obligations will employers need to consider as part of reopening plans?

This will also vary based on the employer's location and industry. Employers will have to comply with federal, state, and local directives. The trends we have been seeing include various health screening and testing measures, social distancing, use of face masks, protocols for addressing reports of COVID-19 positive exposure, and other measures. Employers will also have to be mindful of complying with obligations regarding confidential treatment of medical information with regards to medical testing results. Also, disability discrimination laws need to be considered when making decisions regarding who is selected to return to work based on medical conditions.

Which employees should return to work first?

As it is unlikely for most employers that all employees will be able to return to the workplace at once, employers

should consider what employees, departments, groups, or units should return first based on business needs, compliance with ongoing restrictions regarding limitations of operations to “essential business,” and compliance with health precautions such as social distancing. The legitimate business reasons for this selection process should be documented to provide evidence of non-discriminatory selection criteria if later challenged.

What social distancing protocols should employers implement?

Employers will have to comply with federal, state and local directives on social distancing as workplaces reopen. Employers will likely want to consider staggering work hours and alternating days of work for different groups, shifts or teams of employees to reduce the number of employees on site. Employers may want to:

- evaluate workplace layouts and consider making certain stairways and hallways one way if social distancing guidelines cannot otherwise be met.
- use plexiglass shields, tables or other barriers to block airborne particles and ensure minimum distances in the workplace, as recommended by the Equal Employment Opportunity Commission.
- develop protocols to avoid crowding in elevators.
- close or modify certain common areas, such as lunch rooms, time clock stations and workplace fitness centers so that employees can socially distance.
- erect physical barriers or implement rules to limit sharing equipment and supplies. Such rules might require employers to be prepared with additional equipment and supplies before beginning to bring employees back onsite.
- change latch-based door handles so doors open or close through use of an “electric eye” or with a push of the door or a button or push pad, which may also assist with ongoing deep cleaning protocols.

Of course, all such changes must be balanced against maintaining appropriate building security.

Employers should also rethink customer service delivery methods. Employers may go to drive-through or pick-up means of providing customer service and arrange for contactless pay options for customers. Employers may be required to provide certain hours of operation for high-risk customers only, as defined by the CDC.

What employee guidelines will be required?

Employees must comply with social distancing rules in the workplace. Social distancing rules should be communicated electronically and/or in hardcopy at workstations and common areas. Materials should be easy to understand and available in the appropriate language and literacy level for all workers. Employers may want to

provide video training to returning employees to introduce them to new workplace rules. Employees should acknowledge receipt of rules and training. Human Resources professionals should train supervisors on how best to enforce social distancing rules. Employees may also be required to wash their hands at specified frequencies, following recommended practice.

May employers allow employees to continue to work remotely?

Yes. Employers should consider which employees may be able to continue to work remotely to allow those who need to be in the workplace to socially distance. The Occupational Safety and Health Administration (OSHA) recommends that employers establish flexible worksites to increase the physical distance among employees. Additionally, we anticipate that many employees may request to continue working remotely despite employers reopening worksites. Employers should consider in advance how they will handle such requests, taking into account the Americans with Disabilities Act's (ADA) reasonable accommodation requirements for individuals with disabilities.

May employers resume meetings and conferences?

Employers should consider limiting meetings or conferences, and conduct meetings virtually as much as possible. If in-person meetings are necessary, they must be conducted in a manner consistent with social distancing requirements. Federal, state, and local orders regarding group gatherings will need to be considered. Consider posting updated "maximum occupancy" signage on meetings rooms to limit attendance to the number of people who may be in the room while still maintaining the recommended person-to-person distance, removing extra chairs to avoid use of the room by more people at one time than recommended and adding plexiglass shields atop conference tables to help block airborne particles. Employers should also implement protocols for sanitizing meeting spaces between uses throughout the workday.

May employers resume employee business travel?

For the time being, we recommend that employers continue to conduct meetings virtually, and anticipate that initial re-opening authorizations may allow essential travel only. If an in-person meeting is necessary and compliant with federal, state, and local orders, employers should follow the advice of the CDC and applicable public health authorities regarding information needed to permit an employee's return to the workplace after visiting any identified high-risk location, whether for business or personal reasons.

A more detailed description regarding issues relating to business travel is included below in Section V. Practical Realities: HR Issues.

May employers resume office celebrations or events, and allow employees to arrange

celebrations such as office birthday parties?

If employers normally have office celebrations, we recommend holding them virtually. Employers should avoid any work-sponsored or workplace events that involve communal sharing of food, and gently communicate these expectations in advance to employees who may wish to celebrate their reunion by bringing in treats to share. Employers should not provide beverage pitchers, food or sandwich trays, hot food buffets, or a utensil dispenser or basket. We also recommend employers postpone indefinitely in-person events such as company sporting games or team lunch outings due to the challenges of maintaining effective social distancing. Employers must comply with federal, state, and local guidance regarding gatherings, and should review the guidance often, as changes occur.

What policies need to be updated as employees return to work?

Employers should consider whether their existing policies need modification, and review their policies to ensure compliance with all newly enacted laws. For example, many state and local paid sick leave laws have been modified based on COVID-19-related absences, and the Families First Coronavirus Relief Act (effective April 1, 2020) applies to most employers of fewer than 500 employees. Remote and telework policies will also need to be reviewed and revised. Employers might consider an interim addendum to their handbooks and manuals to address these rapidly changing provisions.

Also, employers should have detailed policies on what to do when an employee becomes symptomatic, tests positive or is potentially exposed to COVID-19. The policy should inform employees of the measures taken to ensure employee safety. As referenced below, policies regarding containment measures such as mandatory temperature monitoring, handwashing and face mask usage also need to be implemented and provided to employees prior to their return to work if possible. Employers should also proactively suggest new forms of greeting each other to avoid hand shaking, hugs, back slaps and other forms of physical contact in which people may engage out of longstanding habit. Offer non-contact ideas such as hand waves or other such gestures that signal positivity without touching each other.

To the extent employers will be implementing COVID-19 testing such as swabs or blood tests, policies that detail what is expected in terms of frequency, location of testing, cost, implications of a positive result, HIPAA protections, ramifications for refusing to test, etc. must be carefully crafted and disseminated prior to implementation.

Materials should be easy to understand and available in the appropriate language and literacy level for all workers.

II. Practical Realities: Environmental and Physical Considerations

What logistical considerations should employers consider when preparing for the physical return of its workforce?

Employers will need to consider what supplies may be needed to facilitate a smooth return to work, keeping in mind the CDC guidelines, as well as applicable state and local return to work orders. For example, Delaware is requiring that employers provide employees with a face covering to wear while working in areas open to the general public and areas in which coming within 6 feet of other staff is likely. Thus, employers should pre-order (taking shipping time into consideration) necessary or required products, which will likely include hand sanitizer, paper goods, sanitizing wipes, bottled water, face masks, gloves, etc. Special cleaners may need to be ordered, and personal protective equipment (gowns, gloves, masks) may be needed for any individuals who clean or remove trash. Depending on what state and local governments require, preparations for medical testing, such as electronic or sanitary thermometers, should be considered. In addition, employers should monitor what may be required for on-site COVID-19 testing and/or antibody testing. Employers should consider what supplies will allow employees to minimize time spent in common areas. Additionally, individual workspaces should be prepared with necessary supplies to eliminate the need for employees congregating in a supply room. Employers may want to implement a bring-your-own-refrigerated-lunchbox policy to limit use of common refrigerators. Employers will need to determine if changes need to be made regarding lactation rooms to ensure strict compliance with thorough sanitization protocols. Employers will also have to consider adding additional hand washing stations. Finally, employers should prepare signage and other instructions for employees and visitors to their facilities to avoid any confusion related to containment practices upon reopening.

Are employers required to modify the physical workplace?

It depends. Employers should analyze whether certain workplace modifications are required to maintain social distancing and compliance with other government-issued guidelines. If returning a single department, unit or group is a priority, employers need to consider whether they should implement new seating or work arrangements.

Conduct a detailed evaluation of the physical workspace layout. If any employees work at stations that are within 6 feet of each other, make reassignments to different stations to ensure the minimum distancing — and for employees who work alongside each other on a regular basis, increase the goal to keep these workers 9 to 12 feet apart. If available space does not allow this much separation, evaluate options for staggering schedules as an alternative or adding physical barriers between stations. Employers should also consider whether furniture or work equipment can be reconfigured to facilitate social distancing. For example, removing tables and chairs in meeting, lunch or break rooms may facilitate social distancing and compliance with the CDC guidelines of at

least 6 feet of distance between seats. Pay special attention to areas where printers, copiers and other types of shared equipment are located, and consider moving the equipment or designating a single employee to operate that equipment, distribute print-outs, etc.

Employers might consider assigning working groups to different teams and having each team work in a different area of the worksite; this may also assist in providing backup in the event that any working group member tests positive for the virus or reports a direct exposure event.

As noted above, employers should ban communal food. Some states are implementing specific seating requirements, so employers with open area seating arrangements may need to start assigning seating and taking other measures suggested above such as erecting plexiglass barriers. Requirements may be specific to the industry or type of work environment (e.g., laboratory versus office space versus manufacturing or retail floors, etc.).

Are employers required to modify work hours?

This will depend on what guidance is provided by the government, as well as what practically works for an office environment to comply with social distancing orders. Staggering hours, shifts, etc., may be required to ensure employees are sufficiently distant and to minimize the number of individuals congregating in common entry or exit spaces. Similarly, alternating days of work for different groups or teams of employees may assist with social distancing requirements.

Are employers required to maintain new cleaning or hygiene regimens?

A: We recommend that employers deep clean the workplace prior to any employees returning, both as a containment measure, and to help employees feel more comfortable about returning onsite. If there is a skeleton crew in the workplace, try to contain those employees to a specific area while this deep cleaning process is underway so that the occupied area can be cleaned immediately prior to additional employees returning. Food should be removed from common areas and kitchen or break areas.

Employers may need to schedule daily or weekly deep cleans after employees return. A deep clean is advised whenever an onsite employee reports being positive or presumptively positive for COVID-19. Employers should provide disinfectants throughout the workspace for employee use in wiping down surfaces. Employers should note that some states are adopting specific cleaning regimens. For example, Pennsylvania requires that areas visited by a person who is a probable or confirmed case of COVID-19, be closed off with exterior windows open for ventilation for a minimum of 24 hours. The Pennsylvania Safety Measures for Businesses Order is available here. In implementing any cleaning protocol, review the latest guidance provided by the CDC and OSHA.

Can employers require employees to observe infection control practices (e.g., regular hand washing and social distancing protocols)?

Yes. Requiring infection control practices, such as regular hand washing, following proper coughing and sneezing etiquette, and proper tissue usage and disposal, is prudent and does not violate the ADA. Tissues should be provided throughout occupied work areas, with covered disposal receptacles so that employees can discard their used tissues personally and immediately. Employers should consider increasing the number of hand washing stations, and provide breaks as necessary for employees to wash their hands for at least 20 seconds.

Should employers draft safety response policies and communicate them to employees?

Yes, and these policies should include protocols for employees to follow in various COVID-19 related situations. As employees return to work, employers should inform employees of the safety or prevention measures they have taken to ensure employee safety and the protocols employees are expected to follow. Materials should be easy to understand and available in the appropriate language and literacy level for all workers.

We anticipate an increase in OSHA complaints and investigations due to various safety concerns related to COVID-19. See Section XI for additional OSHA considerations.

III. Practical Realities: Employee, Applicant, Vendor and Customer Health Screenings and Other Health Considerations

Can employers require the use of personal protective equipment (e.g., masks, gloves, etc.) in the workplace?

During a pandemic, yes. Employers should also review what is being required and/or recommended by the CDC as well as other federal, state and local government mandates.

For example, Pennsylvania is requiring that employers provide employees masks to wear, and requires that employees wear masks during work hours and Louisiana is requiring that all employees of a business who have contact with the public must wear a mask.

If an employer requires the use of personal protective equipment, can an employee request an accommodation for modified protective gear? Must an employer grant such a request?

When an employee with a disability needs a reasonable accommodation under the ADA (such as non-latex gloves, face shields instead of masks for employees who communicate by lip reading, or gowns designed for

individuals who use wheelchairs), or a religious accommodation under Title VII (such as modified equipment suitable for use with religious garb), the employer must engage in the interactive process as with any other request for accommodation. This would include obtaining information from the employee (and his/her health care provider as appropriate), engaging in a discussion about the request, and providing the modification or an alternative, if feasible and not an undue hardship on the operation of the employer's business under the ADA or Title VII. The Equal Employment Opportunity Commission (EEOC) has issued guidance on evaluating undue hardship during the COVID-19 pandemic, which you may read here.

Must employers provide employees with personal protective equipment?

If employers require personal protective equipment, it is best to either reimburse employees or provide it to employees. There are certain wage and hour and state law considerations if employees must purchase certain equipment themselves. For example, in California, employers are prohibited from requiring employees to pay for business expenses. Also, before requiring employees to provide their own equipment such as face masks, employers should confirm availability. If supplies are not readily obtainable, employers should offer options for employees to obtain the needed equipment.

What if an hourly employee reports to work without his/her required personal protective equipment?

If an hourly, non-exempt employee cannot go home and return within a reasonable amount of time, an employer should decide whether to send the employee home with or without pay for the remainder of the day, or to provide him/her with the necessary personal protective equipment. Exempt, salaried employees may also be sent home or provided equipment they do not have, but their pay should not be docked on an hourly or daily basis for reporting to work without required personal protective equipment.

Must hourly employees be paid if they must return home to retrieve forgotten personal protective equipment?

No, the time does not need to be paid. Employers may want to consider paying normal wages for first-time situations, but should apply any such policy evenly.

What if an employee provided with personal protective equipment repeatedly comes to work without it?

If an employee fails to bring the issued personal protective equipment several times over a relatively short time frame, employers should consider documenting the behavior and using its internal disciplinary system. Obviously, employers will still have to provide personal protective equipment to the employee if the employee remains at work. Employers must apply this policy evenly and ensure no one receives different treatment.

Can an employer screen the health of its employees, such as through taking employee temperatures?

Yes. Because the CDC and state or local health authorities have acknowledged community spread of COVID-19 and issued attendant precautions as of March 2020, employers can measure employees' body temperature. Employers should notify their employees of temperature screening measures in advance and inform the employees that the purpose of temperature screening is solely to protect the employees by keeping individuals with symptoms consistent with COVID-19 offsite and not to determine if an employee has any other illness, impairment or disability. Messaging should make clear that screening is not intended to be, nor is it a substitute for, a clinical diagnosis. We anticipate different types of health screening options becoming available and expect that the government will issue additional guidance regarding such options.

Employers should note that the CDC added new symptoms to its list of possible COVID-19 signs.

Can employers administer COVID-19 tests before permitting employees to enter the physical workplace?

On April 23, 2020, the EEOC updated its Technical Assistance Questions and Answers about COVID-19 and adopted the position that given the current pandemic status, employers may test employees before they enter the workplace to determine if they are infected with the virus. However, to comply with ADA standards, employers have a responsibility to ensure that tests administered are accurate and reliable. To help employers in this evaluation, the EEOC cites Food and Drug Administration guidance on what may be considered safe and accurate testing. The new EEOC guidance also refers employers to CDC and public health authority guidance, with a reminder to monitor these resources for updates. The agency suggests that employers consider whether the test to be used has a high incidence of either false negative or positive results, and reminds employers that testing provides a result at the moment of testing only.

The agency goes on to say that consistent with public health and other medical authority guidance, employers should still supplement any testing with good infection control practices including social distancing and regular handwashing.

This guidance follows ADA requirements that mandatory employee medical testing must be "job related and consistent with business necessity," and recognizes that any employee infected with COVID-19 who enters the workplace poses a direct threat to others' health. Employers should keep in mind that this guidance is specific to current pandemic conditions, and if (as we all hope) more effective COVID-19 prevention and treatment options are discovered and the level of threat to the general population abates, it may change.

Employers who conduct testing should take into consideration how potential requests to be excused from a

testing requirement for medical or faith-based reasons will be handled, as well as how the confidentiality of data collected during the testing process will be maintained. Also, employers will need to determine whether non-exempt personnel who are required to undergo testing will be compensated for time spent waiting to be tested, taking the test, and, if applicable, waiting for a test result before entering the workplace and commencing work.

From a logistical and administrative standpoint, it is important to consider where the testing will be conducted, and if it is done onsite, how to maintain social distancing for employees waiting to be tested as well as those who may be required to leave the testing site without entering the workplace based on the testing or screening result. Visitor and vendor screening is a further consideration if such third parties will be needed onsite to support the regular workforce's return to the workplace.

Should hourly, non-exempt employees be compensated for health screening time?

Requirements can vary by location, under both federal and state law, so employers who do not intend to pay non-exempt employees for the screening time or for the time spent waiting to be screened should consult counsel.

What measures should employers take to protect the employees conducting health screening?

Employers should take mitigation measures to protect employees taking temperature readings, including use of physical barriers and/or personal protective equipment which may include face shields to protect against test subjects' sneezes or coughs. Additional information can be found at OSHA's website, which provides guidance for health care employees, including recommendations on gowns, gloves, approved N95 respirators and eye/face protection. If employers are using a qualified third-party provider to conduct the screening, they should confirm that such vendors have a protocol in place to minimize exposure risk. If employers will be conducting COVID-19 testing using swabs or blood tests, additional measures will need to be implemented.

Can employers implement screening protocols for customers or workplace visitors?

Yes. Employers should consider the potential complications of not allowing vendors and customers who do not pass screening to come onsite and ensure that such screening is applied uniformly. It is also acceptable to screen visitors before entering a facility (or to simply prohibit visitors altogether). Employers are encouraged to communicate by email or other means to regular visitors, suppliers, and delivery companies explaining their COVID-19 management policy, asking that no person enter their buildings for non-essential purposes and explaining any containment practices that all visitors must follow while onsite.

Employers should also review state and local guidance, which may require customer screening.

What procedures should employers put in place for employee health screening at work?

Employee health screening, either through antibody tests or temperature checks, will likely take place when businesses reopen as such tests become more available, reliable and immediate. For an in-depth look at current screening options, their efficacy, and individual and privacy rights implications related to implementing such screenings, read our guide on Testing Employees for COVID-19. In reviewing states' reopening orders, we have seen various trends: the requirement (or recommendation) that employers take their employees' temperatures, the requirement (or recommendation) that employees take their own temperatures before reporting to work, and the requirement (or recommendation) that employers implement a daily health screening protocol for their employees. For example, the Pennsylvania Department of Health recommends that employers conduct temperature screening, particularly in areas with high positive case numbers, but it requires that employers check employees' temperatures every day they report to work if the employer is aware of a potential or actual exposure. Thus, employers should review state and local orders to ensure compliance.

If such testing is required, employers should train those who will be testing on all steps of the process, including how to sanitize the tools used. We also recommend employers create appropriate forms to record information and be thoughtful about where testing will occur. Employers might consider a space with multiple stations where people can come in and out with a certain degree of privacy. A location near the entrance is preferable to minimize the area of exposure for persons who do not pass screening. Any information gathered, including screening results, must remain protected under ADA confidentiality requirements. This information may not be stored with employee personnel files. See below for additional guidance.

Does workplace screening need to be consistent with the Americans with Disabilities Act (ADA)?

Yes. The ADA permits employers to make disability-related inquiries and require medical exams if job-related and consistent with business necessity. Inquiries and reliable medical exams meet this standard if they are necessary to exclude employees with medical conditions that would pose a direct threat to the health or safety of others that cannot be effectively mitigated in some other manner. A direct threat is to be determined based on the best available objective medical evidence. Guidance from the CDC or other public health authorities is such evidence, so employer actions are defensible under the ADA as long as any screening implemented is consistent with such advice. For example, this may include continuing to take temperatures and asking questions about symptoms (or require self-reporting) of all those entering the workplace. Similarly, the CDC recently posted information on return by certain types of critical workers, available here. Employers should make sure not to engage in unlawful disparate treatment based on protected characteristics in decisions related to screening and exclusion. EEOC guidance on COVID-19, including disparate treatment considerations, is available here.

What if an employee has a temperature or otherwise presents COVID-19 symptoms?

If an employee has a temperature, it is best to confirm a heightened temperature with a second test, in a confidential manner, and to consider any explanation the employee may offer for a heightened temperature. It is reasonable to send an employee home who has an elevated temperature (100.4 degrees Fahrenheit or higher). According to current CDC guidance, an individual who has COVID-19, or symptoms associated with it, should not be in the workplace. If, however, an employee is sent home, the employer should consider how the absence is treated under its sick-leave/PTO policy, employee entitlements to wages for the day, and employee entitlements to any other leave, such as under the Families First Coronavirus Relief Act (effective April 1, 2020), or other applicable federal, state, or local law.

What if an employee refuses to consent to health testing?

If an employer's policy is that an employee cannot work onsite without submitting to health testing, the employer could bar the employee from work (without pay for non-exempt personnel and also for exempt personnel if the absence from work is for an entire workweek).

Employees can also claim religious exemption to health testing. In this case, under Title VII of the Civil Rights Act of 1964, once an employer receives notice that an employee's sincerely held religious belief, practice or observance prevents him or her from engaging in medical screening, the employer must provide a reasonable accommodation unless it would pose a hardship as defined by Title VII ("more than *de minimis* cost" to the operation of the employer's business, which is a lower standard than under the ADA). In this situation, a fact-specific inquiry and analysis is likely necessary.

What if an employee is concerned with another employee's presence in the office because the employee is exhibiting COVID-19 symptoms?

Any employee health concerns should be directed to Human Resources or some other single source such as Employee Health and Safety. As referenced above, employers should have a communicable illness policy with protocols for employees in this situation. Also, employers should be aware of whether paid sick leave laws in their jurisdiction allow for time off due to concerns related to contracting COVID-19 even for workers who are asymptomatic and have not been in close contact with someone is symptomatic.

If and when a vaccine for COVID-19 is available, can employers require vaccination?

Normally, there are exceptions that could prevent employers from requiring a vaccine. Of course, given the current pandemic, this may be an area of the law where we see change. Given the fluidity of the COVID-19 pandemic, it is prudent to await further guidance from the government on this issue once (and if) a vaccine becomes available.

How should employers define close contact, when determining if an employee was in a close contact with someone diagnosed with COVID-19?

The CDC has defined various community exposure possibilities, naming close contact (of 6 feet or closer) for a prolonged period of time. However, the CDC has stated that data are limited to define close contact, and employers should consider factors such as proximity, the duration of exposure (e.g., longer exposure time likely increases exposure risk), whether the individual has symptoms (e.g., coughing likely increases exposure risk) and whether the individual was wearing a facemask (which can efficiently block respiratory secretions from contaminating others and the environment). Furthermore, the CDC has stated that data is insufficient to precisely define the duration of time that constitutes a prolonged exposure. Thus, recommendations vary on the length of time of exposure from 10 minutes or more, to 30 minutes or more. Employers may want to take the most conservative approach when deciding if an employee has been exposed, and make determinations based on exposures of 10 minutes or more. Because the situation is fluid, we also recommend employers review CDC guidance for modifications often.

IV. Practical Realities: Hiring Issues

How should employers conduct employee interviews when hiring?

Employers should consider virtual interviews and onboarding, which will reduce the number of in-person interactions. If in-person interviews are conducted, we recommend employers set certain parameters in place to ensure social distancing (e.g., no handshakes, minimum distance of 6 feet, etc.)

When hiring, may employers screen applicants for COVID-19?

According to the EEOC, yes. An employer may screen job applicants for symptoms of COVID-19 after making a conditional job offer, as long as it does so for all entering employees in the same type of job.

May an employer take an applicant’s temperature as part of a post-offer, pre-employment medical exam?

According to the EEOC, yes. Post-offer, pre-employment medical exams, which would include temperature taking, are permitted after an employer has made a conditional offer of employment.

May an employer delay the start date of an applicant who has COVID-19 or symptoms associated with it?

According to the EEOC, yes. In addition, CDC guidance provides that an individual who has COVID-19 or symptoms associated with it should not be in the workplace.

May an employer withdraw a job offer when it needs the applicant to start immediately but the

individual has COVID-19 or symptoms associated with it?

Yes. According to the EEOC, with reliance on current CDC guidance, such an employee cannot safely enter the workplace, and therefore the employer may withdraw the job offer.

May an employer postpone a new hire's start date or withdraw a job offer because the individual is at higher risk for COVID-19 (e.g., 65 years old, pregnant, etc.)?

No. According to the EEOC, the fact that the CDC has identified those who are 65 or older, or pregnant women, as being at greater risk does not justify unilaterally postponing the start date or withdrawing a job offer. However, an employer may choose to allow telework or discuss with these individuals if they would like to postpone the start dates.

Given remote work, how can one validate I-9s?

There has been a relaxation of in-person I-9 document review, with limitations. Employers with employees working remotely due to COVID-19 will not be required to review the employee's identity and employment authorization documents in the employee's physical presence. However, employers must inspect the Section 2 documents remotely (e.g., over video link, fax or email, etc.) and obtain, inspect, and retain copies of the documents, within three business days for purposes of completing Section 2. Employers also should enter "COVID-19" as the reason for the physical inspection delay in the Section 2 Additional Information field once physical inspection takes place after normal operations resume.

V. Practical Realities: HR Issues

Are there any steps employers should take to address workplace harassment related to COVID-19?

Yes. Employers should remind all employees that it is against the federal law to harass or otherwise discriminate against coworkers based on race, national origin, color, sex, religion, age (40 or over), disability or genetic information. There may be additional protected categories under state and local laws. It may be particularly helpful for employers to advise supervisors and managers of their roles in watching for, stopping, and reporting any harassment or other discrimination. An employer may also make clear that it will immediately review any allegations of harassment or discrimination and take appropriate action. Additionally, employers should review any new anti-discrimination laws relevant to the COVID-19 pandemic. For example, New Jersey just passed a law prohibiting discrimination against employees for COVID-19-related reasons. A summary and analysis of this new law is here.

What if an employee does not want to participate in business travel due to COVID-19 concerns?

Absent any prohibitions by governmental authorities, employers may require travel to non-restricted areas the CDC deems safe, particularly if such travel is necessary for the employee to perform essential job duties. However, if an employee does not wish to travel due to COVID-19-related concerns, employers should assess whether the trip is essential. It is better for the employment relationship, and good practice to mitigate legal risk, to consider whether an employer can resolve an employee's concerns, including by providing personal protective equipment and other options that may help the employee feel safe.

What steps should an employer take if an employee returns from a high risk travel area?

If an employee travels to an area deemed high risk by the CDC, employers may place the employee on a precautionary quarantine status during the incubation period of COVID-19 and require a health care provider release as a condition of return to onsite work. Employers may follow the advice of the CDC and state or local public health authorities regarding information needed to permit an employee's return to the workplace after visiting a specified location, whether for business or personal reasons.

What if an employee refuses to report to work because they object to taking public transportation, live in or must travel to work through a "hot spot," or have other such COVID-19-related concerns?

Employers can allow their employees to take paid time off but may want to consider following PTO policies to help ensure a sufficient workforce. Additionally, employers may want to offer hesitant employees unpaid leave.

If an employee believes he or she is in imminent danger, according to OSHA, that employee can refuse to work based on a specific fear of infection that is based on fact, where the employer cannot address the employee's specific fear. An employer may consider whether the employee can work remotely, or may qualify for an accommodation under the ADA due to being immune-compromised, or whether the fear can be effectively addressed by taking additional containment measures at the facility.

Additionally, employees who are told to self-quarantine by a health care provider or governmental authority because of vulnerability to COVID-19 may be entitled to certain federal, state or local leave entitlements.

May an ADA-covered employer require employees who have been away from the workplace during a pandemic to provide a doctor's note certifying fitness to return to work?

According to the EEOC, after a pandemic, such an inquiry would be permitted. As a practical matter, however, doctors and other health care professionals may be too busy during and immediately after a pandemic outbreak to provide fitness-for-duty documentation. Therefore, new approaches may be necessary, such as reliance on local clinics to provide a form, a stamp or an email to certify that an individual does not have the pandemic virus. Employers should note, however, that the CDC has asked employers not to require "a health care provider's note

for employees who are sick with acute respiratory illness to validate their illness or to return to work." Additionally, OSHA recommends that employers encourage sick employees to stay home if they are sick. It follows that requiring medical documentation may deter some employees from staying home when sick. Additionally, employers should note that there may be state or local laws to consider. For example, in San Francisco, the Paid Sick Leave Ordinance prevents employers from requiring a doctor's note to verify an employee's use of the Ordinance's leave during the COVID-19 Local Health Emergency.

Should I direct employees who believe they were infected by COVID-19 at work to submit workers' compensation claims?

Typically, workers' compensation covers occupational diseases that are contracted or aggravated due to the nature of a particular kind of work — such as a hospital worker who gets stuck by a needle and contracts a disease. Illnesses transmitted among workers would generally not be covered. Under normal conditions and in most states, to be covered by workers' compensation, both of the following conditions must be met:

- the illness or disease must be "occupational," meaning that it arose out of and was in the course of employment.
- the illness or disease must arise out of or be caused by conditions peculiar to the work and creates a risk of contracting the disease in a greater degree and in a different manner than in the public generally.

Thus, again under normal circumstances, employees who by the nature of their profession are exposed to the virus (health care workers, first responders, etc.) would be more likely to be covered under workers' compensation. For other workers, while it may be possible to for an employee to assert that his or her job involved greater risk (such as when there is an outbreak at a building or plant), coverage would be assessed on a case-by-case basis. The employee would also have to establish that he or she in fact contracted the virus from exposure at work instead of as a member of the general public. Finally, many states have a list of compensable diseases in their workers' compensation statute, which at this point would not be likely to include COVID-19.

Some states have, however, issued rules to specifically address workers' compensation coverage for employees who contract COVID-19 and who have remained in jobs working onsite. For example, Minnesota passed legislation that creates a presumption for workers' compensation coverage for first responders and certain health and child care workers who contract COVID-19. New Jersey has pending legislation, and it is likely that other states will follow suit.

VI. Practical Realities: Sick Leave Considerations

What if an employee becomes ill with COVID-19 or is placed on an order of quarantine after we

reopen?

The employee may be eligible for Federal Emergency Paid Sick Leave or other state or local leave or paid leave entitlements. That employee may also be entitled to up to 12 weeks of job protected unpaid leave under the Family and Medical Leave Act, subject to their health care provider's certification, and in some states may be eligible for partial wage replacement benefits through temporary disability insurance benefits from their state.

What if an employee has to take care of someone who is ill with COVID-19 after we reopen, or has to take care of a dependent child whose school is closed due to COVID-19?

The employee may be eligible for Federal Emergency Paid Sick Leave, Emergency Family and Medical Leave (for childcare needs due to school or day care closure) and other state or local leave or paid leave entitlements.

For more on this topic, please read our alert on the Families First Coronavirus Response Act and entries detailing COVID-19-related sick leave developments in New York and New Jersey.

VII. Practical Realities: Disability Related Inquiries and Medical Exams

How will COVID-19 impact the Americans with Disabilities Act (ADA)?

The ADA and Rehabilitation Act, as well as their state and local counterparts, continue to apply during the time of the COVID-19 pandemic, but they do not interfere with or prevent employers from following the guidelines and suggestions made by the CDC or state or local public health authorities about steps employers should take regarding COVID-19. Employers should remember that guidance from public health authorities is likely to change as the COVID-19 pandemic evolves. Therefore, employers should continue to follow the most current information on maintaining workplace safety.

If a job may only be performed at the workplace, are there reasonable accommodations for individuals with disabilities absent undue hardship that could offer protection to an employee who, due to a preexisting disability, is at higher risk from COVID-19?

According to the EEOC, even with the constraints imposed by a pandemic, some accommodations may meet an employee's needs on a temporary basis without causing undue hardship on the employer. If not already implemented for all employees, accommodations for those who request reduced contact with others due to a disability may include changes to the work environment such as designating one-way aisles; using plexiglass, tables, or other barriers to ensure minimum distances and physical barriers from customers and coworkers whenever feasible per CDC guidance; or other accommodations that reduce the chances of exposure. Temporary job restructuring of marginal job duties, temporary transfers to a different position, or modifying a work schedule or shift assignment may also permit an individual with a disability to perform safely the essential

functions of his or her job while reducing exposure to others in the workplace or while commuting.

If an employee has a preexisting mental illness exacerbated by the COVID-19 pandemic, may the employee be entitled to a reasonable accommodation (absent undue hardship)?

Yes. Per the EEOC, as with any accommodation request, employers should engage in the interactive process to understand how a requested accommodation would assist the employee to keep working. The employer may request and obtain medical certification from the employee's health care provider to assist in exploring an appropriate accommodation plan.

How much information may an employer request from an employee who calls in sick, in order to protect the rest of its workforce during the COVID-19 pandemic?

During a pandemic, ADA-covered employers may ask such employees if they are experiencing symptoms of the pandemic virus. For COVID-19, these include symptoms such as fever, chills, cough, shortness of breath, sore throat, new loss of smell or taste, or gastrointestinal problems, such as nausea, diarrhea, and vomiting. Symptoms screening should be based on CDC guidance and updated regularly if that guidance changes. Employers must maintain all information about employee illness as confidential medical records in compliance with the ADA.

May employers require that employees stay home if they have COVID-19 symptoms?

Yes, employers may and should restrict such employees from coming onsite. The CDC states that employees who become ill with symptoms of COVID-19 should leave the workplace, and according to the EEOC, the ADA does not prevent employers from following this advice.

Where must employers store on-site medical examination results?

The ADA requires that all medical information, including temperature check results, be stored separately from the employee's personnel file. Employers may choose to store COVID-19-related medical files with other medical files, or in a separate location, as long as these files are separate from employee personnel files and properly secured to protect the privacy of the data.

What files are considered medical files?

For purposes of COVID-19, medical files include temperature or antibody results, an employee's statement that he or she has the disease or suspects he or she has the disease, or the employer's notes or other documentation from questioning an employee about symptoms.

If an employee discloses that he or she has COVID-19, to whom may employers disclose the

identity of the employee?

Per EEOC guidelines, an employer may disclose this information to a public health agency without violating confidentiality obligations. Additionally, according to recently issued EEOC guidance, a staffing agency or contractor that places an employee with a company may notify the company of an employee's positive diagnosis so that the company can properly determine with whom the employee had contact with at the workplace. However, employers should take care to protect employee privacy, and analyze applicable federal and state privacy laws that may come into play. We recommend employers not share the employee's identity more broadly without first receiving, in writing, a truly voluntary consent from the employee to do so.

Should an employer postpone discussing accommodation requests with any employees who will not need an accommodation until after the employee returns to work, since the employee is currently working remotely?

No. Per the EEOC, the employer may be able to acquire all the information it needs to make a reasonable accommodation decision before the employee returns. If a reasonable accommodation is granted, the employer also may be able to arrange for the accommodation in advance.

What if an employee was already receiving a reasonable accommodation prior to COVID-19 and now requests an additional or altered accommodation?

The employee may be entitled to additional or different accommodations. The employer may discuss with the employee whether the same or a different disability is the basis for a new request and why an additional or altered accommodation is needed.

Should employers still engage in the interactive process during the pandemic?

Yes. An employer may ask questions or request medical documentation to determine whether an employee's disability necessitates an accommodation, either the one he or she requested, or any other alternative form of accommodation. Questions for the employee may include: (1) how the disability creates a limitation, (2) how the requested accommodation will effectively address the limitation, (3) whether another form of accommodation could effectively address the issue, and (4) how a proposed accommodation will enable the employee to continue performing the "essential functions" of his position. However, given the pandemic, an employer may forgo or shorten the exchange of information between an employer and employee known as the "interactive process" and grant the request. In addition, when government restrictions change, or are partially or fully lifted, the need for accommodations may also change. Employers may adapt the interactive process — and specify end dates for the accommodation — to suit changing circumstances based on public health directives or other considerations such as timing of the employee's return to a physical work location.

Can the pandemic itself be a relevant consideration in deciding whether a requested

accommodation can be denied because it poses an undue hardship?

Yes. Because “undue hardship” means “significant difficulty or expense,” an accommodation that would not have posed an undue hardship prior to the pandemic may pose one now. If a particular accommodation poses an undue hardship, employers and employees should work together to determine if there may be an alternative that does not pose such problems.

VIII. Practical Realities: Employer Tenant/Landlord Considerations

What should employers who lease space discuss with their landlords?

Employers should inquire about any health screenings that landlords may be conducting as a condition of allowing individuals to enter the building. Employers should also discuss sanitation measures that will in place for common areas as well as logistics such as social distancing measures on elevators and in common stairwells and lobbies.

IX. Practical Realities: Union Considerations

My workforce is unionized. What protocol must I follow to bring my employees back to work?

Before returning unionized employees to work, employers should check their respective collective bargaining agreements for language that controls how to recall employees after a layoff. If recall procedures are not in an isolated article or section of the collective bargaining agreement, articles related to seniority, layoffs, strikes or lockouts may contain language relevant to recall rights and obligations.

The National Labor Relations Board (the NLRB) considers recalls from layoffs to be a mandatory subject of bargaining. Unilateral changes to recall procedures may violate an employer’s duty to bargain in good faith under Section 8(a)(5) of the National Labor Relations Act (the NLRA). To the extent that recall procedures are outlined in a collective bargaining agreement, adherence to those procedures will reduce the risk of unfair labor practices.

What if my CBA does not have language that controls recalling employees after a layoff?

If there is no recall language in the collective bargaining agreement, the employer should give the union notice, and an opportunity to bargain before a deciding on, or implementing, a recall process. The notice should be far enough in advance (typically 7 to 10 days) so that the union has a meaningful opportunity to bargain. If the union does not request to bargain over recall procedures, then the union likely waives the right to negotiate and the employer may unilaterally implement its recall procedures.

In late March 2020, the NLRB's General Counsel released guidance concerning an employer's bargaining obligations in unforeseen emergency situations that are caused by external events that are outside the employer's control and require the employer to take immediate action such as economic emergencies, natural disasters, terrorist attacks and inclement weather. While the NLRB has given employers leeway to act unilaterally during these types of emergencies, exceptions to the obligation to bargain are typically construed narrowly. Given the unprecedented impact the coronavirus has had on the health of workers and the U.S. economy, and dependent on an employer's individual circumstances, there may be justification for implementing certain recall procedures absent traditional bargaining obligations.

However, given the time between government-mandated shut downs of non-essential businesses and the potential upcoming reopening, it is possible the NLRB could determine that employers have ample time to bargain recall policies with unions.

Thus, the prudent course in the absence of relevant recall language in a collective bargaining agreement, is for employers is to provide unions with notice and an opportunity to bargain over the terms and conditions of employee recall procedures. If the union requests to bargain and the employer and the union are unable to reach an agreement (i.e. impasse), then the employer may unilaterally implement the recall procedure.

What if employees do not want to return to work because of safety concerns?

While generally an employee's refusal to return to work is grounds for termination, employers should consider whether employees are doing so because of safety concerns related to COVID-19.

Employees' refusal to work due to a good-faith belief that working conditions are abnormally dangerous may be seen as concerted activity under the NLRA. The NLRA extends protection to employees with a good-faith belief that dangerous conditions exist even if that belief is ultimately mistaken. The Board has held that employees' belief need only be supported by "ascertainable, objective evidence" to qualify as a good-faith belief. Given the highly contagious nature of COVID-19, employees could demonstrate a good-faith belief that abnormally dangerous working conditions exist. Thus, before taking action in response to an employee's refusal to return to work, employers should inquire as to the reason for the refusal and consider whether it implicates employee protections under the NLRA.

The NLRA does not consider any concerted refusal to work due to abnormally dangerous conditions to be a strike. Accordingly, no-strike clauses cannot prevent such action.

To avoid staffing shortages or prolonged employee absences, employers may consider partnering with the union

to inform employees that the employer is maintaining a safe work environment in accordance with relevant federal, state and local guidelines. However, employers should be mindful that changes to working conditions to maintain a safe work environment for recalled employees, such as increased use of personal protective equipment or staggered work shifts, are mandatory subjects of bargaining. Accordingly, before implementing such safety protocols, employers must give unions notice and an opportunity to bargain over these changes. For more details on mandatory bargaining in this situation, please see the next question.

Alternatively, employers may hire temporary replacement workers from a staffing agency to accommodate immediate labor needs. Although a concerted refusal to work due to dangerous conditions constitutes neither a strike nor a lockout, the NLRA does not explicitly prohibit the employer from hiring replacement workers in that situation. Employers may hire replacement workers so long as that hiring is not improperly motivated.

Do I have to bargain new safety protocols with the union if we don't have contract language requiring it?

Possibly. Employers should first examine the language of their collective bargaining agreement closely. If the agreement grants the employer broad management rights or explicitly permits the employer to unilaterally implement protocols related to operations and plant safety, the employer will not need to bargain new safety protocols. Likewise, if the collective bargaining agreement provides that the union waives the right to bargain regarding changes to safety protocols, then the employer is free to implement new safety protocols. Even in the absence of an "express" waiver in the contract, the NLRB reviews a union's waiver of the right to bargain an employer's unilateral change by applying an employer-friendly "contract coverage "[1] standard. Under this standard, the NLRB recognizes an employer's right under a collective bargaining agreement to act unilaterally relating to matters that are broadly referenced within the "compass or scope" of the employer's authority under the plain wording of the contract. Therefore, broad language in the contract regarding an employer's authority relating to safety and operations, including the employer and union's past practices and bargaining history related to such topics, could serve as evidence that the union has waived the right to bargain over such matters.

An employer may also be privileged to unilaterally enact new safety protocols where a "compelling economic exigency" supports the employer's reasons for doing so. Such circumstances must be compelled, caused by external events, be beyond the employer's control, or must not be reasonably foreseeable. Thus, an employer may be required to proceed with changes to its safety protocols before bargaining to agreement or impasse with the union because of an economic exigency created by the COVID-19 pandemic. The General Counsel's recent guidance emphasizes the narrowness of the economic exigency exception. The NLRB permits employers to respond to the immediate threat posed by the economic exigency but given any substantial amount of time to respond, the employer should attempt to bargain any changes. The employer must provide the union with notice and an opportunity to bargain about such changes, including safety protocols when reopening its business.

X. Practical Realities: Employee Benefits Considerations

What should employers be considering from a benefits standpoint when employees return to work?

Employers will need to consider a variety of employee benefits issues, starting with whether the employee is considered a new hire for purposes of the employer's various benefit plans and plan notices. This will likely depend on a variety of factors, including (1) whether the employee was actually terminated from employment or placed on a furlough or leave, (2) if placed on leave, whether it was a paid or unpaid leave, (3) how long the employee was not performing services for the employer and (4) what the applicable plan documents say. Further, the answer may differ depending on the type of benefit plan at issue. For example, for 401(k) plans, if the returning employee is treated as a new hire, the plan's automatic enrollment procedures may apply. On the other hand, for employees returning from an unpaid leave, it may be appropriate to simply continue to apply the existing deferral election as pay is reinstated. Employers should also review the plan to determine how the period of no service counts for purposes of vesting and service credit. Particular attention needs to be paid to any frozen plans. To the extent an employee is treated as a new hire, he or she may be ineligible to participate in a defined benefit plan that has a soft freeze (e.g., a plan that limits participation to employees hired before a certain date). For health plans, applicable large employers subject to the employer shared responsibility requirements and using the "look-back" method for determining full-time status will need to determine if the employee is an ongoing employee with a period during which no hours were performed, or a new hire subject to a new initial measurement period. If considered an ongoing employee, the employer will need to determine if the employee earned any hours of service while on leave (e.g., if it was a paid leave). Notice obligations may also apply. For example, if the employee's health plan coverage terminated and the employee is now re-enrolling, there may be an obligation to provide the initial COBRA notice and/or HIPAA privacy notice. In addition to qualified and welfare plans, employers should also consider the impact (if any) under their nonqualified plans and whether the returning employee's deferral election may be continued (or whether the employee is treated as a new hire for purposes of the nonqualified deferred compensation plan). Employers should carefully review plan terms, as well how the individual was treated during the period when no services were performed, as they look to address benefits coverage for returning employees.

XI. Practical Realities: OSHA Guidance

What Has OSHA Indicated Regarding Work Practices?

In general, OSHA guidance includes the following:

- Practicing appropriate social distancing and maintaining at least 6 feet between co-workers (and work stations), where possible. (This may mean conducting meetings electronically, using e-mail, phone calling

and/or texting in place of group meetings).

- Establishing flexible work hours, such as staggered shifts, if feasible.
- Discouraging shared use of things such as phones, tools, desks or other equipment.
- Encouraging telecommuting or work from home where feasible, thereby limiting worksite exposures where appropriate.
- Training workers on how to properly put on, use/wear, take-off and maintain protective clothing and other equipment, including the use of face coverings (consistent with the CDC's and OSHA's recommendations).
- Training should include advising employees to stay away from the workplace and to seek medical assistance if they are ill.
- Allowing (or requiring) workers to wear face coverings/masks over their nose and mouth to prevent spread of the virus, subject to ADA provisions such as reasonably accommodating workers who have conditions preventing or restricting such use.
- Monitoring public health communications (including from the CDC, OSHA and local health authorities) about COVID-19 recommendations for the workplace and ensuring that workers have access to and understand that information.
- Promoting respiratory etiquette of covering coughs/sneezes and personal hygiene by encouraging workers to frequently wash hands with soap and water for at least 20 seconds and providing ready access to soap and water for handwashing, providing hand sanitizer stations or alcohol-based hand rubs containing at least 60% alcohol.
- Providing disinfectants and disposable towels for use in cleaning work surfaces, work stations and work areas (used in accordance with manufacturer instructions).
- Encouraging workers to report any safety and health concerns.

Some other suggestions include consideration of:

- Regular deep cleaning of work areas, stations, and other facilities (e.g., break rooms, rest rooms, cafeterias, etc.) using appropriate disinfectants and sanitizers (in accordance with manufacturer instructions).
- Regular supervisory monitoring and enforcement of work rules such as maintaining appropriate social distancing, use of personal protective equipment, etc.
- Use of workplace shields or partitions where appropriate to reduce the risk of sneezes/coughs from reaching other workers in close proximity.

Some relevant links to OSHA and CDC guidance include:

- OSHA Guidance on Preparing Workplaces for COVID-19
- CDC Guidance for Businesses and Workplaces

Beyond these links, here are some other direct links to OSHA or CDC guidelines on control, prevention, and personal protective equipment points:

- OSHA standards and directives regarding COVID-19
- OSHA measures for protecting workers
- OSHA guidance on hazard recognition
- CDC interim infection prevention and control recommendations for confirmed of suspected COVID-19 in health care settings

Finally, OSHA has suggested a poster that can be placed in the workplace relating to COVID-19 precautions:

- OSHA poster: "Ten Steps All Workplaces Can Take to Reduce Risk of Exposure to Coronavirus"

1. *See MV Transportation*, 368 NLRB No. 66 (2019).

As the number of cases around the world grows, Faegre Drinker's Coronavirus Resource Center is available to help you understand and assess the legal, regulatory and commercial implications of COVID-19.

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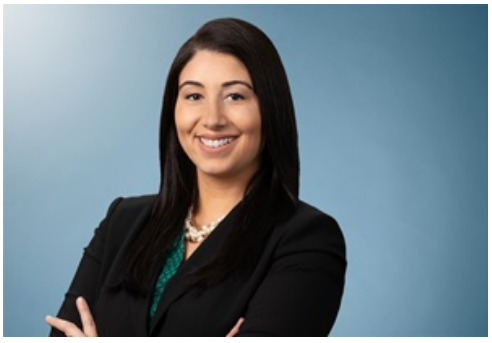

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