



In partnership with:



May 12, 2020

Preparing Your Workforce for Re-Opening

Presenters:

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Returning to a New Normal at Work

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Contact KGA:
800-648-9557
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- **KGA**- leading provider of employee assistance services in New England
- **Focus**
 - Understanding the “psychology of pandemics”
 - Leadership principles for
 - Specific practices for the initial stage of returning to work
 - “Keeping your head, while all around you are losing theirs...”

“Psychology of Pandemics” **

“A pandemic is more than a disease that spreads. It is a set of events in which psychological reactions play an essential role in the spreading and containment of the disease AND influence the extent to which widespread emotional distress and social disorder occur.”

** “Psychology of Pandemics” by Steven Taylor, October 2019

“Normal” responses”

Emotional

- Anxiety and fear
- Anger
- Uncertainty
- Sense of Urgency
- Loss or routine, predictability, control
- Social isolation, Grief

Societal

- Stigmatization
- Blame and Distrust
- Harassment
- Conspiracy Theories

Importance of Workplaces

- Established social order and hope for future
- Give people routines and social interaction
- Innovative, flexible, and adaptive- especially around how to work safely
- Support financial security
- Encourage a sense of contribution to the greater good



- Leadership Principles**
 - Compassion
 - Trust
 - Stability
 - Hope

**"What Employees Need from Leaders during a Crisis"- Gallup Webinar

- Employees' needs are understood and valued. **Safety** for employees and families is a priority
 - Communicate specific safety plans and managing risk at work
 - Identify what are specific concerns of employees before returning and after
 - Name the feelings— anxiety, fear, differences in perceptions of risk, having to let go of how things used to be
 - Have “onboarding” sessions when people return- it is a new workplace

- Communicate mutual respect, honesty, transparency in words and actions
 - Be candid about the good news and the bad news
 - Inspire adherence to safety measures-highlight positive outcomes vs. danger. Handle non-compliance positively and consistently
 - Model healthy behavior.
 - Encourage employees to use resources available to them- EAP, healthcare, PTO

- Communicate clarity of expectations, confidence in the future tempered with reality of “there are things we don’t know yet and will figure out”
 - Set up structure and schedule for expected updates
 - Communicate with support, even if you can’t provide solutions
 - Support supervisors and managers- handling employee conflicts
 - Remind employees of what has not changed- values, strengths, mission

- Calm and Balance in the midst of the ongoing storm (some days you may have to fake it 'til you make it)
 - Take care of yourself
 - We're all in this together
 - It's going to be a roller coaster ride
 - Celebrate successes- even small ones

For more information about KGA:
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MCLANE MIDDLETON

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Jennifer L. Parent, Esquire
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Government Guidelines & Requirements

1. Follow directives of **federal, state and local government.**
2. Follow guidance provided by **public health experts:** CDC, WHO, state and local health officials
3. Follow guidance of **EEOC, OSHA, and DOL** (for example: leave laws, wage and hour, workplace safety, antidiscrimination)

New Hampshire – Stay At Home 2.0

1. Emergency Order #40 modified and extended Emergency Order #17 on closure of non-essential businesses
2. Effective until May 31, 2020.
3. **Universal Guidelines** for All New Hampshire Employers and Employees

“This universal guidance will serve as the bare minimum standards which businesses must meet to maintain or begin operations.”

<https://www.governor.nh.gov/news-media/press-2020/20200501-stay-at-home.htm>

New Hampshire – Stay At Home 2.0

UNIVERSAL GUIDELINES – Employers

1. Require employees who are sick or not feeling well to stay home.
2. Screening all employees reporting for work for COVID-19 related symptoms.
3. Process for employees who exhibit COVID-19 symptoms.
4. Strongly promote frequent hand hygiene and alcohol-based hand sanitizer must be made readily available.
5. Implement workplace cleaning and disinfection practices.
6. Mitigate exposure.
7. Allow employees to work from home as much as practical.
8. Plan for potential COVID-19 cases.
9. Remind covered employees of FFCRA.
10. Update employee illness policy.
11. Communicate frequently with employees and customers about steps taking.

New Hampshire – Stay At Home 2.0

UNIVERSAL GUIDELINES – Employees

1. Stay home when feeling ill, experiencing symptoms of COVID-19, exposed to COVID-19, or diagnosed with COVID-19.
2. Consult primary care providers if symptoms of COVID-19 or seek testing.
3. Increase hygiene practices.
4. Wear a cloth face covering.
5. Practice social distancing.
6. Abide by employer, local and state guidelines.

New Hampshire – Stay At Home 2.0

INDUSTRY SPECIFIC GUIDELINES

1. **Food Services Industry** – Phase 1: Take Out, Curbside, Delivery and Outdoor Dining – extending to outdoor dining beginning May 18, 2020 (updated May 8 2020).
2. **Campgrounds: Public and Private** – access to members and residents of New Hampshire (updated May 8, 2020)
3. **State Parks** – certain trails open May 23, 2020; Public beaches remain closed.
4. **Hospitals** – elective procedures and non-emergency healthcare services.
5. **Manufacturing**
6. **Retail** (eff. May 11, 2020)
7. **Golf** (eff. May 11, 2020)
8. **Cosmetology – Barbershops and Salons** (eff. May 11, 2020)
9. **Drive-In Movie Theaters** (eff. May 11, 2020)
10. **Dental** – (added to Exhibit C to EO#40; updated May 8, 2020)

New Hampshire – Stay At Home 2.0

Masks:

<https://businesshelp.nheconomy.com/hc/en-us>

Screening & Protocols:

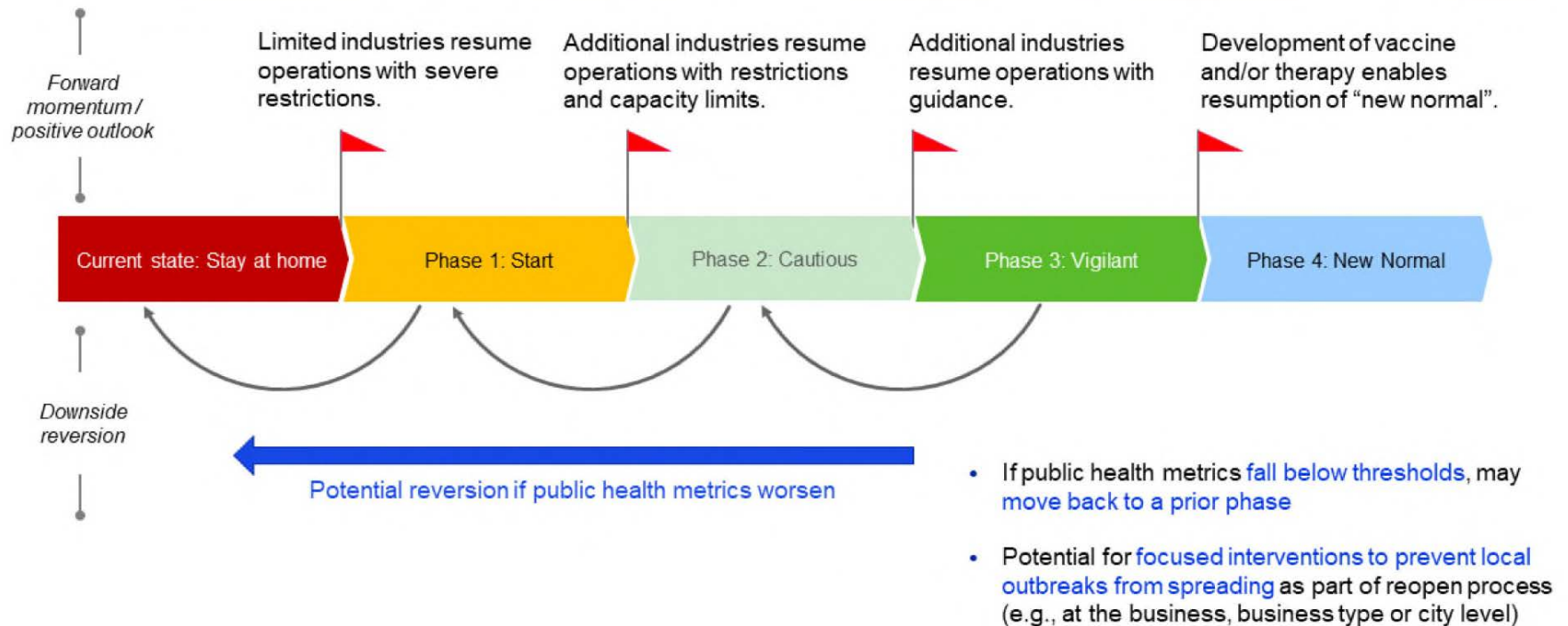
Developing array of technology tools – AI; apps; kiosks; wearable bands, etc.

***Confidential Medical Record – retain separately and securely in medical file.**

Massachusetts - Reopening



Four-Phase Approach to Reopening Massachusetts



Massachusetts - Reopening

MANDATORY WORKFORCE SAFETY STANDARDS:

- **Social Distancing**
- **Hygiene Protocols**
- **Staffing and Operations**
- **Cleaning and Disinfecting**
- **Sector Specific Safety Protocols**

EEOC Guidance – ADA Considerations

- ADA and Rehabilitation Act continue to apply to workplaces but guidance modified to allow employers to follow guidance from CDC and state and local authorities related to COVID-19.
- Employers may ask employees calling in sick if they are experiencing COVID-19 symptoms.
- Employers may send employees home or require to stay home if exhibiting COVID-19 symptoms.
- Employers may take employee's temperatures.
- Employers may require fitness for duty documentation for return from absence related to COVID-19 related absence.
- Reasonable Accommodations
- **CONFIDENTIAL MEDICAL RECORD**

Updated May 5, 2020

<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

Considerations for Calling Employees Back to Work

- Consider employment laws when calling employees back from furlough.
- Federal, state and local anti-discrimination laws continue to apply in the workplace.
- Reasonable Accommodations.
- DOL requirements.

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As Essential Businesses Expand Their Hours and Previously Shuttered Businesses Begin to Consider Re-Opening, it is Important for Employers to Know the Questions Their Employees are Thinking About ...

And Have Answers Ready

Do I Really Have to Come Back Now?

- Technically “Yes”
 - Do they have a COVID-qualifying reason to stay home?
 - Do they have another qualifying reason to stay home?
 - FMLA
 - ADA
 - Do they have leave benefits or PTO still available?
 - Are there flexible arrangements you can put in place which work for both parties?
 - Is this an employee you want to retain long term?

Will I Be Safe? Will My Family Be Safe?

- Reassure employees their health is a priority (and act like it)
- Communicate all safety steps taken including
 - Reconfiguring workspace
 - Staggering work shifts
 - Adding no touch policies
 - Limiting in person meetings
 - Enhanced disinfecting and sanitizing
- Share new policies and protocols in advance of return
 - Consider a return to work letter with links to new policies

Can My Employer Ask Me Health Related Questions or Do Testing?

- Employers may (and in some cases must)
 - Screen for COVID-19 symptoms
 - Take temperatures or require that employees certify that they have taken their own
 - EEOC now says testing is allowed
- Employers must enforce policies evenly and not selectively

Do I Have to Wear a Mask? Will Everyone Wear One?

- Cloth face coverings recommended by the CDC
 - Advance notice of the protocol
 - How will visitors and customers be handled?
 - Can service be refused?
- Who will pay for the masks?

Will I Be Paid for Time Off?

- What happens when EPSL runs out?
 - Flexible or enhanced paid leave benefits
 - Borrowing paid time
- The Paradigm Has Shifted
 - Stay home if you are sick, please!

Will I Be Told if a Co-Worker Tests Positive?

- A Balancing Act...
 - Privacy and Safety
 - Contact Tracing
 - Notify employees who came in contact without identifying the individual
 - Within 6 feet on a prolonged basis



The information in these slides is NOT legal advice. For specific situations or advice about the application of these guidelines, laws or rules to your business or industry, you should seek specific legal advice.