

May 01, 2020

CORONAVIRUS UPDATE: ARE YOU PREPARED TO RE-OPEN YOUR WORKPLACE AND ESTABLISH A “NEW NORMAL”?

Mecklenburg and surrounding counties have begun to lift or modify COVID-19 “Stay at Home” orders even though Governor Cooper’s statewide “Stay at Home” order remains in effect. However, we expect North Carolina to begin relaxing restrictions as early as May 8, 2020. South Carolina’s COVID-19 order also remains in effect, and Governor McMaster has indicated a “slow and steady approach” to relaxing restrictions as things move forward. As we move through the Coronavirus pandemic and enter a new normal, are you ready to lawfully, safely, and effectively re-open your business to employees, customers, and visitors?

If you have not begun planning to return to the “new normal”, now is the time to do so! You should be asking these and other questions:

- Should I begin allowing re-entry into the workplace? Or should I wait?
- Is a staggered or phased approach preferable? Is it feasible?
- Are there state-specific restrictions on my business with which I must comply?
- Are there best practices to keep my employees safe and reduce my potential liability?
- Is it ok to order employees to return to the workplace even if they are afraid to do so?
- Should I continue to have certain employees work remotely? Even if they want to return to the workplace?
- What do I do about furloughed employees?
- Should I have a formal “Return to Work” policy?
- Am I obligated to provide masks and other protective gear for my employees?
- Can I enforce new mandatory workplace safety measures such as temperature checks, and wearing of masks?
- Am I liable if my employees get sick from COVID-19 after asking them to return to work?

- Should I have a policy that restricts what employees do on their own time, such as traveling or attending large gatherings? Is such a policy even enforceable?
- How will my employee benefits policies, and any government assistance my company receives (such as PPP loans), be impacted by my return-to-work strategy?

If you aren't asking and attempting to answer these questions now, you could face substantial, but avoidable, difficulties in re-opening. Let our experienced attorneys in the JAH **Employment Practices and Benefits Group** advise you on the best approach for your return to a "new normal" with the confidence that you are doing the most you can to protect your employees and your business.