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From the South Florida Business Journal:

<https://www.bizjournals.com/southflorida/news/2020/07/10/cover-story-navigating-perils-of-reopening-office.html>

Cover Story

Cover Story: Navigating the perils of reopening the office

Jul 10, 2020, 6:33am EDT

For a moment there, it seemed as though we made it through the worst of the pandemic.

So much so that business owners and many consumers welcomed efforts to reopen the economy. Employees, faced with potential or realized layoffs and furloughs, were relieved at the prospect of returning to business as usual.

But in June, just as more of the tri-county region's businesses reopened their doors, the Florida Department of Health recorded an average of 29 deaths a day linked to Covid-19.

In recent weeks, the spread of the coronavirus has hastened after officials lifted stay-at-home orders and harsh restrictions on businesses intended to curb the spread of Covid-19.

Florida is one of eight states with more than 100,000 coronavirus cases, and the numbers keep rising.

That's the grim reality for South Florida employers, which operate within the state's hot spot for coronavirus transmissions. About one-third of the state's Covid-19 cases are in Miami-Dade and Broward counties.

This has forced local companies to carefully weigh how and when to reopen offices, and what measures must be in place to bring workers back safely.

There's a lot at stake, as highlighted by recent shutdowns of businesses that failed to comply with safety guidelines. This underscores the challenges and legal pitfalls for companies already struggling to bounce back during this crisis.

What's more, according to a recent unscientific poll conducted by the *Business Journal*, most South Florida employees are not convinced it's safe to return to work yet.

Here's what companies need to know to safeguard their employees and clientele, while curbing potential legal liabilities linked to Covid-19 outbreaks at work.

– Emon Reiser

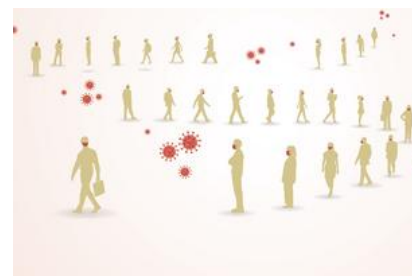


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10 Legal Tips

Offices may be reopening, but Covid-19 cases are still surging in South Florida. To protect businesses from potential litigation, companies must be adamant about adhering to local and CDC guidelines, experts say. Some tips for a safe reopening:

1. Create a Covid-19 workplace health and safety plan. That includes virus mitigation strategies, operations adjustments and transmission response plans.
2. Identify where and how individuals could be exposed to the virus at work (e.g., breakrooms or meeting rooms), and frequently sanitize and develop hazard controls for those areas.
3. Require face coverings in communal areas, and communicate to employees what qualifies as a face covering (usually a cloth covering that can loop around the ears).

4. Keep workers at least 6 feet apart to adhere to social-distancing guidelines. Install plastic dividers between workspaces that are closer together.
5. Minimize the number of employees in the workplace by resuming operations in phases or staggering shifts at the office.
6. Monitor employee health and ask workers to stay home if they appear symptomatic. (While businesses are typically advised not to inquire about an individual employees' health, the U.S. Equal Employment Opportunity Commission has made an exception for Covid-19.)
7. Create and test communication systems that employees can use to self-report if they are sick and to notify others of potential exposure.
8. Although not required, businesses can legally test returning employees for Covid-19 before allowing them into the workplace.
9. Offer reasonable accommodations to workers at a higher risk for severe illness. That could include remote work or paid leave.
10. Allow workers to stay home to care for parents, spouses or children who have the virus. Under the Family and Medical Leave Act, businesses with more than 50 employees must provide 12 weeks of unpaid leave for eligible workers who need to care for family.

Sources: April Boyer, partner with K&L Gates in Miami; and Brett Schneider, partner and chair of Miami-based Weiss Serota Helfman Cole & Bierman's labor and employment division

— Ashley Portero

Three Questions with Michael Fichtel: Back to the office

Davie-based law firm [Kelley Kronenberg](#) reopened its nine Florida offices June 15, although many of its 375 employees still work remotely as it phases workers in every two weeks through July 30. Principal Partner and CEO [Michael Fichtel](#) spoke to the *Business Journal* about the firm's safety measures to protect employees.

What safety measures have you implemented? Everybody's temperature is taken at the front door. They are required to wear a mask until they get to their individual office. When they get to the office and close the door, they can take their mask off. We have an open floor plan. Those in the middle are staggered [in] every other space and have to keep a mask on throughout the day. The lunch rooms are closed. We are not allowing more than five people in a conference room. We continue to promote virtual meetings in the office. We are sanitizing around the clock. And if there is any indication we have an outbreak, we would shut down that office.

What challenges have you faced with reopening? Zero, because our IT team got ahead of it and made sure everything could be transitioned from home to work for those coming in. As far as people moving about and staying within social distancing guidelines, we haven't had an issue with anyone not following those policies. We provided them with a return-to-work kit with masks, sanitizer, wipes and gloves. We designed a Kelley Kronenberg mask with firm colors and our logo on the side.

How are you addressing the fears of employees who don't feel safe returning to the office yet? It's 100% voluntary, so there is no reason to come back to the office if they're concerned for their safety or well-being. We recently did a survey of all employees, asking if they would like to work remotely forever. Seventy percent responded they would like to work remotely permanently. I don't see that happening. A lot of our employees can work remotely, but our partners who oversee various departments, it will be imperative for those people to come back. Our C-level suite, those people will eventually come back. But I don't think we will require someone to come back to work as long as Covid is still around and there's not a vaccine.

— Brian Bandell

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