

## **CHECKLIST FOR REOPENING YOUR WORKPLACE & COVID19** **UPDATED MAY 7, 2020**

The attorneys of Donnelly + Gross prepared a checklist for our small and mid-size business clients. We encourage you to use this checklist as guide for reopening your business. The checklist covers the following topics and is designed to cover all types of businesses:

- **GOVERNOR DESANTIS EXECUTIVE ORDER #20-112**
  - General Guidance
  - Restaurants and Food Establishments
  - Bars, pubs and nightclubs
  - In-Store Retail
  - Health Care Facilities
- **GUIDANCE FROM CDC & OSHA**
  - General Guidance
  - Implement good hygiene and infection control practice
  - Policies and procedures for immediately isolating people who have signs and/or symptoms
- **ALACHUA COUNTY EMERGENCY ORDER 2020-21 (AMENDED 5/4)**
  - Places of public assembly Still closed
  - Essential Services and Activities encouraged to remain open
  - Restaurants and Food Service Facilities
  - Retail
  - Face Masks

### **GOVERNOR DESANTIS EXECUTIVE ORDER #20-112112**

#### **PHASE 1: SAFE. SMART. STEP-BY-STEP. PLAN FOR FLORIDA'S RECOVERY**

[https://www.flgov.com/wp-content/uploads/orders/2020/EO\\_20-112.pdf](https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-112.pdf)

#### *General Guidance*

- “[S]ervices should continue to follow safety guidelines issued by the CDC and OSHA.”

This publication is for general information only and intended for clients and friends of Donnelly + Gross. It should not be relied upon as legal advice as the law related to each situation vary. Moreover, workplace law related to Covid19 is dynamic and changing daily. The sharing of this information does not establish a client relationship.

- “If necessary, employee screening or use of personal protective equipment should continue.”

#### Restaurants and Food Establishments

- On-premises consumption food/beverage for restaurant/food establishments **IF**
  - Adopt appropriate social distancing
  - Limit indoor seating to 25% occupancy
  - Outdoor seating with appropriate social distancing
    - Maintaining minimum of 6 feet between parties
    - Only seating parties of 10 or fewer people
    - Keeping bar counters closed to seating

#### Bars, pubs and nightclubs

- No on-premises consumption for bars, pubs and nightclubs that derive > 50% of gross revenue from the sale of alcoholic beverages

#### In-Store Retail

- In-store retail sales establishments may open storefronts **if**
  - Operate at no more than 25 % occupancy
  - Abide by the safety guidelines issued by the CDC and OSHA

#### Health Care Facilities

- Elective medical procedures prohibited by Executive Order 20-72 may resume
  - Hospital ambulatory surgical center, office surgery center, dental, orthodontic, endodontic or other health care practitioners’ office may perform procedures
- Facility may perform procedures prohibited by Executive Order 20-72 **only if**
  - facility has capacity to immediately convert additional facility-identified surgical and intensive care beds for treatment of Covid19 patients in a surge capacity situation
  - Facility has adequate personal protective equipment to complete all medical procedures and respond to Covid19 treatment needs, without the facility seeking any additional federal or state assistance regarding PPE supplies
  - Facility has not sought any additional federal, state, or local government assistance regarding PPE supplies since resuming elective procedures; and

- Facility has not refused to provide support to and proactively engage with skilled nursing facilities, assisted living facilities and other long-term care residential providers

### **GUIDANCE FROM CDC & OSHA**

- CDC
  - Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (Covid19)
    - <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>
- OSHA
  - Guidance on Preparing Workplaces for Covid19
    - <https://www.osha.gov/Publications/OSHA3990.pdf>
- EEOC
  - What You Should Know About Covid19 and the ADA, the Rehabilitation Act, and Other EEO Laws
    - <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>
  - Pandemic Preparedness in the Workplace and the Americans with Disabilities Act
    - [https://www.eeoc.gov/facts/pandemic\\_flu.html](https://www.eeoc.gov/facts/pandemic_flu.html)

#### *Generally*

- Identify a workplace coordinator who will be responsible for Covid19 issues
- Assess essential functions and the reliance that others/the community have on your services or products
- Determine how you will operate if absenteeism spikes

#### *Implement good hygiene and infection control practices*

- Provide face masks
- Establish policies and practices for social distancing
- Promote frequent and thorough hand washing
- Provide alcohol-based hand rubs containing at least 60% alcohol
- Encourage respiratory etiquette, cover coughs and sneezes
- Improve the engineering controls using the building ventilation system
- Discourage using other workers' phones, desks, offices, equipment, tools
- Take care when attending meetings and gatherings
- Advise employees before traveling to take additional preparations
- Maintain regular housekeeping

- Use products with EPA-approved emerging viral pathogens claims
- Follow manufacturer’s instructions for all cleaning & disinfection products

*Develop policies and procedures for immediately isolating people who have signs and/or symptoms*

- Encourage workers to stay home if they are sick
- Implement flexible sick leave/supportive policies and practices
- Isolate people suspected of having Covid19 from confirmed cases
- Restrict the number of personnel entering isolation areas
- Protect workers in close contact with (i.e., within 6 feet of) a sick person or who have prolonged/repeated contact with such persons by using additional engineering and administrative controls, safe work practices, and PPE

**ALACHUA COUNTY EMERGENCY ORDER 2020-21 (AMENDED 5/4)**

<https://alachuacounty.us/news/article/pages/1st-Amendment-to-Alachua-County-Emergency-Order-2020-21.aspx>

*Places of public assembly Still closed*

- Amusement rides, carnivals, water parks, pools, zoos, arcades, fairs, children’s play centers, playgrounds, theme parks, bowling alleys, pool halls, movie/other theaters, concert/music halls, country/social clubs and fraternal organizations
- BUT*** to the extent retail, may open subject to retail space occupancy limitations

*Essential Services and Activities encouraged to remain open*

- Comply with Social Distancing Requirements as recommended by CDC/Surgeon General of Florida
- Maintain six-foot distance between both employees and customers
  - Including standing in lines
- Make every effort to reduce the onsite workforce to 50% capacity
- Follow OSHA guidelines regarding Covid19 found in publication 3990
- Educate workers of the standards and require standards be followed
- Comply with requirements of industry association, governing body, or licensure agency imposes more stringent guidelines than OSHA

*Restaurants and Food Service Facilities*

- Restaurants and food service facilities shall comply with the FDA “Best Practices for Retail Food Stores, Restaurants, and Food Pick Up and Delivery Services During the Covid19 Pandemic.”

- <https://www.fda.gov/food/food-safety-during-emergencies/best-practices-retail-food-stores-restaurants-and-food-pick-up-delivery-services-during-covid-19>
- Restaurants may open at 25% occupancy and must follow appropriate social distancing in seating per Governor's Executive Order 20-112
- Outdoor seating does not count against indoor occupancy but must meet requirements of social distancing per Order 20-112
- Occupancy limits do not include staff as long as they comply with appropriate social distancing techniques under the circumstances

#### Retail

- Essential Services/Activities/retail limit occupancy to 1 per 500 sq. ft. of covered space
- Limits do not apply to
  - Hospitals or other medical facilities following appropriate use of PPE as required by their licensing bodies
  - Child care facilities using reasonable occupancy limits as allowed by their license and their ability to use PPE on the part of staff and after screening the children for at risk exposure
- Ensure appropriate social distancing is followed

#### Face Masks

- Persons *working in* or *visiting* grocery stores, restaurants, retail facilities, pharmacies, construction sites, public transit vehicles, vehicles for hire, and locations where social distancing measures *are not possible* **shall wear facial coverings**
- Face covering includes covering which snugly covers the nose and mouth, store bought or homemade, secured with ties or ear loops
- Not required
  - Children under 6
  - Persons with trouble breathing/chronic pre-existing condition
  - Individuals with a documented or demonstrable medical problem
  - Face masks do not have to be worn while eating or drinking

We continue to closely monitor the situation and update this information to provide the latest workplace and legal developments related to Covid19. We expect your questions and our answers will change as the situation develops. For answers to your specific questions and for the newest developments, visit our Covid19 Resources page at [www.donnellygross.com/covid-19-resources/](http://www.donnellygross.com/covid-19-resources/) and please contact us at Donnelly + Gross at 352-374-4001 or directly by email:

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We are here to support you.