



Return to Business:

Phase 2 of Massachusetts Reopening—An
Overview for Restaurants, Hotels, Retail
and Other Businesses

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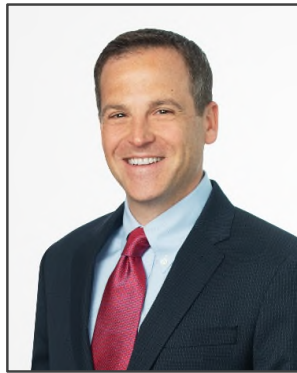
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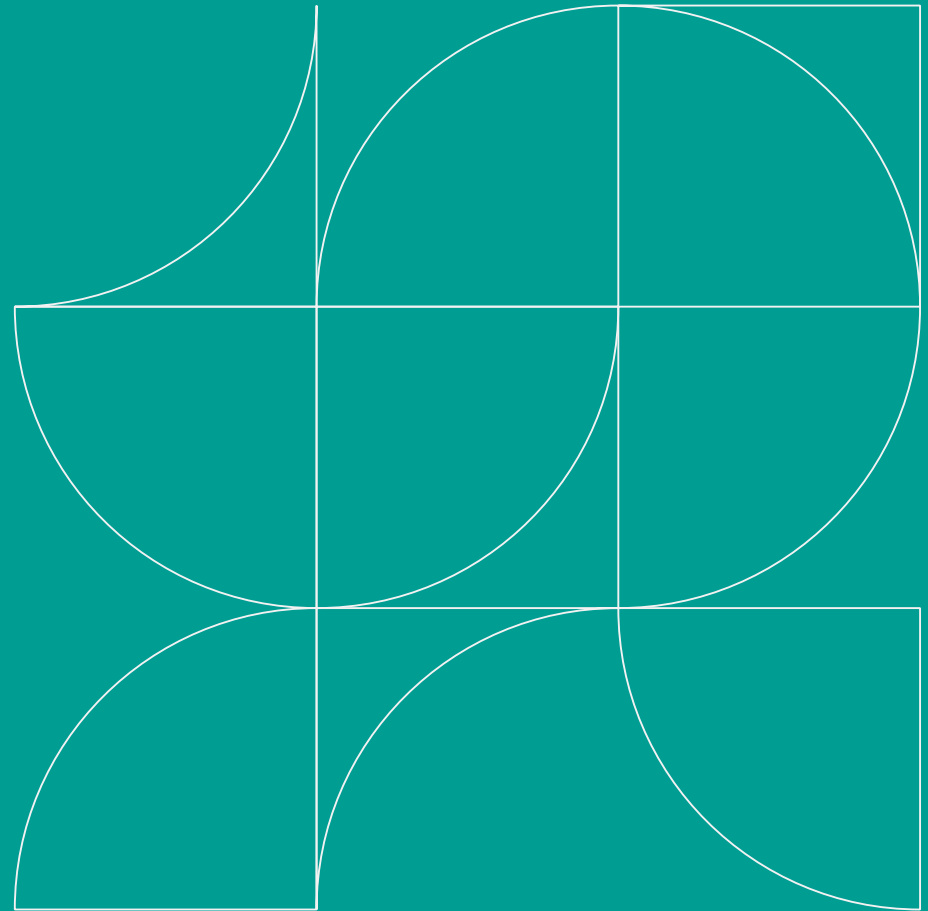


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Agenda

- Phase 2 Overview
- Mandatory Safety Protocols for All Sectors
- Restaurants
- Hotels
- Retail
- Childcare & Camps
- Phase 3 Preview
- Questions

Phase 2 Overview



Four-Phased Reopening Plan

- 1. Start:** Limited industries will resume operations with severe COVID-19 related restrictions. The industries enabled to reopen under Phase 1 will be those that are more naturally able to limit face-to-face interactions and close contact.
- 2. Cautious:** Additional industries will resume operations with COVID-19 related restrictions and workplace capacity limits.
- 3. Vigilant:** Additional industries will resume operations with guidance and a potential softening of COVID-19 restrictions.
- 4. New Normal:** The development of a vaccine and/or therapies to treat COVID-19 will enable the state to move to a new normal.

Phase 2 Enterprises

- Restaurants (onsite dining)
- Hotels & short-term lodgings
- Retail Stores including stores in enclosed shopping malls
- Personal services at fixed place of business or a client location
 - Step 1: Services w/no close personal contact (photography, window washers, tutoring, home cleaning)
 - Step 2: Services w/close personal contact (massage, nail salons, personal training)
- Driving schools & flight schools
- Non-athletic instructional classes in arts/education/life skills for under age 18 (groups < 10)
- Limited organized youth/adult sports (no contact or games/scrimmages)
- Professional sports practice/training
- Outdoor historical spaces (no tours/functions)
- Funeral homes (increased capacity to 40% occupancy for one service at a time)

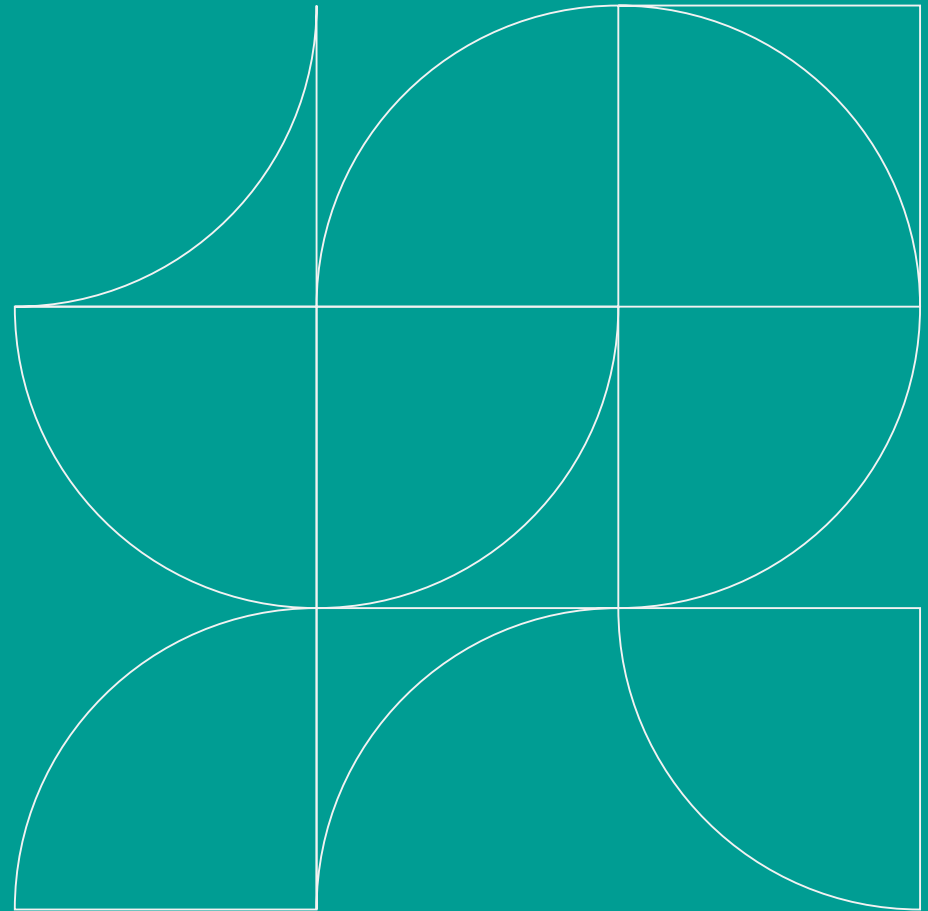
Phase 2 Enterprises (cont'd)

- Warehouses & distribution centers
- Golf facilities including outdoor driving ranges
- Other outdoor recreational facilities
 - Pools, playgrounds & spray decks
 - Mini golf, go karts, batting cages, climbing walls, rope courses
- Day camps (including sports & arts camps)
- Public libraries
- Post-Secondary / Higher Ed / Vocational-Tech / Trade / Occupational Schools
 - for the limited purposes of permitting students to complete a degree, program, or prerequisite for employment, or other similar requirement for completion, for summer youth programming including athletic facilities, and any necessary supporting services
 - (Phase 3 will include general operations)

Phase 2 Enterprises Pre- Reopening Planning

- Beginning immediately, Phase 2 enterprises may open their physical “brick-and-mortar premises” to workers for the purpose of preparing for a Phase 2 reopening when authorized.
- In preparing their premises for reopening, Phase 2 enterprises must at all times comply with all generally applicable COVID-19 workplace safety rules and any relevant sector-specific COVID-19 workplace safety rules issued by the Commonwealth or any authorized agency.
- On Saturday (June 6), Governor Baker is expected to announce a reopening date for Phase 2.

Mandatory Safety Protocols For All Sectors



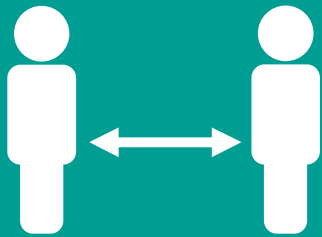
Phase 1 & 2 – Mandatory Workplace Safety Standards



1. Social Distancing
2. Hygiene Protocols
3. Staffing & Operations
4. Cleaning & Disinfecting
5. Sector-specific Safety Protocols

1. Social Distancing

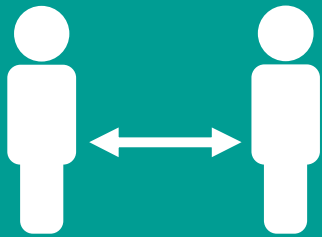
- All persons, including employees, customers, and vendors should remain at least six feet apart to the greatest extent possible, both inside and outside workplaces
- Establish protocols to ensure that employees can practice adequate social distancing
- Provide signage for safe social distancing
- Require face coverings or masks for all employees



Social Distancing Protocols

Considerations for Reconfiguring Workspaces:

- Ability to maintain at least six foot distance
- Workstation paths (e.g., one-way aisles and floor markers to facilitate social distancing)
- Use of physical barriers (e.g., Plexiglass, etc.)
- Repurposing customer areas, conference rooms, lunch rooms, and other communal spaces to allow for more distance
- Limiting in-person gatherings
- Posters



Social Distancing Protocols

Considerations for Reconfiguring Schedules:

- Reconfigure / stagger work schedules and/or shifts to limit the number of employees physically present in a specific work location at any one time
- Staggering of meal periods and rest breaks to the extent consistent with applicable law; consider requiring employees to eat at their work stations
- Implementation of full-time and/or part-time work-from-home arrangements for positions where it is feasible for employees to work from home, either full-time or a number of days each week

2. Hygiene Protocols

- Provide hand washing capabilities throughout the workplace
- Ensure frequent hand washing by employees and adequate supplies to do so (sanitizer \geq 60% alcohol)
- Provide regular sanitization of high touch areas, such as workstations, equipment, screens, doorknobs, restrooms throughout work site

3. Staffing and Operations

- Provide training for employees regarding the social distancing and hygiene protocols
- Employees who are displaying COVID-19-like symptoms should not report to work
- Establish a plan for employees getting ill from COVID-19 at work, and a return-to-work plan

4. Cleaning and Disinfecting

- Establish and maintain cleaning protocols specific to the business
- When an active employee is diagnosed with COVID-19, cleaning and disinfecting must be performed
- Disinfection of all common surfaces must take place at intervals appropriate to said workplace



Other Cleaning Protocols – Best Practices

- Perform deep workplace cleaning prior to reopening
- Consider implementation of more frequent or robust routine cleaning
- Develop protocol around cleaning work stations
- Coordinate with landlords and building management
 - Adequate cleaning of common areas
 - Social distancing protocols in common areas
 - Notification protocols in event of COVID-19 positive test in building
- Consider temporarily removing shared items (e.g., staplers, three-hole punchers, and other office supplies; coffee mugs; etc.)
- Develop a protocol for shared tools and other items (e.g., leave it for the other employee to pick up rather than handing it off in person, cleaning tools before each use, etc.)



Other Health and Safety Protocols

- **Best Practices**

- Identify point person to keep track of changes
- Evaluate need to retain outside safety consultant
- Determine minimum legal requirements — MA Orders, OSHA, CDC guidance
 - Perform a hazard assessment as required by OSHA
- Consider type(s) of health screens to implement (questionnaires, temperature checks, testing, etc.)
 - Frequency
 - Self-checks vs. employer-administered checks
 - ADA & privacy considerations
 - Wage-hour considerations (e.g. compensable time for non-exempts?)



Employee Pre-Shift Screening

- EEOC approved checking for symptoms and sending home symptomatic employees
- Types of pre-shift screenings
 - Written, oral, posting

What should/can you ask? (CDC Symptoms – updated 5.26.20)

- Have you had in the past 10 days?
 - Fever or chills
 - Cough
 - Shortness of breath or difficulty breathing
 - Fatigue
 - Muscle or body aches
 - Headache
 - New loss of taste or smell
 - Sore throat
 - Congestion or runny nose
 - Nausea or vomiting
 - Diarrhea
- Have you had close contact with a person who has confirmed COVID-19?
- Have you had close contact with a person experiencing symptoms of COVID-19?
- Do you currently have a fever ≥ 100.4 ?





Temperature Screening

- Also currently permitted by the EEOC
- Types of temperature screening
 - Thermal, oral, confirmation of employee self check/self assessment
- Have a protocol
 - Protect the screener
 - Self-administered when possible
 - What is an elevated temperature?
 - Sanitization
 - Privacy Considerations


Phase 1 – Self-Certification Requirement To Reopen

- In order to reopen, a business **must** develop a written **COVID-19 Control Plan** outlining how its workplace will prevent the spread of COVID-19. Required Materials are located on mass.gov/reopening and include:
- **Control Plan** (template available) **does not need to be submitted** to a state agency for approval, but must be retained on the premises of the business and be provided in the event of an inspection.
- **Compliance Attestation Poster:** Required to sign a poster, attesting that have completed a COVID-19 Control Plan, and post it in an area within the premises visible to employees and visitors.
- **Employer & Worker Posters:** Required to post signs and posters describing the rules for maintaining social distancing, hygiene protocols, cleaning, and disinfecting

Control Plan

TEMPLATE (I/II)

COVID-19 Control plan



All businesses in the state of MA must develop a written control plan outlining how its workplace will comply with the mandatory safety standards for operation in the COVID-19 reopening period. This template may be filled out to meet that requirement. Control plans **do not** need to be submitted for approval but must be kept on premise and made available in the case of an inspection or outbreak.

All individually listed businesses must complete a control plan, even if the business is part of a larger corporation or entity.

BUSINESS INFORMATION | please provide the following information

Business name: ☐ Check if part of a larger corporation

Address:

Contact information (Owner/Manager):

Contact information (HR representative), if applicable:

Number of workers on-site:

SOCIAL DISTANCING | check the boxes to certify that you have:

- ☐ Ensured that all persons, including employees, customers, and vendors remain at least six feet apart to the greatest extent possible, both inside and outside workplaces
- ☐ Established protocols to ensure that employees can practice adequate social distancing
- ☐ Posted signage for safe social distancing
- ☐ Required face coverings or masks for all employees
- ☐ Implemented additional procedures. Please describe them here:

HYGIENE PROTOCOLS | check the boxes to certify that you have:

- ☐ Provided hand washing capabilities throughout the workplace
- ☐ Ensured frequent hand washing by employees and provided adequate supplies to do so
- ☐ Provided regular sanitization of high touch areas, such as workstations, equipment, screens, doorknobs, restrooms throughout work site
- ☐ Implemented additional procedures. Please describe them here:

TEMPLATE (II/II)

COVID-19 Control plan

All businesses in the state of MA must develop a written control plan outlining how its workplace will comply with the mandatory safety standards for operation in the COVID-19 reopening period. This template may be filled out to meet that requirement. Control plans **do not** need to be submitted for approval but must be kept on premise and made available in the case of an inspection or outbreak.

All individually listed businesses must complete a control plan, even if the business is part of a larger corporation or entity.

STAFFING & OPERATIONS check the boxes to certify that you have:

- ☐ Provided training for employees regarding the social distancing and hygiene protocols
- ☐ Ensured employees who are displaying COVID-19-like symptoms do not report to work
- ☐ Established a plan for employees getting ill from COVID-19 at work, and a return-to-work plan
- ☐ Implemented additional procedures. Please describe them here: _____

CLEANING & DISINFECTING check the boxes to certify that you have:

- ☐ Established and maintained cleaning protocols specific to the business
- ☐ Ensured that when an active employee is diagnosed with COVID-19, cleaning and disinfecting is performed
- ☐ Prepared to disinfect all common surfaces at intervals appropriate to said workplace
- ☐ Implemented additional procedures. Please describe them here: _____

Compliance Attestation
Poster

Welcome



Please know that we take our responsibility to keep Massachusetts safe very seriously. Be assured we have taken the following steps to comply with state mandatory safety standards for workplaces:

☐

Workers are wearing face coverings and we've put social distancing measures in place



☐

We provide hand washing capabilities and we are regularly sanitizing high-touch areas



☐

Our staff has received training regarding social distancing and hygiene protocols



☐

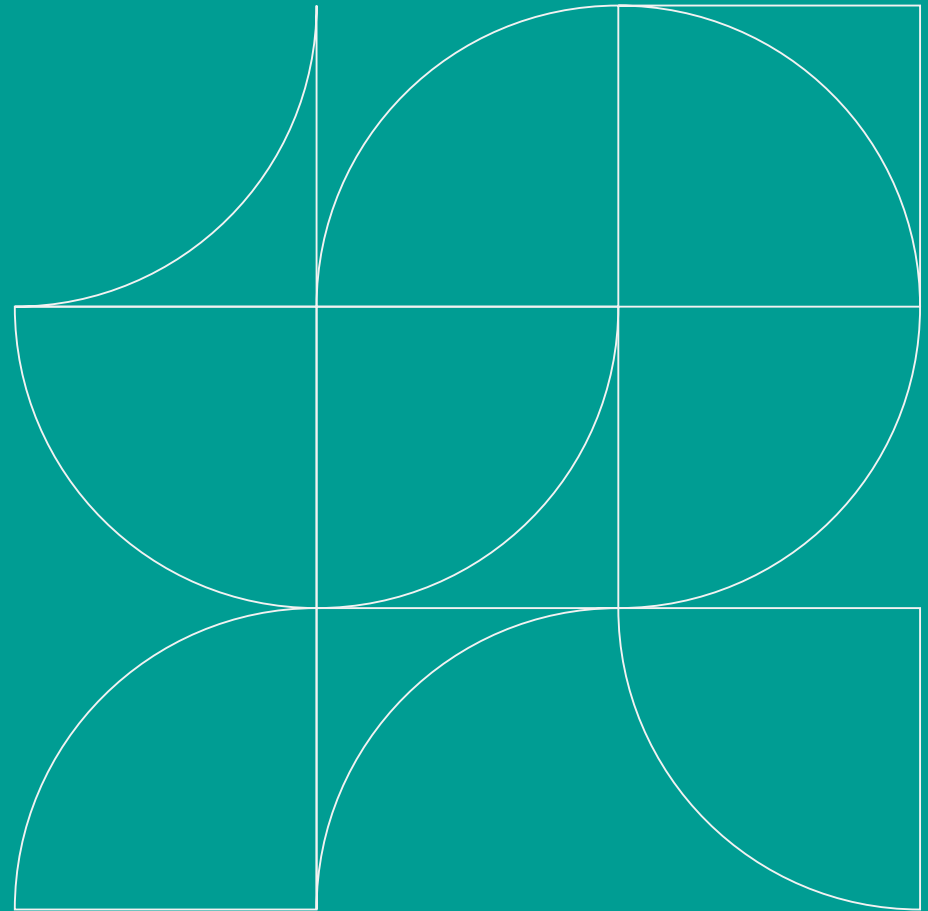
We have established thorough cleaning and disinfecting protocols



We ask you to do your part as well by wearing your face mask and maintaining social distance. Thanks—and we hope to see you again soon.

Signature

Restaurants





Restaurants

- Subject to sector-specific workplace safety rules, outdoor table service at commencement of Phase 2
- Indoor table service at a later date (TBD)

Restaurants: Social Distancing

- Tables must maintain six feet of distance from other tables and high foot traffic areas. Tables may be positioned closer if separated by protective, non-porous barriers that are at least six feet high;
- Seated parties may not exceed six people;
- Restaurants may not seat customers at the bar, but bar areas may be re-configured to accommodate table seating that complies with all other COVID-19 safety standards;
- Customers must be seated and eat-in service to standing customers is prohibited;
- Restaurants may provide carry-out or delivery service, but safety standards for table separation, party size, and hygiene must be met for seating for carry-out patrons;
- All other amenities and areas not employed for food or beverage service must remain closed;
- Restaurants must also establish one-way directional hallways, prohibit lingering in common areas, and require all customer-facing workers to minimize time spent within six feet of customers; and
- Must mandate that all customers and workers wear face coverings at all times. Customers may remove face coverings while seated at tables.

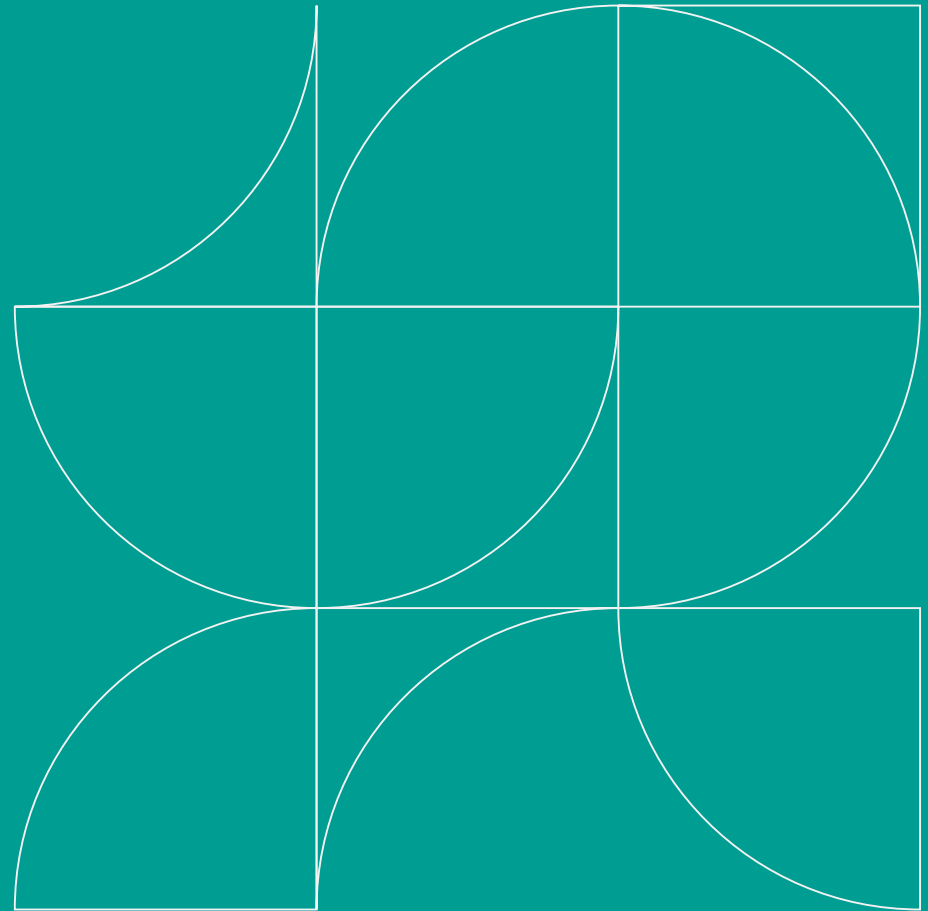
Restaurants: Hygiene Protocols

- Condiments and other products may not be pre-set on tables and instead must be provided upon request in single-serve portions.
- Menus provided to customers must be either (i) disposable, single-use, paper menus, (ii) displayed menus, or (iii) electronic menus viewable on customers' mobile devices.
- Utensils and place settings must be either single-use or sanitized after each use and tables should not be pre-set to reduce exposure to the virus.
- Tables and chairs must be cleaned and sanitized between seatings and unattended buffets, drink stations, and other communal serving areas must remain closed.

Restaurants: Staffing & Operations

- Reservations should be encouraged and managers must ensure diners waiting for tables do not congregate.
- May not provide customers with devices to alert them that their table is available, and should instead use no-touch methods to inform customers that their table is ready.
- Must establish adjusted workplace hours and shifts for workers to minimize contact.
- Must also limit the number of vendors and visitors permitted on-site.
- Must train workers on safety information, including at-home self-screening, such as temperature or symptom checks.

Hotels



Hotels

- Ballrooms, meeting rooms, function halls, and all other indoor or outdoor event facilities must remain closed during Phase 2.
- Not permitted to host weddings, business events, or other organized gatherings of any kind.
- On-site restaurants, pools, gyms, spas, golf courses, and other amenities on hotel property may operate only as these categories are otherwise authorized to operate in Massachusetts.
- Must inform guests at the time a reservation is made and at check-in that Massachusetts urges travelers to self-quarantine for 14 days when arriving from out of state.



Hotels (Cont.)

Social Distancing includes:

- Gatherings of 10 or more people during work hours are prohibited.
- Doors to the hotel through which guests enter must either be propped open, automated, or manually operated by a worker who frequently washes or sanitizes his or her hands.
- Check-in and common areas must be reconfigured to ensure six feet of separation between guests and workers. Must also establish directional hallways and post signage about such policies to minimize contact between hotel occupants.
- All guests and workers must wear face coverings while in hallways and common areas.

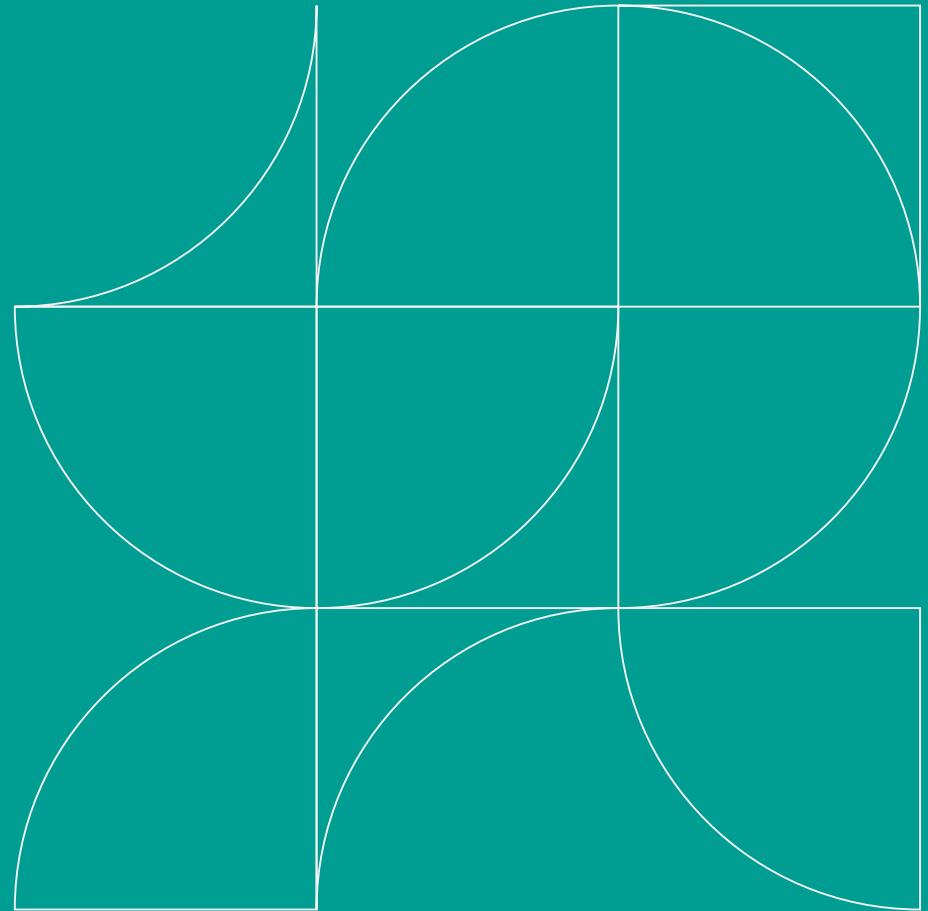


Hotels – Highlights of Other Requirements

- Must discontinue the use of shared food and beverage machines and ice machines that are not hands free.
- Training on at-home self-screening, including temperature or symptom checks.
- Must stagger shifts to minimize employee contact; stagger breaks, etc.
- Must conduct meetings either virtually or in a manner that allows social distancing.
- Lodging providers must maintain a log of workers and guests to enable contact tracing.
- Hotels may not offer buffets or self-service areas with multi-use items; must remove or limit paper amenities in guest rooms, and remove non-essential amenities from public locations, such as guest-facing water or coffee.
- Recommends that hotels consider leaving rooms vacant for 24 hours between guests to allow for deep cleaning and air exchange.
- Must clean and sanitize hard surfaces in guest rooms whenever a guest checks out, and launder all linens, bedspreads, and covers before a new guest is admitted to a room.

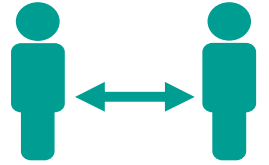
Retail

(in-store browsing/shopping)



Retail: Social Distancing

Capacity Limits



- Must monitor customer entries and exits, and limit occupancy to the **greater** of:
 - Eight people, including store staff, per 1,000 square feet of accessible, indoor space; or
 - 40% of store's max permitted capacity.
- Note: Retail stores without a permitted capacity should apply the first rule.
- All occupant counts and calculations include both customers and workers.



Enclosed Shopping Malls / Indoor Multi-Tenant Retail Spaces

- Monitor customer and worker entrances and exits to common areas and limit occupancy of common areas at all times to 40% of permitted levels.
- Includes customers and workers.
- Retailers / restaurants serving food may only provide take-out or delivery services.
- Seating areas (e.g., food courts) must remain closed.
- Children's play areas and arcades must remain closed.

Retail: Social Distancing

Precautions

- Must put markers outside of store to ensure six feet of distance for customers waiting to enter.
- If the store offers delivery, curbside pickup, or limited “appointment only shopping,” customers should be encouraged to use those methods before coming into the store.
- Note: For in-home delivery, screen customers for symptoms prior to entering home.
- Grocery stores and retail stores with a pharmacy department must dedicate at least one hour each day of operation, in the early morning, for adults 60 years of age and older (conspicuously posted).

Retail: Physical Distancing

- Ensure separation of six feet or more where possible.
- Close or reconfigure work spaces.
- Contactless payment methods are encouraged.
- Adjust workplace hours and shifts.
- Mask requirement for all workers and customers.
- Alcohol-based hand sanitizers with at least 60% alcohol should be made available at entrances and throughout floor areas for both workers and customers.



Retail: Cleaning & Hygiene

- Disinfect shared equipment such as cash registers and tagging machines before use by another individual.
- Prohibit reusable bags (stores are permitted to use plastic or paper bags).
- Reduce operating hours to allow for ongoing off-hour sanitation and cleaning.
 - Keep cleaning logs (date, time, scope)
- More frequent cleaning of heavy transit areas or high touch surfaces (baskets, carts, break rooms, etc.)
- In the event of a positive case, shut down for deep cleaning.

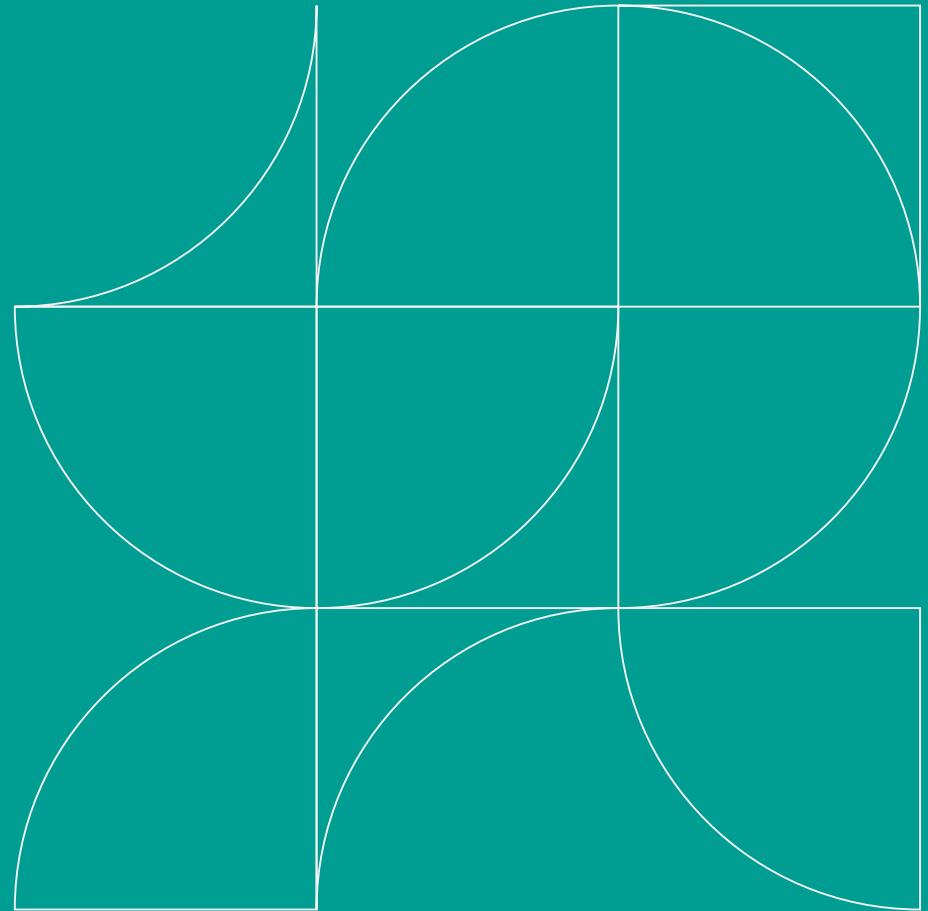
Retail: Best Practices

- Other retail stores encouraged to offer exclusive hours and other accommodations.
- Notify LBOH in the event of a positive case.
- Workers who are particularly vulnerable to COVID-19 according to the CDC (e.g., due to age or underlying conditions) are *encouraged* to stay home.
- Workers are strongly encouraged to self-identify symptoms or any close contact to a known or suspected COVID-19 case.

Retail: Training Workers

- Provide training to workers regarding COVID-19 safety and hygiene measures:
 - Social distancing, handwashing, proper use of face coverings
 - Self-screening at home
 - Workers must stay home if they are ill

Childcare & Camps





Entering Phase 2: Childcare and Camps

Emergency Child Care System

- Currently, only approved emergency child care providers are in operation to accommodate children of essential workers and vulnerable families with no safe alternative to group care.
- As general child care reopens through Phase 2, the emergency child care system will be transitioned out.

Phase 2 Health & Safety Standards

- In preparation for the reopening of child care, the Dept. of Early Education & Care (EEC) has worked with public health experts to develop Minimum Requirements for Health and Safety that set standards and protocols to minimize the risk of COVID-19 to children, youth, and staff in child care settings (32-page detailed guide).
- These health and safety requirements apply to **all child and youth serving programs**, including recreational summer programs, recreational summer camps, home-based child care, and center-based child care.

Childcare and Camps: Planning



Programs Must Develop Plans

- The process to reopen will include verification that programs have a plan to meet the health and safety requirements.
- EEC will require that plans be submitted prior to reopening. (Template plan will be made available.)

Plans Must Include Protocols For:

- Cleaning and disinfecting
- Promoting hygiene & reducing risk of exposure
- Identifying and managing exposure to COVID-19 (including daily symptom screening & temperature checks)
- Communicating with parents
- Communicating with local & state health officials
- Training staff on all protocols

Childcare and Camps: Preparing

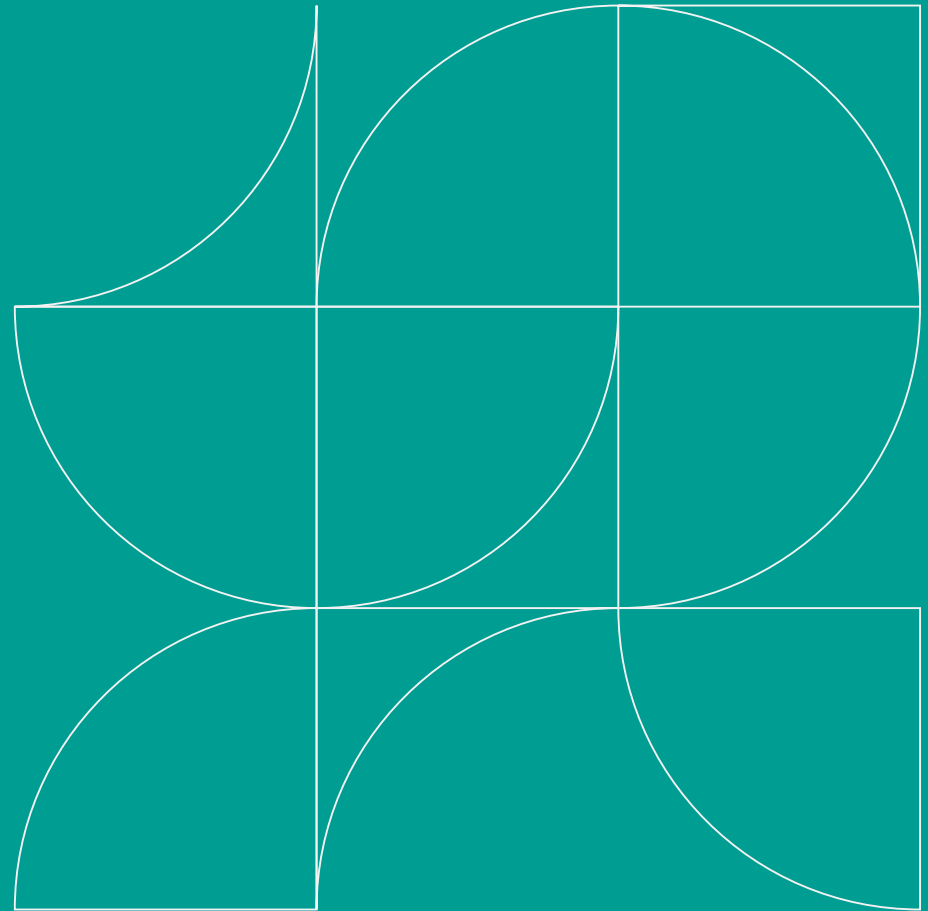


- **Social Distancing:** Programs must have a minimum of 42 square feet per child (recommended 144 square feet per child). Physical distancing (6 feet) must be practiced at all times.
- **Physical Space:** Reorganize physical space to promote individual play & social distancing.
- **Materials and Equipment:** Minimize sharing of high touch materials.
- **Cleaning/Disinfecting Supplies:** Programs must prepare supplies & have plan for maintaining inventory.
- **Staffing:** Mandatory staff-to-child ratios. Prepare for staff absences.

Not Permitted

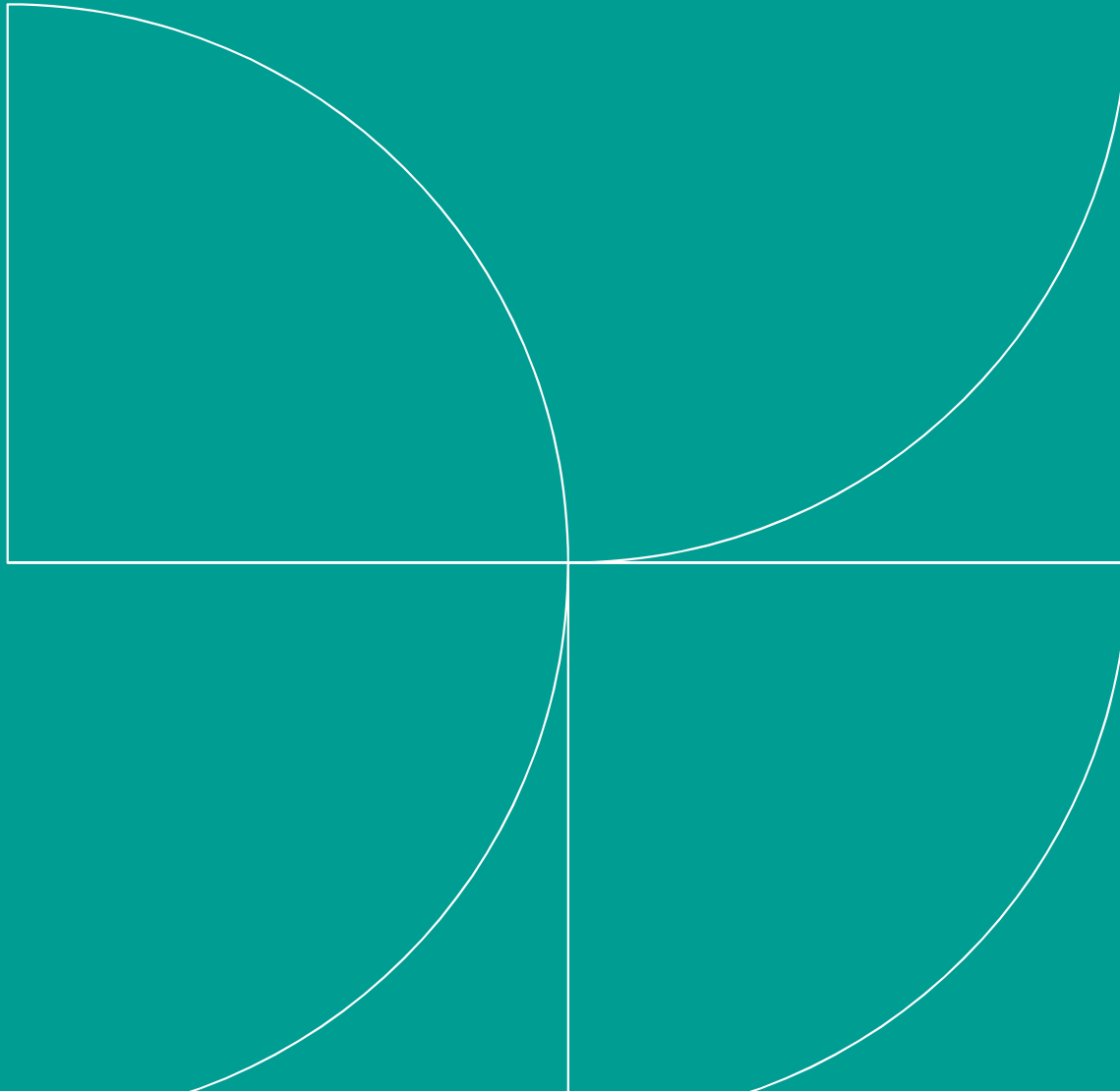
- Field trips
- Inter-group events or extracurricular activities
- Use of communal parks, playgrounds, or pools
- Machine washable cloth toys
- Shared items that cannot be cleaned or disinfected
- Non-essential visitors
- Games like “tag”

Phase 3 Preview



Phase 3 Preview

- Post-Secondary / Higher Ed / Vocational-Tech/Trade/Occupational Schools—general operations
- Casino gaming floors
- Horse racing simulcast facilities (no spectators)
- Indoor recreational and athletic facilities for general use (not limited to youth programs)
- Fitness centers & health clubs
- Overnight camps
- Museums
- Indoor historic spaces/sites
- Aquariums
- Outdoor theatres and performance venues of moderate capacity
- Indoor theatres, concert halls, and other performance venues of moderate capacity
- Sightseeing and other organized tours
- Fishing & hunting tournaments and other amateur or professional derbies



Questions?

Thank you



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updates:**

<https://www.seyfarth.com/covid-19-resource-center.html>