

CDC Tells Employers To 'Change The Way People Work'

By **Kevin Stawicki**

Law360 (May 28, 2020, 2:33 PM EDT) -- The Centers for Disease Control and Prevention has issued a step-by-step blueprint on how to reopen amid the ongoing coronavirus pandemic, telling employers in no uncertain terms that getting back to business shouldn't mean business as usual.

The agency released the new guidance Wednesday, providing a readable checklist for employers on what they need to do to ensure their office spaces are physically prepared for workers to return and how they should approach interactions with employees as they proceed beyond the pandemic.

In addition to basics such as checking for rodents that may have joined their ranks while offices were closed, making sure ventilation systems are in good shape and ensuring there are no new construction hazards, the CDC said employers must help workers maintain six feet of separation through physical barriers or staggered shifts, consider conducting health checks and provide workers with enough time to maintain proper hygiene.

"Change the way people work," the agency said, advising employers to create policies that encourage constant dialogue with workers about why social distancing is important, how they can have and spread COVID-19 without symptoms and how to appropriately cough and sneeze.

"The 'why' of these changes is most important," said Morgan Lewis partner Chai Feldblum, who previously served as a commissioner at the U.S. Equal Employment Opportunity Commission. "This will require a collective sense of responsibility. The employer needs to communicate that it's not trying to change peoples' minds but that it's expecting to change behavior in the workplace."

Wednesday's guidance is a more readable version of the CDC's March guidance for employers that detailed how employers should actively encourage employees to stay home when they are sick, provide flexible sick leave, physically ensure physical separation and promote proper hygiene.

Employers should establish policies that "prohibit handshaking, hugs and fist bumps," limit how many people can get on elevators and provide incentives for employees to use other forms of public transportation that allow for single-occupancy rides, the CDC said Wednesday.

Workers should be able to request new hours to commute when it's less busy and when they arrive at the office they must wash their hands and wear face coverings during the entirety of their workday, the

agency said, adding that workers shouldn't forget that a face covering doesn't replace social distancing requirements.

"Cloth face coverings are not considered personal protective equipment," the agency said. "They may prevent workers, including those who don't know they have the virus, from spreading it to others but may not protect the wearers from exposure to the virus that causes COVID-19."

Feldblum said the guidance is an "invaluable" resource for employers, particularly those with national operations, because it provides a uniform set of guidelines.

"Learn to love the checklist," she said.

--Editing by Stephen Berg.