



## Pandemic Transition

# How to Reopen, Bring Staff Back to Work Safely

**I**F YOUR business is preparing to reopen after a relaxation of shelter-in-place orders, you should proceed with caution and make sure you have safeguards in place to protect your workers, as well as customers if they are entering your premises.

How can you take that first step back to a semblance of normalcy?

Here are some recommendations from the Los Angeles Department of Public Health and other sources that can apply to any municipality anywhere in the country.

The advice mainly applies to establishments that will have customers, but most of the recommendations are relevant across a wide swath of sectors.

### Measures to protect employees

- If someone can continue working from home, let them do so.
- Tell employees not to come to work if sick.
- If any employee tests positive for, or has symptoms consistent with COVID-19, you should:
  - Ask that they isolate at home, and
  - Ask all employees who may have



come in contact with that colleague to immediately self-quarantine at home.

- Check employees for symptoms or a fever before they enter. This must include a check-in concerning cough, shortness of breath or fever and any other symptoms the employee may be experiencing.
- These checks can be done remotely or in person upon the employee's arrival. A temperature check should be done at the worksite, if feasible.
- Offer at no cost to your employees cloth face coverings if they are going to have contact with the public during their shift. If they are disposable, masks should be thrown away at the end of every shift. If they are reusable, they should be washed after every shift in hot water.
- Instruct employees not to touch the exterior of their masks.
- Disinfect break rooms, restrooms and other common areas frequently.
- Place hand sanitizer in strategic locations.
- Allow employees to take frequent breaks to wash their hands.

### Signage

Place signs at each public entrance of your facility to inform all employees and customers that they should:

- Avoid entering the facility if they have a cough or fever.
- Maintain a minimum 6-foot distance from one another.
- Wear a mask for their own protection, as well as for the safety of others.

### Controlling crowds, lines

Limit the number of customers on the premises at any one time, to allow customers and employees to easily maintain at least 6-foot distance from one another at all practicable times.

Post an employee at the door to ensure the maximum number of customers in the facility is not exceeded. If people are queuing up, mark the ground outside the facility to ensure proper social distancing.



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# How Having a Dog Can Benefit Your Health

**A**MERICANS LOVE their dogs. In 2017, there were nearly 90 million dogs living in American households, meaning that nearly half of all households had one.

Why do we let these furry four-legged friends into our lives? For most people, it's companionship as well as an excellent burglar alarm.

But there are other advantages to having a dog, including many health benefits to you and your family.



- 1. More exercise** – When you own a dog, you should be taking it out for walks every day. And the benefit is that when you're exercising your pooch, you too are exercising. Walking 30 minutes a day can do wonders for your health.
- 2. Less stress** – Numerous studies have shown that people with dogs have lower stress levels. Engaging with your dog in whatever form can reduce your stress.
- 3. Illness detection** – Dogs really see the world through their noses thanks to their keen sense of smell. Some dogs are sensitive enough to detect the onset of epileptic seizures, or the presence of some cancers. Many dog owners have reported their dog sniffing, licking or nudging areas of the body that later turned out to be cancerous.
- 4. More allergy tolerance** – Children who are raised around pets have a reduced chance of having allergies. And growing up with a dog can boost immunity to pet allergies later in life.
- 5. Boosting brain development** – Dogs boost brain development in children, along with emotional growth and connection to others.
- 6. Stronger heart** – Studies have shown that petting a dog can lower your heart rate, and male pet owners tend to have reduced rates of heart disease.
- 7. Less chance of depression** – Dog owners are less likely to be depressed. The companionship they offer has been shown to help people who have been diagnosed with clinical depression, largely because caring for another living thing can help relieve symptoms of depression and make people feel more positive.
- 8. Safety** – Dogs are like a living alarm system. Barking dogs can keep burglars at bay and they can alert you if someone is snooping around the outside of your house, giving you a greater sense of security. ❖

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## Reconfigure Furniture in Offices, Public Seating Areas

### Spacing between employees

- Require employees to work at least 6 feet apart. You may need to reorganize your office or workstations to ensure proper spacing.
- In jobs where workers are on their feet, mark spots on the floor where they should stand to ensure social distancing between your staff.
- Space out tables, chairs and microwaves in break rooms.
- Another option is to use partitions made of plexiglass so workers can communicate and make eye contact.
- In addition, you may want to abandon the popular open workspace concept and revert to using cubicles, which gained popularity in the 1980s and 1990s as a way to increase productivity by putting barriers between office workers. Having that divider will make your staff feel safer and can offer some protection.
- Reconfigure furniture and seating in offices, public seating areas and other areas to support physical distancing.

### Cleaning and circulation

A recent study that analyzed superspreading events showed that closed environments with minimal ventilation strongly contributed to a characteristically high number of secondary infections.

Take steps to minimize air from fans blowing from one worker directly at another. Also consider opening windows for circulation.

Also important are:

- Disinfecting frequently touched surfaces in workspaces, as well as doorknobs, buttons and controls.
- Providing workers and customers with tissues and trash receptacles.
- Employees who are cleaning and disinfecting should wear disposable gloves.
- Cleaning surfaces using soap and water, then using disinfectant.

Sanitizing any other personal protective equipment such as hardhats after every shift. ❖

# Ten Employee Lawsuit Risks During Outbreak

**T**HE NOVEL coronavirus has caused immeasurable suffering, both physical and economic.

For employers struggling to stay in business, this is a fraught time where mistakes in managing their workforces could lead to employee lawsuits. Here are 10 potential trouble spots to watch for.

**1. Workplace safety** – Businesses that have employees working on-site run the risk that a single infected worker may send the virus ripping through the entire workforce.

While workers' compensation laws may prevent employees from suing, their family members who become ill or suffer through a worker's illness face no such constraints.

**2. Sick time and paid leave** – Congress enacted the Families First Coronavirus Response Act in March, guaranteeing full-time employees of small businesses 80 hours of sick leave (part-timers get a prorated amount.)

Mistakes in administering these benefits could prompt lawsuits.

**3. Workplace discrimination** – Because the coronavirus originated in China, there have been reports of Asian-Americans being targets of racist actions. Employers must take care to avoid the appearance of making workplace decisions based even partly on employees' race.

**4. Americans with Disabilities Act** – The ADA prohibits discrimination against disabled individuals and requires employers to make reasonable accommodations for these workers.

Employees who become ill from COVID-19 may suffer after-effects that include trouble breathing, speaking and working at their former pace.

Employers must accommodate these workers to the extent that is practical.

**5. Wage and hour violations** – Non-exempt employees working remotely may be working more than their regular hours, missing rest and meal breaks, and using their own equipment.

Employers must keep careful records, reimburse employees for their use of personal equipment where warranted, and remind employees to take mandatory breaks.

**6. Battered retirement plans** – Stock markets have cratered since the beginning of the year, taking retirement account balances down with them.

Questions may be asked about whether fund managers did enough to limit the damage. Employees who are not satisfied with the answers may go to court.

**7. Health information privacy** – Employee health information privacy is protected by law. Employers must secure the records of infected employees from unauthorized access by individuals within and outside the company.

**8. Union contracts** – Collective bargaining agreements may contain provisions that go beyond federal requirements for breaks, paid leave, layoff notices, and workplace safety.

Employers must keep their CBAs in mind and work with their unions to avoid contract violations.

**9. Disparate impact from layoffs** – If layoffs are necessary, employers must take a thoughtful approach when deciding which employees to part company with.

An appearance of singling out older workers or other protected classes under discrimination laws could invite lawsuits.

**10. WARN Act** – The Workers Adjustment and Retraining Notification Act requires some employers to provide at least 60 days' notice before layoffs. Many businesses' revenues fell off the cliff so quickly that they were unable to provide that much notice.

## A final thought

The pandemic is a crisis that few businesses foresaw. The effects, including the litigation, may haunt them for a long time to come. ❖





## Workers' Compensation

# COVID-19 Claims May Not Be as High as Expected

**O**VERALL WORKERS' compensation claims tied to the coronavirus may not be as numerous and as costly as originally thought. Gov. Gavin Newsom in early May announced that any worker who is reporting to a worksite in California and contracts COVID-19 will automatically be eligible for workers' comp benefits on the presumption that it was contracted at work.

At the time of Newsom's announcement, the Workers' Compensation Insurance Rating Bureau issued an estimate that the aggregate workers' compensation costs to cover COVID-19 claims in the state would range from \$2.2 billion to \$33.6 billion.

But due to the shelter-at-home orders that have successfully suppressed the spread of the novel coronavirus, the Bureau on May 20 drastically reduced the expected workers' compensation claims costs as you can see in the chart below.

### Total COVID-19 Workers' Comp Claims Estimates

	Low end	Middle	High end
Original estimates:	\$2.2 billion	\$11.2 billion	\$33.6 billion
New estimates:	\$600 million	\$1.1 billion	\$1.8 billion

Source: Workers' Compensation Insurance Rating Bureau

This is good news for employers in California because even though COVID-19 claims may not work against their experience, if the industry is

saddled with an avalanche of claims, insurance company reserves could be depleted, which could in turn push rates higher.

### Other factors

There are still other factors that could affect this estimate, such as an extension of the executive order or the legislature passing a measure that would expand the presumption that workers contracted it at work.

Also, the Rating Bureau said that if the economy reopens and there is a second wave of the virus that sweeps through the state, overall COVID-19 claims costs could be higher than currently anticipated.

Concurrently, overall workers' compensation claims have dropped dramatically due to the slowdown in economic activity. The number of claims as well as the cost of claims have both plummeted.

The Rating Bureau's preliminary mid-range forecast is that California workers will file some 46,600 covered claims during the period the executive order is in effect.

But industry observers expect those numbers to drop as more data comes in.

One reason for that is that many workers are unlikely to file workers' comp claims if they contract COVID-19, particularly if they have only mild infections or no symptoms.

At the same time, it will be difficult for any employer to rebut the presumption that a worker contracted the virus while on the job, given the scope of Newsom's executive order. ❖