

You've Reopened Your Business After COVID-19.

COVID-19 Response Resource Center: Timely Counsel for your Business

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As doors are re-opening and employees are returning to work, businesses should take measures to protect themselves—including their employees, customers, finances, and brand—as much as possible. Outlined below are a few measures businesses can take now to avoid pitfalls from COVID-19.

What steps should I be taking to protect my business going forward?

Measures to take may include:

- **Familiarize yourself with the Families First Coronavirus Response Act (FFCRA).** If you employ 500 or fewer individuals, your employees are likely covered by the FFCRA. The FFCRA provides for leave—sometimes paid leave—for certain COVID-19 related reasons. Employers are also required to post notice of employees' rights under the FFCRA. Now is the time to ensure that you are compliant with the FFCRA's requirements, including the latest enforcement guidance from the Department of Labor.
- **Have policies and a plan in place for how you will respond to employees with safety or health concerns about returning to the workplace.** Be prepared to exchange in meaningful dialogue with an employee who expresses concern over returning to work. They may have an underlying condition that gives them a legally protected right to certain accommodations in the workplace. At a minimum, this is a time of uncertainty for many, and open conversations about safety during COVID-19 can go a long way towards protecting your workforce and workplace morale.
- **Draft an infectious disease response policy that outlines how you will respond to COVID-19 concerns in the workplace.** This policy will document the efforts you take as an employer to protect your workforce, customers, and vendors from the risks associated with COVID-19. It will be important to set and enforce workplace expectations for social distancing, hand washing, face coverings, and other safety protocol. In creating this policy, you should pay special attention to any industry-specific guidance from government authorities like OSHA.
- **Make sure you are staying up to date on COVID-19 safety requirements.** As we gain a better understanding of COVID-19 and how it spreads, both federal and state authorities continue to revise their "best practices" guidelines for keeping workplaces safe. Make a point to regularly

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revisit your safety protocol to make sure it is compliant with the latest guidance from, among others, the CDC, OSHA, DHHS, and other state and federal orders.

- **Apply for government funding.** The federal government has created several stimulus programs and special loan funds to help businesses that have been negatively impacted by the coronavirus. The state of North Carolina, as well as some municipalities and private foundations, also have grants and loans available for businesses.
- **Review your supply chain and vendors.** Forecast the services and materials your business will need to operate. If needed, reach out to your vendors and suppliers to have discussions on your business needs.
- **Talk to your customers.** Call them and ask how they and their business are faring. Find out what their gating conditions are and see if there are ways you can help and support them.
- **Stress test.** Determine your capital needs for the next three, six and twelve months at inflection points (10%, 25%, 50%, or whatever is material to your business). Investigate and confirm the availability of credit options, if you think they might be needed.
- **Review and update your insurance policies.** Do they reflect the current needs of your business, especially if it has changed as a result of the COVID-19 pandemic? If you plan to make changes to your business model going forward, including things like allowing employees to work remotely, make sure those changes are covered by your insurance. Schedule a meeting with your insurance agent.
- **Review your key standard operating procedures (SOPs), service agreements and contract terms.** Make sure they are still meeting your needs and ready for a future pandemic or unforeseen event. Review the provisions for vendor or supply chain disruptions or force majeure clauses and what permissible defenses might be available to you if the terms of the contracts cannot be met.
- **Revisit your employee policies and privacy regulations.** Make sure they are still relevant and compliant with changing working conditions and regulations.
- **Reflect and adapt** – Take some time to think about how your business has changed over the past few months. Are there new strengths you have identified or specific weaknesses you may need to address to ensure stability going forward?

Uncertainty from the pandemic, including evolving government regulations and marketplace uncertainty, will continue for the foreseeable future. Businesses should act now to be positioned to navigate the crisis. In many cases, the crisis will create opportunities to be seized.

Tags: Centers for Disease Control and Prevention (CDC), North Carolina Department of Health and Human Services, Occupational Safety and Health Administration (OSHA)