

## **Plan Now for Reopening to Avoid Employee Claims Later**

On May 4, 2020, New York State Governor Andrew Cuomo confirmed that as regions begin to reopen, businesses must have a reopening plan that will include certain measures to help lower the risk of the spread of COVID-19 infections. The reopening plan must address:

- An adjustment of workplace hours and arrangements, if needed, to reduce workplace density;
- The implementation of workplace social distancing measures;
- The restriction of non-essential travel for employees;
- The implementation of strict cleaning and sanitation standards;
- The enactment of a health screening process;
- The practice of tracing, tracking and reporting COVID-19 cases; and
- The development of liability processes.

A reopening plan will be subject to federal and state law requirements. Thus, businesses should be mindful of their obligations under federal and state anti-discrimination and retaliation laws, wage and hour laws and workplace safety laws when drafting and implementing their plans and documenting actions taken under the plans. Failing to do so could result in an employee initiating a complaint in court or with a federal or state agency.

Businesses may wish to develop their reopening plans and related-policies and practices with the help of legal counsel to ensure that they are compliant with federal and state law and to minimize the risk of employee complaints.

Should you have any specific questions about the Governor Cuomo's reopening plan requirements, please do not hesitate to contact a member of Whiteman Osterman & Hanna LLP's Labor and Employment Practice Group listed below.

[Ellen Bach](mailto:EBach@woh.com) – 518.487.7736 - [EBach@woh.com](mailto:EBach@woh.com)  
[Beth Bourassa](mailto:BBourassa@woh.com) – 518.487.7617 - [BBourassa@woh.com](mailto:BBourassa@woh.com)  
[Heather Diddel](mailto:HDiddel@woh.com) – 518.487.7703 - [HDiddel@woh.com](mailto:HDiddel@woh.com)  
[Norma Meacham](mailto:NMeacham@woh.com) – 518.487.7735 - [NMeacham@woh.com](mailto:NMeacham@woh.com)  
[Kevin Quinn](mailto:KQuinn@woh.com) – 518.487.7689 - [KQuinn@woh.com](mailto:KQuinn@woh.com)  
[Robert Schofield](mailto:RSchofield@woh.com) – 518.487.7616 - [RSchofield@woh.com](mailto:RSchofield@woh.com)  
[Monica Skanes](mailto:MSkanes@woh.com) – 518.487.7764 - [MSkanes@woh.com](mailto:MSkanes@woh.com)  
[Erin Callahan](mailto:ECallahan@woh.com) – 518.487.7659 - [ECallahan@woh.com](mailto:ECallahan@woh.com)  
[Gabriella Levine](mailto:GLevine@woh.com) – 518.487.7654 - [GLevine@woh.com](mailto:GLevine@woh.com)  
[Vitaliy Volpov](mailto:VVolpov@woh.com) – 518.487.7758 - [VVolpov@woh.com](mailto:VVolpov@woh.com)