



To Reopen or Not to Reopen? How COVID-19 Impacts Nonprofits' Decision to Return to the Office



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Goals

- Provide a step-by-step process for determining whether an office reopening is the right choice for your nonprofit, and within that framework address:
 - Federal and state reopening guidance
 - Potential costs associated with reopening
 - Types of policies and procedures that should be implemented prior to reopening, including addressing employee concerns and managing employee data
 - Potential liability arising from reopening

Steps for Determining Whether Reopening Is the Right Choice

1. Assess Current Operations
2. Determine Measures Required for Reopening
3. Assess Financial and Administrative Burdens
4. Assess Potential Liability
5. Determine Whether the Benefits of Reopening Outweigh Burdens and Potential Liability



Step One: Assess Current Operations

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- Identify concerns and potential for resolution of issues
 - Low productivity
 - Addressing performance issues with remote workforce
 - Low employee morale
 - Keeping employees connected
 - Inefficiency of operations
 - Utilizing technology



Step Two: Determine Measures Required for Reopening

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- Review Applicable Law, Regulations, and Guidance
 - Federal
 - Centers for Disease Control and Prevention
 - OSHA
 - State and Local
 - Executive orders
 - Guidance for employers
 - State OSHA standard
 - Commonalities
 - Examples



Step Three: Assess Financial and Administrative Burdens

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- Financial Costs of Compliance
 - Reconfiguration (e.g., Plexiglass barriers)
 - Employee provisions - PPE, cleaning supplies and sanitizers, subsidies for transportation and childcare
 - Workplace cleaning and disinfection
 - Daily screening measures and testing

Step Three: Assess Financial and Administrative Burdens (cont.)

- Administrative Compliance Measures
 - Employee Policies
 - Reporting for capacity limitation purposes
 - Reporting of COVID-19 and COVID-19 symptoms, including returning to work
 - Daily screening measures and testing
 - Cleaning and disinfecting personal workspace
 - Social distancing and meetings
 - Provision and use of PPE
 - Common-use equipment and areas
 - Travel
 - Visitors
 - Training

Step Three: Assess Financial and Administrative Burdens (cont.)

- Administrative Compliance Measures
 - Internal Management Policies and Procedures
 - Capacity limitation compliance
 - Reports of COVID-19 in the workplace
 - Data collection and handling
 - Notifying employees and third-parties
 - Disinfecting workspace
 - Employee and household member health issues
 - ADA
 - CDC – “increased risk”

Step Three: Assess Financial and Administrative Burdens (cont.)

- Employee and supervisor training on policies and procedures
- Importance of administration of policies and procedures



Step Four: Assess Potential Liability

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- Employee Claims
 - OSHA claims
 - ADA claims
 - Workers' compensation
 - Employee waivers

Step Four: Assess Potential Liability (cont.)

- Other Potential Claims (Employee and Third-Party)
 - Gross Negligence, Negligence, and Negligent Infliction of Emotional Distress
 - Wrongful Death
 - Public Nuisance



Step Five: Determine Whether the Benefits of Reopening Outweigh Burdens and Potential Liability

Summary

1. Assess Current Operations
2. Determine Measures Required for Reopening
3. Assess Financial and Administrative Burdens
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5. Determine Whether the Benefits of Reopening Outweigh Burdens and Potential Liability

Questions?



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