



*Reopening After the CV-19 Shutdown:*

## Risk Management, Safety, & HR Considerations



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## Executive Summary - *Reopening After the Shutdown*

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- More than six weeks after the nation's first stay-at-home orders were issued, many states have begun loosening the restrictions intended to slow the spread of the coronavirus.
- Business owners are looking forward to the future and a return to normalcy. However, even when stay-at-home orders are lifted and nonessential businesses are permitted to resume operations, there's a lot for organizations to consider before they reopen their doors.
- Many of these considerations are both state and workplace-specific and could be more involved depending on your location and industry in which you operate.
- To protect customers and employees alike, it's important for organizations to do their due diligence before opening their business back up to the public.
- It's critical to understand and review all relevant state and local orders to determine when your business is permitted to reopen and what precautionary measures are required and recommended for reopening.

Disclaimer: The information contained in this presentation is for educational purposes only. All statements expressed are of a general nature and not intended to address the circumstances of any specific business or individual entity. We recommend all readers consult with their legal, insurance, and human resources professionals before reopening their business or implementing any changes to their business based on this information.

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# Liability & Insurance Considerations

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The reopening of businesses across the country raises a host of liability and insurance concerns. With these concerns in mind, industry groups, state and local leaders, members of Congress, and White House officials have [raised the prospect of legislation and executive measures focused on limiting the liability of businesses for COVID-19-related claims](#). Until those measures are enacted, we understand our clients will be turning to their commercial insurance policies to provide protection against increased risk exposures.

Below are a few claims scenarios we expect to see in the coming months, along with the insurance policies that will most likely come into question and should be reviewed by a legal and/or insurance professionals in preparation for reopening:

**Scenario 1:** *Employee(s) contract COVID-19*

- **Policy to Review:** Workers Compensation Policy, Employers Liability

**Scenario 2:** *Customers, vendors, or other third parties' contract COVID-19 after visiting your workplace*

- **Policy to Review:** Commercial General Liability (CGL) Policy, Medical Malpractice Policy

**Scenario 3:** *Alleged wrongful termination, discrimination, or FMLA violation (Furlough & Layoff Risks)*

- **Policy to Review:** Employment Practices Liability (EPLI) Policy

**Scenario 4:** *Alleged mismanagement of the business resulting in financial loss*

- **Policy to Review:** Directors & Officers Liability (D&O) Policy

**Scenario 5:** *Extended remote working leads to increased cyber attacks due to private network vulnerabilities and increased usage*

- **Policy to Review:** Cyber Liability & Data Breach Policy





# Preparing your Facilities

## Reopening After the Shutdown

Are your facilities ready?

Reopening the office is not as easy as just unlocking the doors. Follow these handy tips for making sure your facilities are ready for use again!



Link: [New Employer Safety Measures Ordered In Pennsylvania to Combat COVID-19](#)

# Preparing your Operations

## Reopening After the Shutdown

Are your operations ready?

Reopening the office is not as easy as just unlocking the doors. Follow these handy tips for making sure your operations are ready!

### CONSIDER MODIFYING

employee schedules to reduce the number of employees present in the workplace



DECIDE if the public will be allowed entry & institute a policy regarding interacting with the public



## Operations

EVALUATE whether telework should continue for certain positions or if any long-term restructuring of positions would be beneficial



CONFIRM if masks must be supplied by the employer and if employee masks are acceptable. If you must supply the masks, order them now.



ENSURE you meet all state and local requirements to reopen (e.g. in PA, temperatures must be taken) and review EEOC guidance



ESTABLISH SOCIAL DISTANCING policies adhering to CDC guidelines at a minimum and evaluate physical positioning of work locations within the office

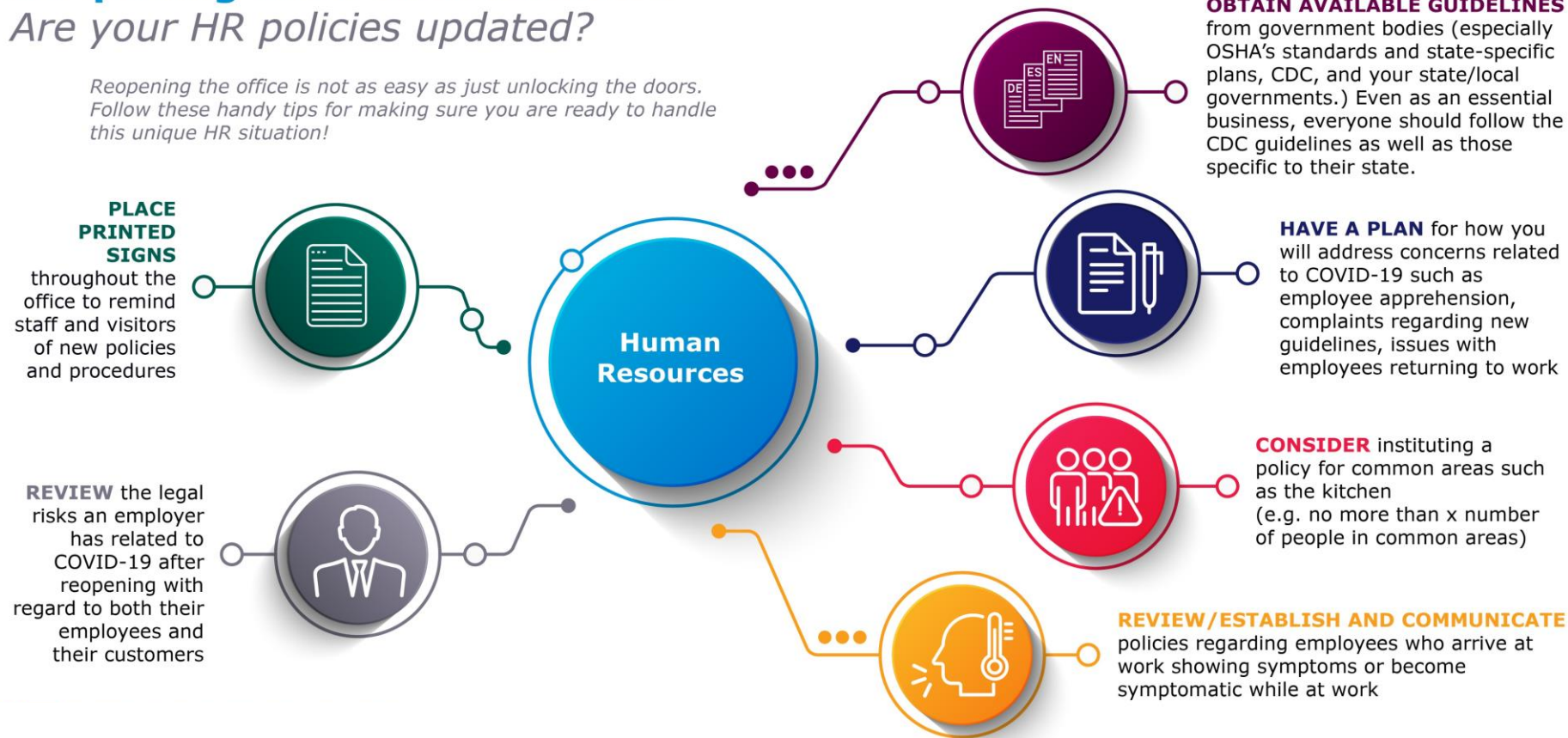


# Updating your Human Resources Policies

## Reopening After the Shutdown

*Are your HR policies updated?*

*Reopening the office is not as easy as just unlocking the doors. Follow these handy tips for making sure you are ready to handle this unique HR situation!*



Link: [HR & Legal Compliance – Frequently Asked Questions \(FAQ\)](#)

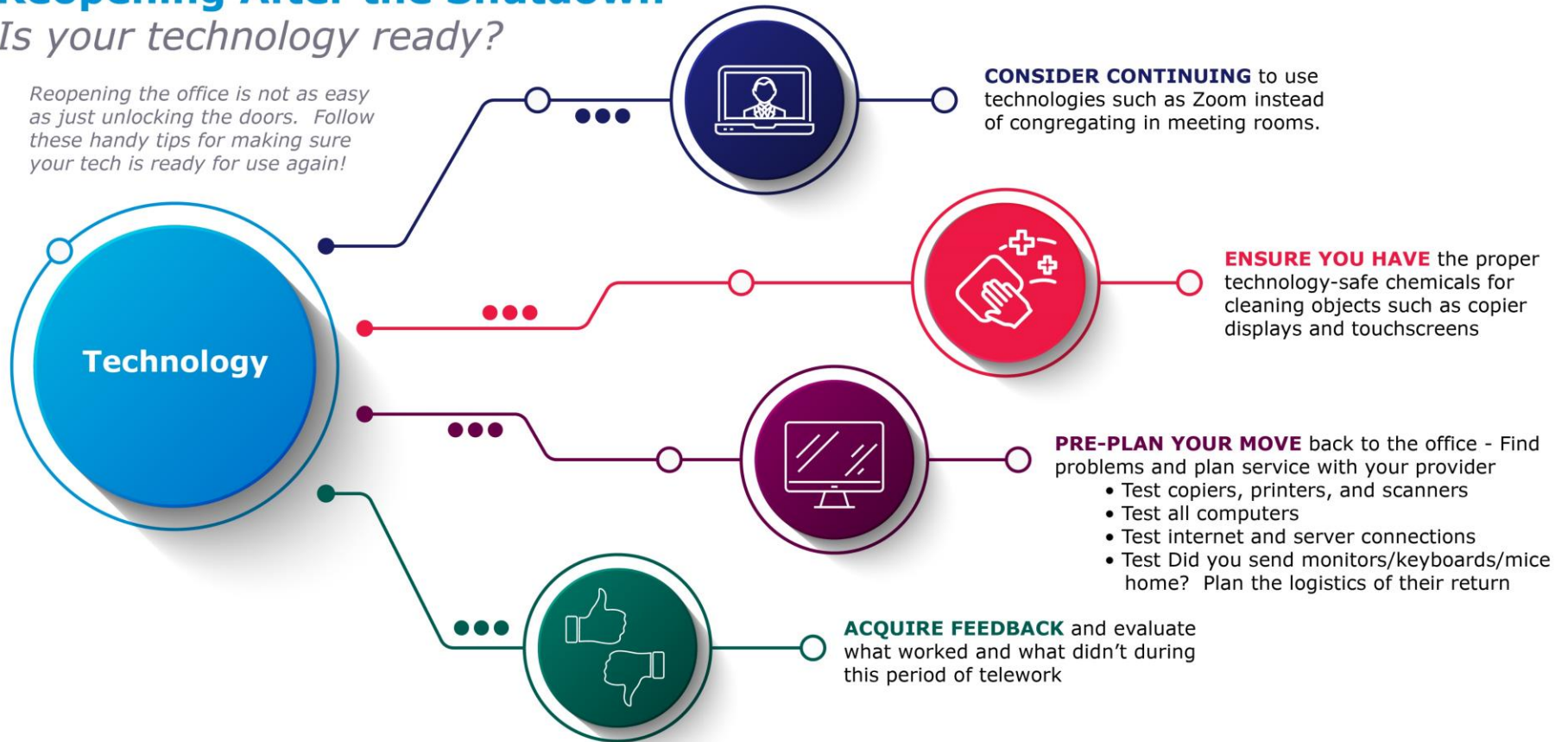


# Preparing your Technology

## Reopening After the Shutdown

*Is your technology ready?*

*Reopening the office is not as easy as just unlocking the doors. Follow these handy tips for making sure your tech is ready for use again!*





## Additional Resources

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- ❖ COVID-19 and Workers Compensation
  - [Frequently Asked Questions](#) (FAQ)
  - [State-specific compensability presumptions](#)
- ❖ Employers safety obligations regarding coronavirus in the workplace
  - [Guidance provided by the federal Occupational Safety and Health Administration \(OSHA\)](#)
  - [CDC Guidance for Cleaning and Disinfecting](#)
- ❖ Safety precautions and required notices
  - [Printable/downloadable posters for the workplace](#)
- ❖ Human resources (HR) and compliance
  - [MidAtlantic Employers Association – COVID-19 Resource Center](#), including:
    - FAQ's on CARES Act, FFCRA, PPP
    - Sample Leave Request Form, Employee Communications, and Notice of Workplace Exposure
    - State by State Unemployment Update

## Your Capstone Team

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