

Essential Workplace Guidelines

On April 17, 2020, Governor Ned Lamont entered Executive Order No. 7BB requiring cloth face coverings or masks to be worn in public wherever close contact is unavoidable beginning at 8:00 p.m. on April 20, 2020. The order also authorized the Commissioner of Economic and Community Development to issue updated versions of the Safe Workplace Rules for Essential Employers setting forth requirements for essential workplace settings.

The new Safe Workplace Rules include mask/face cloth requirements for essential employers which vary based on workplace environment:

- Each employee shall be required to wear a mask or other cloth material that covers his or her mouth and nose from the time they enter the building until the time they arrive at their cubicle/work station and at any time they are leaving their work station and moving around common areas (i.e. in hallways and stairwells, going to the restroom or break room, etc.)
- For employees working in congregated settings (i.e. open manufacturing floors, warehouses, areas open to the public, shared offices, or similar settings), those workers shall wear a face covering as above, as well as when they are at their work station.
- In workplace settings where employees are working alone in segregated spaces (i.e. cubicles with walls, private offices, etc.), employees may remove their masks.
- Employers shall issue such masks or cloth face coverings to their employees, or if an employer is unable to provide masks or cloth face coverings to employees because of shortages or supply chain difficulties, employers must provide the materials and CDC tutorial about how to create a cloth face covering (available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>), or compensate employees for the reasonable and necessary costs employees expend on such materials to make their own masks or cloth face covering.

This does not apply to individuals who cannot wear masks due to medical conditions. If someone declines to wear a mask or cloth face covering because of a medical condition, they are not required to produce any documentation verifying the stated condition.

The Department of Economic and Community Development (“DECD”) has issued other guidelines for workplaces, which fall into three categories: **(1) general information; (2) controlling contact; and (3) eliminating transmission points.**

(1) GENERAL INFORMATION

- Employees who are ill should stay home.
- Essential employees who are able to work from home SHOULD BE WORKING FROM HOME.

- For employees who have traveled internationally in a region where COVID-19 is active, or have returned from a cruise, it is recommended to stay home and self-monitor for fourteen days, subsequent to returning.
- Eliminate all non-essential workplace travel.
- Distribute summaries of health insurance processes and procedures to employees.
- Ensure that all employees that do not speak English as their first language are aware of procedures by communicating the procedures, either orally or in writing, in their native or preferred language.
- Ensure that the facility has a sufficient number of employees to perform all measures listed here effectively and in a manner that ensures the safety of the public and employees.
- Control access to external visitors including:
 - o Prohibiting entry into the facility for non-essential visitors.
 - o Interviewing approved visitors about their current health condition and recent travel history.
 - o Using soap and water or within available supplies, hand sanitizer at point of entry to the facility.
- Where possible, employees should take their temperature before they go to work. If they have a temperature above 100.4 degrees Fahrenheit, they should stay home.
- Make hand sanitizer available to employees who do not have ready access to soap and water.
- Place posters that encourage hand hygiene to help stop the spread at the entrance to your workplace and in other workplace areas where they are likely to be seen.
- Whether at work or at home, all employees are advised to follow the CDC guidelines for preventing transmission of COVID-19 (available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>) including:
 - o Washing hands frequently for at least 20 seconds, avoiding touching mouth and nose, avoiding close contact with others, cleaning and disinfecting surfaces, using cough and sneeze etiquette, and staying at home when sick.

(2) CONTROLLING CONTACT

- Social distancing means avoiding large gatherings and maintaining distance (approximately 6 feet or 2 meters) from others.
- Require all visitors to wear cloth face coverings while on premises, except those who cannot due to a medical condition, anyone under the age of two years, or an older child if the parent, guardian or person responsible for the child is unable to place the mask safely on the child's face.
- In-person meetings should be avoided as much as possible. Teleconferencing may be used by site-essential staff, provided they are dialing in from separate areas. Where in-person meetings occur, they should be limited to a maximum of ten people, each attendee should have a mask covering their mouth and nose at all times, and a distance of six feet should be maintained.
- Discourage carpooling.
- Increase physical space between employees and customers (e.g., drive through, Plexiglas partitions).
- Deliver services remotely (e.g. phone, video, or web) where practical.
- Deliver products through curbside pick-up or delivery when possible.
- Workplaces with Multiple Shifts:
 - o Wherever possible, utilize nights and weekends to spread out work schedules and provide for social distancing.

- If possible, move from 1 or 2 shifts to 3 shifts. Keep each shift with the same people each day. That way, if a person on one shift becomes sick, workers on the other shifts are protected. This arrangement can also work by having one crew work for part of the week and one crew for the other part of the week. This may also accommodate shifting child care schedules.
 - Provide time where possible between each work shift to minimize overlap and allow for cleaning of the work environment at regular and appropriate intervals.
 - Stagger shift start/stop times, break times, and lunchtimes to minimize congregations at the time clocks or break areas.
- Where possible, close or restrict break rooms and cafeterias and have employees bring lunches from home and eat at workstation or in cars.
 - If an employer does maintain break or lunch rooms, utilize extra rotations to reduce the number of employees in the break room/cafeteria at one time to achieve social distancing norms. Provide soap and water, or within available supplies, hand sanitizer and/or disposable wipes in break or lunch rooms and clean them after every shift.
 - Increase ventilation rates and increase the percentage of outdoor air that circulates into the system where possible.
 - Wherever possible, segment the workspace into discrete zones. Prohibit employees from entering into zones where they are not required to be to perform their jobs.
 - Manufacturing - Shutdown the facility when production is not needed whenever practical (even if you ramp on and off on a daily basis).

(3) ELIMINATING TRANSMISSION POINTS

- Reduce common touch points by opening internal doors where possible.
- Install all no-touch disposal receptacles or remove lids that require contact to open for non-hazardous waste containers unless doing so creates an unsanitary environment.
- Frequent cleaning of all touch points.
- Secure all secondary doors and access points to minimize incidental contact.
- Recommended to provide disposable wipes so that commonly used surfaces (for example, doorknobs, keyboards, remote controls, desks, other work tools and equipment) can be wiped down.
- To disinfect surfaces, use products that meet EPA's criteria for use against SARS-Cov-2 (available at <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>) and are appropriate for the surface.
- Prohibit workers from using other workers' phones, desks, offices, or other work tools and equipment, when possible. If shared, clean and disinfect equipment before and after use.
- Employees should clean their personal workspace at the beginning and the end of every shift.
- If a sick employee is suspected or confirmed to have COVID-19, follow the CDC cleaning and disinfection recommendations.

For further information on the implications of COVID-19 on employment, or other employment related questions, please contact Christopher L. Brigham, Chair of the Employment Law Practice Group at Updike, Kelly & Spellacy, P.C. at (203) 786-8310 or cbrigham@uks.com, Andrew L. Houlding, Principal in the Employment Law Practice Group at (203) 786-8315 or ahoulding@uks.com or Valerie M. Ferdon, Associate Attorney in the Employment Law Practice Group at (860) 548-2607 or vferdon@uks.com.

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