

NYSBA WORKING GROUP

GUIDANCE ON RE-OPENING LAW FIRMS

Law firms are in Phase II of Governor Cuomo’s economic re-opening plan. Phase I is scheduled to start in three (3) regions of the state on May 15. There will be two-week pauses before the institution of the next phase to monitor possible resurgence of the COVID-19 virus.

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GOVERNOR'S CRITERIA

Regional re-opening depends on seven (7) predicate criteria:

1. Net hospitalizations for COVID-19 show a 14-day decline or total no more than 15 new hospitalizations daily on average over three days.
2. A 14-day decline in virus-related hospital deaths, or fewer than five a day, averaged over three days.
3. A three-day rate of new hospitalizations below two per 100,000 residents a day.
4. A hospital-bed vacancy rate of at least 30 percent.
5. An ICU bed availability rate of at least 30 percent.
6. A weekly average of 30 virus tests per 1,000 residents a month.
7. At least 30 working contact tracers per 100,000 residents as part of a program funded by former New York City Mayor Michael R. Bloomberg.



WORKING GROUP'S PLAN FOR RE-OPENING LAW FIRMS

On April 28 NYSBA President Hank Greenberg appointed a Working Group on Re-Opening Law Firms to review issues to be considered and addressed before a return to bricks and mortar offices is possible. This work in progress will be amended as new challenges and strategies arise.

GUIDANCE FOR THE SAFE RE-OPENING OF LAW FIRM OFFICES

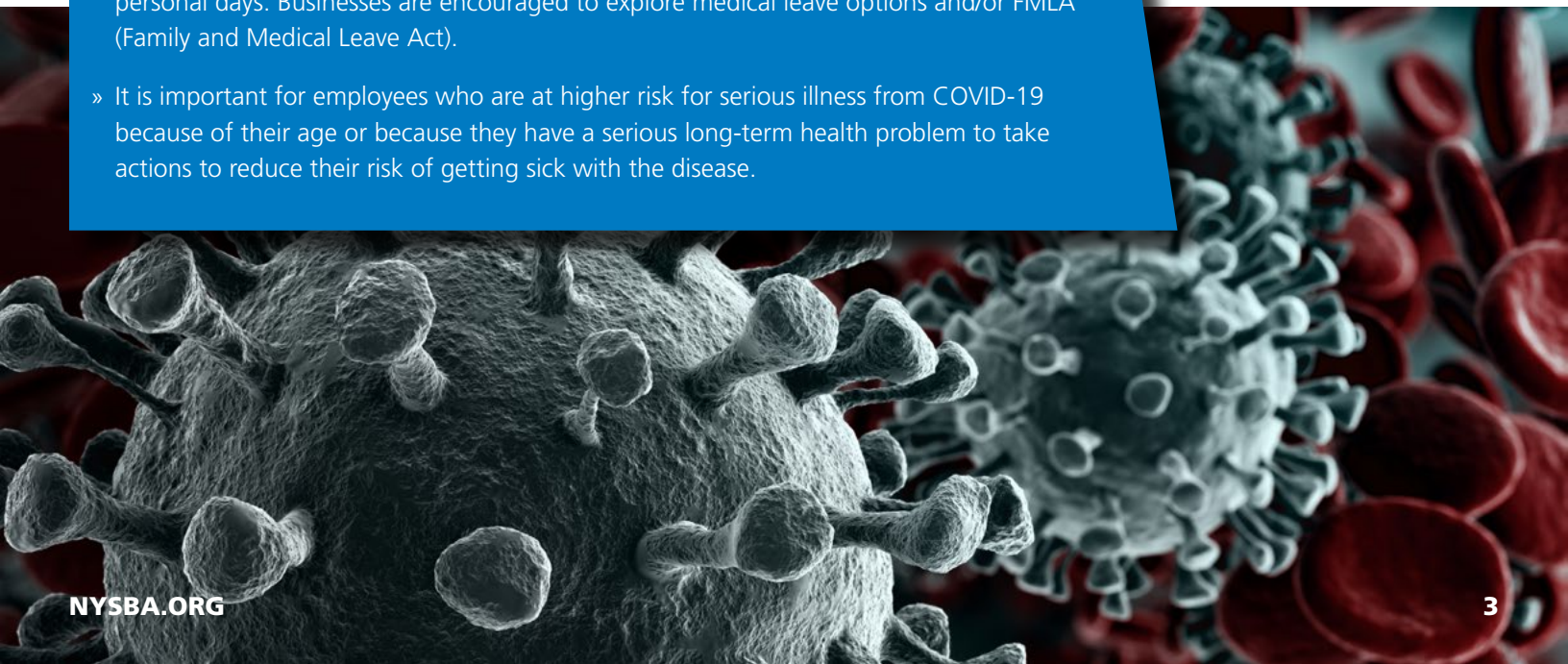
The following are suggested steps for law firms to take to foster their safe return to office:

Create an Office Re-Opening Transition Team to:

- » Monitor oversight of the re-opening plan and implementation;
- » Develop and update, as needed, internal policies and procedures for the transition from remote work to the workplace;
- » Communicate with legal and support staff with one voice regarding the transition process, set forth clear expectations and offer firm-wide training, as needed;
- » Field questions or concerns;
- » Become familiar with federal and state statutes and programs governing office safety and human resource issues;
- » Develop an employee testing plan for testing employees for the virus;
- » Develop client and visitor policies.

Implement and Communicate Strict Rules on Sick or At-Risk Individuals

- » Employees feeling ill should remain home and consult their physician. If remote work is not possible, then appropriate policies should be implemented regarding sick days or personal days. Businesses are encouraged to explore medical leave options and/or FMLA (Family and Medical Leave Act).
- » It is important for employees who are at higher risk for serious illness from COVID-19 because of their age or because they have a serious long-term health problem to take actions to reduce their risk of getting sick with the disease.



Prepare the Workplace:

- » Focus on employee safety;
- » Recognize geographic differences, with earlier openings for less-infected areas in accordance with the Governor's guidelines;
- » Assess workplace mechanical components – including HVAC, fire/life safety systems, entry systems, and water temperature at hand washing locations – and assure they meet recommended guidelines;
- » Coordinate with landlords and other tenants on opening and safety procedures in common areas and elevators;
- » Stagger workstations and occupied offices to increase the distance between employees in attendance;
- » Install barriers for receptionists or other employees at high foot traffic locations;
- » Inventory cleaning and other supplies to maintain a disinfected environment. Continue to develop supply sources and re-order well in advance;
- » Develop a cleaning and sanitizing protocol in accordance with recommended CDC and OSHA guidelines;
- » Install signage on social distancing and hygiene guidelines;
- » Develop one-way foot traffic patterns if the workplace facility allows for it.



Reduce Touchpoints

Examples: Desks and chairs; breakroom tables and chairs; door handles and push plates; handrails; kitchen and bathroom faucets and fixtures; light switches; buttons on copiers, vending machines and elevators; shared telephones; computer keyboards and mice



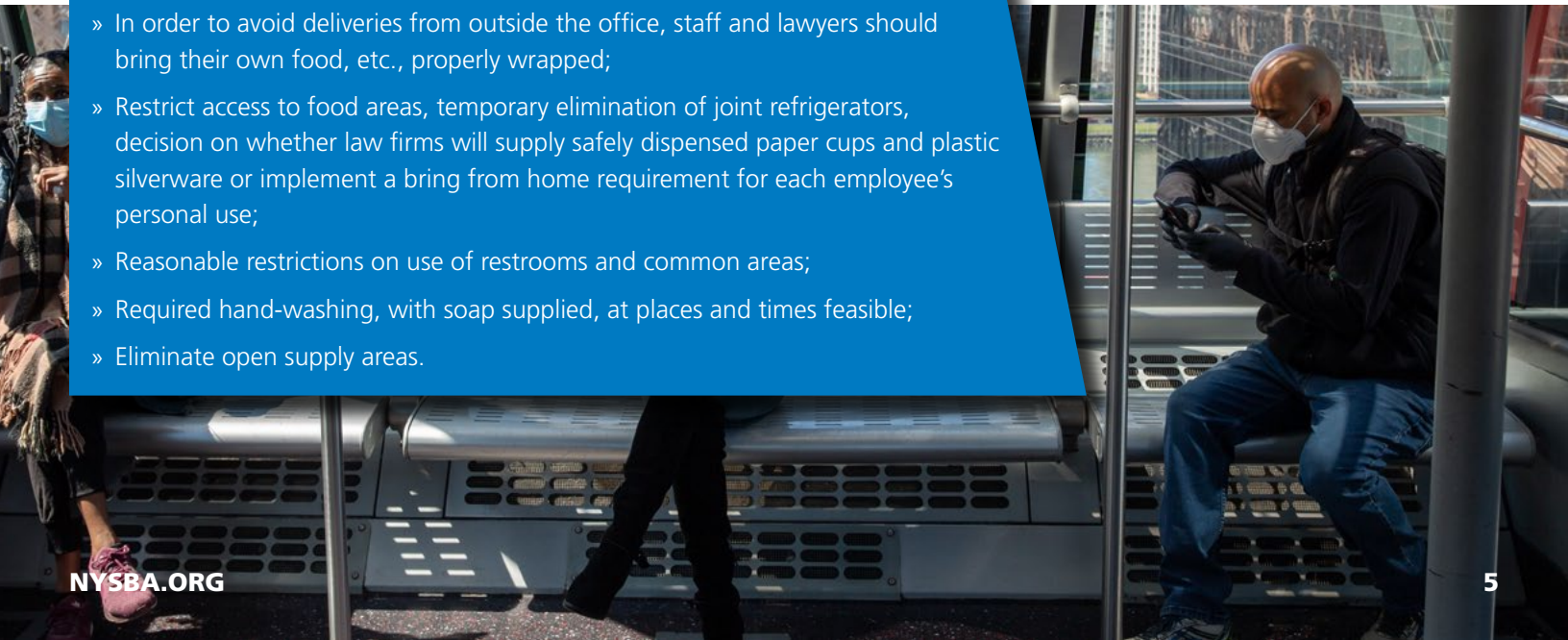
Prepare Your Employees:

- » Decide which employees will return to the workplace. Encourage those who can continue to work effectively remotely to do so until further notice – irrespective of the points below;
- » Recognize the safety guidelines may have to be implemented differently for individual practices or with less than a specified number of employees (e.g. 10);
- » Stagger workday hours and monitor returns
 - Take into consideration lawyers and support staff in more critical areas of practices less attuned to remote employment and phase in other practice areas over designated periods;
 - Anyone who can effectively work remotely should continue to do so until further notice;
 - Discourage visits by lawyers from other branch offices;
 - Maintain attendance sheets to provide responsible contact tracing information, if needed, and to limit and track hours in the office.



Best Practices to Minimize Risk of Spreading Infection at the Office

- » To the extent practical, in the office but outside the individual workplace wear masks and utilize other protective equipment and sanitizing hygiene practices (e.g. when going to restrooms or where others may need to be);
- » Discourage travel by mass transit due to the risk of infection in the absence of enforced social distancing and use of personal protective equipment. If mass transit is unavoidable, educate employees on best practices for minimizing risk;
- » No socializing outside the workplace before coming into the office;
- » Implement and insist on social distancing;
- » In order to avoid deliveries from outside the office, staff and lawyers should bring their own food, etc., properly wrapped;
- » Restrict access to food areas, temporary elimination of joint refrigerators, decision on whether law firms will supply safely dispensed paper cups and plastic silverware or implement a bring from home requirement for each employee's personal use;
- » Reasonable restrictions on use of restrooms and common areas;
- » Required hand-washing, with soap supplied, at places and times feasible;
- » Eliminate open supply areas.



Conduct of Business

- » Encourage the use of technology for remote mediations/ hearings/arguments and depositions;
- » No in-person meetings in the office among attorneys and support staff for at least a specified time;
- » Limit the number of people coming in the office at the same time;
- » Limit unnecessary employee movement within the office;
- » Specify what work people need to do in the office to attempt to limit time in office;
- » Implement the virtual notarization requirements to limit in person contact;
- » Restrict the use of office printers and copiers to avoid personal contact.



NEW YORK STATE BAR ASSOCIATION

1 Elk Street, Albany NY, 12207

NYSBA.ORG

518-463-3200

