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**Lynn S. Mohrfeld, CAE**  
**President & CEO**

**May 28, 2020**



# Today's Agenda

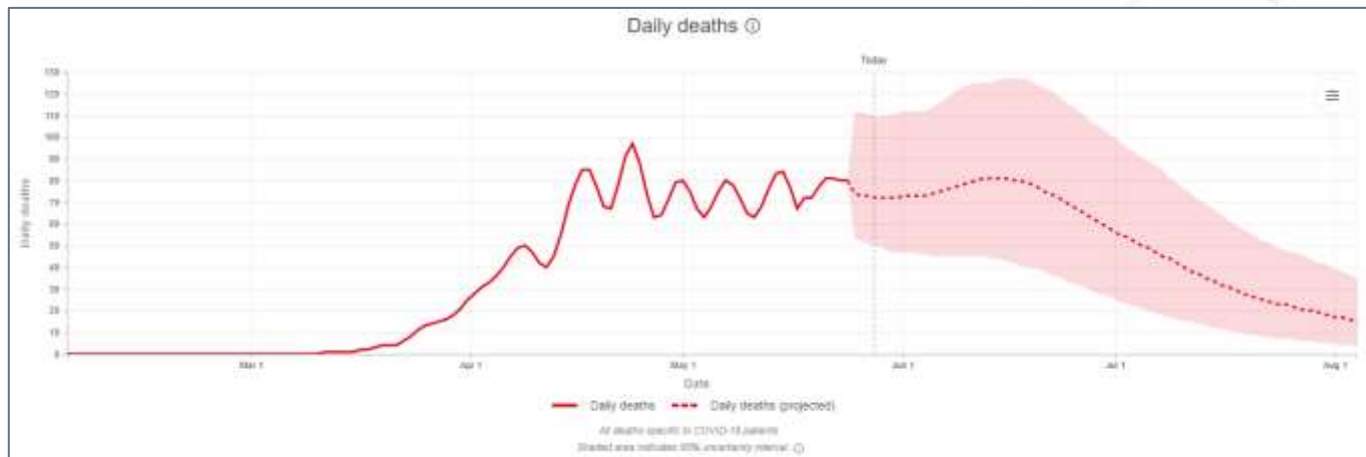
- Hotel Industry Update
  - COVID-19 Factoids
  - Re-Opening Plans
    - CHLA COVID-19 Hotel Plan
- Back-To-Business
  - Bringing the Workforce Back to Work
  - **Jeffrey Thurrell**
    - **Fisher Phillips, LLP**





# California COVID-19 Factoids

- California Cases – 101,837
  - 3,918 Deaths in California



IHME

Next Two Weeks:



## California COVID-19 Factoids

- Occupancy Rates
  - *Four Weeks Ending May 23rd Versus April*
  - U.S. - 31.8%/24.5%
    - San Francisco - 25.0%/19.2%
    - Los Angeles - 35.6%/21.2%
    - Anaheim - 26.4%/18.8%





# Essential Travelers

- Hotel Guests During Stay-At-Home Orders
  - Website Notification
  - Guest Authorization Form
  - Waivers
    - **Not Recommended**



Please Note: Guidance is REVISED

[www.calodging.com](http://www.calodging.com)



## Re-Opening Leisure Travel

# THE ORANGE COUNTY REGISTER

“Theme parks are slated to open in Stage 3 if the rate of spread of COVID-19 and hospitalizations remain stable,”

California Health and Human Services  
Agency Spokesperson Kate Folmar





# Re-Opening: CHLA COVID-19 Hotel Plan

- Implementation Responsibilities
- Risk Assessment
- Guest Services
- Employees
- Food Service & COVID-19
- Employee Training Materials & Signage
- Exposure Incident Report



**CHLA MEMBER BENEFIT: LAUNCH NEXT WEEK**



**Jeff Thurrell**  
**Partner, Irvine**  
**Fisher Phillips, LLP**



# BACK-TO-BUSINESS

Bringing The Workforce Back To Work

# GENERAL RETURN-TO-WORK PRINCIPLES

During **Phase One**, employers are recommended to follow five steps

Step One



Continue to encourage **remote work and telework** whenever possible and feasible with business operations

Step Two



If possible, return to work **in phases**

Step Three



Close **common areas** where personnel are likely to congregate and interact, enforce **strict** social distancing protocols

Step Four



Minimize **non-essential business travel** and adhere to CDC guidelines regarding isolation following travel

Step Five



Strongly consider **special accommodations** for workers who are members of a **vulnerable population**

# GENERAL RETURN-TO-WORK PRINCIPLES

During **Phase Two**, employers are recommended to follow steps

Step One



Continue to encourage **remote work and telework** whenever possible and feasible with business operations

Step Two



Continue to close **common areas** where personnel are likely to congregate and interact, or enforce **moderate** social distancing protocols

Step Three



Businesses can resume **non-essential business travel**

Step Four



Continue to consider **special accommodations** for workers who are members of a **vulnerable population**. Encourage **remote work and telework** whenever possible and feasible with business operations

# GENERAL RETURN-TO-WORK PRINCIPLES

During **Phase Three**, employers are recommended to follow steps

Resume



States and regions that have no evidence of a rebound of COVID-19 cases, and satisfy the gating criteria a third time, are ready to enter Phase Three.

During this phase, the guidance is simple: employers can resume **unrestricted staffing** of worksites

# Returning to Work

## HR Challenges and Solutions

- > Can your business re-open?
- > How to prepare a plan for re-opening.
- > How to bring employees back.
- > What about reluctant employees?
- > How to prepare for problems.



## RESTART PLAN

### Before Re-Opening

- > Designate COVID-19 response team
- > Evaluate local and state shutdown orders
- > Prepare policies and protocols
  - > Establish written, worksite-specific COVID-19 Plan.
  - > Appoint a “point person” in charge of COVID-19 protocol and policies
  - > Verify OSHA compliance (especially for employees performing testing/cleaning).
- > Consider practical issues
  - > Staggered return?
  - > Dry run of extra safety protocols?

Visit [fisherphillips.com](https://fisherphillips.com) for COVID-19 coronavirus latest updates, resources and guidance



# RESTART PLAN

## Before Re Opening

### Bullet Points

- Order and distribute PPE such as face masks, evaluate reimbursement issues if employer is required to reimburse
- Post COVID 19 social distancing protocol on entry/exits and in breakrooms
- Install hand sanitizer dispensaries across worksites
- Prepare protocol for cleaning facility and protocol for cleaning if an employee is diagnosed with COVID-19
- Evaluate work stations, entries, exits, breakrooms, restrooms, elevators to adhere to social distancing and prepare **strict social distancing policy that is enforced**
- Barriers at workstations, zoom employee meetings versus in-person

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# RESTART PLAN

## Before Re Opening

### > Implement Screening Protocol

- > Temperature Checks (are they required in your local jurisdiction)
- > Prepare temperature protocol for customers, vendors and employees (consider bringing in outside vendor)
- > Mandating daily wellness checks by way of posing question to customers, vendors and employees about experiencing symptoms
- > Prepare compliance California Consumer Protection Act Disclosures if information is kept and maintain protocol to keep it confidential and separate

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# RESTART PLAN

## Before Re Opening

- > Employee and Manager Training
  - ✓ How to prevent
  - ✓ Symptoms
  - ✓ Not reporting to work if experiencing symptoms
  - ✓ Self screening temperatures prior to reporting to work
  - ✓ Proper use of face coverings
  - ✓ Importance of frequent and proper handwashing
  - ✓ Importance of physical distancing

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# RESTART PLAN

## Before Re Opening

- > Policies and Protocols
  - > Create clear protocols but be flexible on the timeline.
  - > Identify temporary policies (e.g., you may want to pay employees to stay at home extra days beyond your current sick leave policy if they have COVID-19 symptoms).
  - > Follow CDC and other health guidelines and *show* employees that is what you are doing.
- > Consider who should respond to employee questions
  - > Make sure that they are prepared to answer FAQs

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## RESTART PLAN

### Picking and Choosing Who Returns

- > Who gets called back first?
  - > Objective, non-discriminatory criteria such as skill set, education, and/or tenure
  - > Consider voluntary call-backs (employee option to return during first round, etc.)
- > Comply with requirements re:
  - > Non-discrimination on basis of FFCRA and related leaves
  - > Non-discrimination and non-retaliation in return to work determinations
  - > Requests for accommodation

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## RESTART PLAN:

### Picking and Choosing Who Returns

- › Strongly recommend a specific system or plan for establishing who may return.
  - › Be prepared to defend the plan with objective written evidence - lawsuits are likely.
- › The more objective the better.
- › For employees in equivalent job positions with similar skills, seniority based system is safest (and may be required one day)
- › Be wary of allowing managers to make decisions without articulating a system

## Preparing for Employee Questions:

"I want to keep working from home. I can do it!"

"I don't feel safe working in the office."

Can we let some people work from home just to be nice?

Yes. Being flexible and accommodating now will likely save litigation later – especially for employees who are working well remotely.

Beware of (a) employees claiming inconsistent application, and (b) the potential for actual inconsistent or incorrect application.

If employees are performing poorly from home, document and counsel with those employees. Create a written trail – even if it is not a formal write up.

## Preparing for Employee Questions:

"I want to keep  
working from  
home. I can do it!"

"I don't feel safe  
working in the  
office."

- > If there is a medical condition, or employee is over 60, we likely have an accommodation duty.
  - > If we plan to deny work from home status as undue burden, be prepared to answer "What's changed?"
  - > Be mindful of associational discrimination.
- > If there is no medical condition, employees have no general right to work from home or refuse to work.
  - > Recommend against terminating or disciplining anyway.
  - > Absent medical condition, OK to not select employee for return position, etc.

## Preparing for Employee Questions:

"I want to keep working from home. I can do it!"

"I don't feel safe working in the office."

What should that strategy be?

Allowing for a *limited* continued work-from-home may be a sensible approach.

Phased returns to work and limiting exposure may put employees at ease anyway.



# EMPLOYEE RELATIONS

## Perception Is Reality

- > Some employees will:
  - > Be thrilled to be back at work.
  - > Be thrilled to be back at work, but be suspicious
  - > Need time to vent.
  - > Test you.
  - > Look for reasons to go back home/be sent home/rally others to paint the workplace as unsafe
  - > Use workplace safety as a shield when discussing performance issues



# EMPLOYEE RELATIONS

## Perception Is Reality

- > Communicate, communicate, communicate
- > What are you doing to protect them?
- > Consider establishing an employee-safety committee
- > Acknowledge that we are in uncharted territory
- > Enforce “the new normal” so employees do not have to
- > Consider a phased-return or allow some remote work

## Beware of Wage- Hour Issues

- > Be sure to examine overtime adjustments to account for extra bonuses being paid to hourly employees.
- > Pay for time spent doing required temperature checks.
- > Follow exemption rules:
  - > Cannot ask exempt employees to work during a “furlough” week.
  - > Avoid frequent changes to an exempt employee’s salary based on hours worked.

# PROTECTING TRADE SECRETS AND CONFIDENTIAL INFORMATION

- > Update policies and communicate expectations to employees.
- > Beware of sending confidential documents or trade secrets to cloud-based personal email.
- > Review protocols for employees who have been working from home to ensure confidential information is being returned / deleted at the end of employment.

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Our wishes, you, your family, your workforce, and those you care about stay well.



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# Final Questions



[www.calodging.com](http://www.calodging.com)

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