

Back to Business: Part 1

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Note: *This is the first of a three-part series on things employers need to watch for when reopening their businesses.*

With signs that the virus has peaked, and Pennsylvania leaders discussing lifting shelter-in-place orders and gradually bringing back nonessential workers, employers should be turning their attention to planning for how to safely bring employees back to work.

But there is a long list of items employers need to take care of before it can open its doors to the public and its own employees. Rather than wait for the governor to open businesses again, employers should begin putting together a plan to open safely and responsibly.

Pennsylvania's phased reopening orders

On April 22, Pennsylvania Gov. Tom Wolf rolled out a phased reopening structure of red, yellow and green.

Red designates the current situation, with a statewide stay-at-home order and only life-sustaining businesses allowed to be open. Yellow means that the stay-at-home order is lifted, and counties whose COVID-19 cases fall under a certain level can begin to let businesses with in-person operations reopen. Green means that nearly all restrictions are lifted, but businesses and individuals should still follow safety guidelines from the Centers for Disease Control and Prevention, like wearing a mask to go outside.

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"As regions hit benchmarks that show that they're ready, they'll move to the yellow phase," Wolf said. "This yellow phase will lift some restrictions." Schools will remain closed, restaurants will be limited to takeout, and businesses, if able, should prioritize tele-work.

Here is a full breakdown of the yellow phase:

- Tele-work must continue where feasible
- Businesses with in-person operations must follow safety orders
- Child care facilities open with worker and building safety orders
- Restrictions in place for prison and congregate care
- Schools closed for in-person instruction
- Stay-at-home restrictions lifted in favor of aggressive mitigation
- Gatherings of more than 25 prohibited

- In-person retail allowable, curbside and delivery preferable
- Recreation and health and wellness facilities such as gyms and spas and all entertainment venues, including casinos and theaters, remain closed
- Bars and restaurants limited to carry-out and delivery only
- Businesses must follow federal (CDC) and Pennsylvania Department of Health social-distancing and cleaning guidelines.

Based on metrics, 24 counties in Pennsylvania will move into the yellow phase beginning May 8. Other regions will follow.

The federal "[Opening Up America Again](#)" guidelines also set forth three phases to reopen state economies, with each phase lasting, at minimum, 14 days. These guidelines, however, do not have the force of law, and do not supersede applicable state health orders.

Timing for your business

Make sure you have the "yellow" light to return to work. Then, evaluate whether some sort of phased re-opening with either a partial return of some functions or staggered schedules makes the most sense for your workforce. Determining if and how to coordinate a phased approach will be influenced by factors like location, sector, business type or size and the health status of workers.

Make a plan

It is important for employers to have a plan in place that addresses a wide range of topics and that is tailored to the workforce and workspace. It is also important to develop a return to work plan to communicate your expectations to employees and customers, emphasizing their health and safety are important to you. Maintaining open lines of communication with employees is critical - even if it is to say we may not have all the answers and things are constantly changing, but we will get back to you when we know more. Identify a point person in your organization who employees can come to with questions and who employees should call if they have symptoms and/or test positive for COVID-19. The Department of Community and Economic Development maintains a Business 2 Business Interchange Directory of companies supplying personal protective equipment and thermometers.

If you have any questions on putting together a plan to be ready to reopen your business, please [contact me](#) or any member of the [Barley Snyder Employment Practice Group](#).

Coming in Part 2: Workplace safety and prevention strategies