

COVID-19: CDC Releases Comprehensive Guidelines Supporting the Coronavirus Response and Plan for Reopening the Economy

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The Centers for Disease Control and Prevention (CDC) released **detailed guidance** (60 pages) this week outlining the criteria for reopening the economy and providing updated guidance on infection control and contact tracing of coronavirus cases. The guidance lists numerous industry specific resources offering guidance on how to safely reopen the country and protect critical infrastructure workers as well as guidance and information on Coronavirus testing. The last 20 pages of the guidance includes specific interim guidance and instructions for, among others, child care programs, schools and day camps, employers with high-risk workers (i.e. individuals over age 65 and those with underlying medical conditions including, but are not limited to, chronic lung disease, moderate to severe asthma, hypertension, severe heart conditions, weakened immunity, severe obesity, diabetes, liver disease, and chronic kidney disease that requires dialysis), mass transit administrators and restaurants and bars.

The guidance supports the White House's Opening Up America Again plan, which includes a three-phased approach for reducing community mitigation measures while protecting vulnerable populations. The phased approach can be implemented statewide or community-by-community at governors' discretion.

The CDC guidance includes interim **specific setting guidance** to assist establishments as they reopen. It lists specific practices that employers may find helpful at particular stages of the COVID-19 outbreak and sets a menu of safety measures from which establishments may choose that make sense for them

in the context of their operations and local community, as well as State and local regulations and directives.

Food Service Industry (e.g., Restaurants and Bars)

According to the CDC guidance, restaurants would only offer takeout and/or delivery and bars would remain closed through the first phase of reopening. At that point, restaurants and bars could reopen with limited seating capacity. In the third and final phase, restaurants and bars would be able to allow more customers inside their establishments. However, restaurants and bars would have to maintain social distancing until a vaccine or therapeutic drug is widely available.

During all phases of reopening, the food service industry is expected to promote healthy hygiene practices, including but not limited to:

- enforcing handwashing;
- use of cloth face coverings by employees when near other employees and customers;
- ensuring adequate supplies to support healthy hygiene practices (including hand sanitizer with at least 60 percent alcohol on every table, if supplies allow); and
- posting signs on how to stop the spread of COVID-19, properly wash hands, promote everyday protective measures, and properly wear a face covering.

The food service industry is also expected to intensify cleaning, disinfecting, and ventilation, which includes but is not limited to:

- cleaning and disinfecting frequently touched services at least daily (*i.e.*, door handles, work stations, cash registers, etc.);
- cleaning and disinfecting shared objects (*i.e.*, payment terminals, tables, countertops/bars, receipt trays, condiment holders, etc.) between each use;
- making individual disinfectant wipes available in bathrooms;
- avoiding using or sharing items such as menus, condiments, or any other food;
- using touchless payment options as much as possible;
- using disposable food service items (*i.e.*, utensil and dishes); and
- ensuring that ventilation systems properly operate and increase circulation of outdoor air as much as possible by opening windows and doors.

Employers in the food service industry are expected to train all employees in the above safety actions while maintaining social distancing and use of face coverings. In the event an employee becomes sick, employers are expected to take additional steps and precautions and should consider ceasing operations for a few days if there is a case of COVID-19 that is tracked to the establishment.

High-Risk Workers

The guidance advises all employers to attempt to identify employees who may be at high risk, including those older than 65 and those with underlying medical conditions as described above, and to take particular care to reduce the high-risk employees' risk of exposure to COVID-19, while maintaining compliance with relevant American with Disabilities Act (ADA) and Age Discrimination in Employment Act (ADEA). The guidance, however, advises employers to tread carefully with such identification because high-risk employees should self-identify and employers should avoid making unnecessary medical inquiries.

High-risk employees are strongly encouraged to work from home or shelter in place rather than report to the workplace until the third and final phase of the reopening. To the extent possible, employers should also consider assigning high-risk employees to duties that minimize their contact with customers and

other employees.

Conclusion

Ultimately, the CDC urges all employers to contact and coordinate with state and local health officials as they reopen and seek to comply with applicable guidelines.

This article is general in nature and does not constitute legal advice. Please note that new guidance is being provided by authorities on a daily basis so please monitor new developments and guidance. Readers with legal questions about how these orders apply to your business and your employees should consult the authors, Curry Sexton (CSexton@sb-kc.com), John Vering (JVering@sb-kc.com), or Brenda Hamilton (BHamilton@sb-kc.com), or any other shareholder in Seigfreid Bingham's Employment Law Group, including: John Vering, John Neyens, Mark Opara, Shannon Johnson, Christopher Tillery, or Julie Parisi, or your regular contact at Seigfreid Bingham at 816-421-4460. For more information and update, visit our ***COVID-19 Resources page.***