



**PHASE 3 GUIDELINES FOR MICHIGAN LAWYERS AND LAW FIRMS**  
**Revised 5.22.2020**

These guidelines are meant to direct law firms on how to reopen their offices while maintaining proper social distancing and following medically recommended precautions.

We recognize not all firms, agencies or attorneys are in a position, financially, structurally or otherwise, to implement all recommended guidelines. Rather, this document is an effort to provide a toolkit that can be used as much or as little as is practicable, to develop an individualized plan that is responsible, yet reasonable.

This is a draft document compiling practical measures that can be taken for maximum protection, it is intended to be updated based on all available Michigan public health and CDC advice. This document is not intended to provide legal advice.

**NOTE: PURSUANT TO EO 2020-91, YOUR INDIVIDUAL OFFICE'S COVID-19 PLAN MUST BE IN WRITING AND MADE AVAILABLE TO ALL EMPLOYEES AND CLIENTS VIA EMAIL, WEBSITE OR BY HARD COPY. MEMBERS ARE ENCOURAGED TO REACH OUT TO AN EMPLOYMENT LAWYER WHEN DEVELOPING THEIR OWN OFFICE PLAN**

During Phase 3, work that can be done from home should continue to be done from home consistent with professional and ethical competency.

There are six essential steps each firm should follow prior to reopening.

1. **Workplace Preparation:** Ensure the building, offices, and workplaces have been professionally cleaned. Consider cleaning plans, pre-return inspections, HVAC & Mechanical checks. Turn off water fountains. Ensure that all required PPE is available and being used by employees and visitors to your office.
2. **Prepare your employees.** Designate a Covid-19 Supervisor who will implement, monitor and report on Covid-19 control strategies and make sure all employees know who that supervisor is. As employees come back to work ensure that they are all trained on required Covid-19 policies and practices and properly document that training. Develop a plan for each employee, take into consideration their personal or family statuses. Ensure all employees are comfortable before returning to work. Do everything in your power to alleviate anxiety and create a safe place for your employees and associates to work.

3. **Control all entrances and exits.** Limit the number of locations where employees and clients enter the building. All doors should be locked throughout the day. Set expectations and policies for reception areas, entrances, and exits.
4. **Create a social distance plan.** All employee and client interaction should be controlled by social distancing policies. Limit as much face-to-face interaction as possible.
5. **Increase cleaning, reduce contamination points.** Develop protocols for cleaning work areas and common areas. **There should be cleaning supplies available for employees to use upon entry and exit of their work environment and to ensure that they can properly wash and/or sanitize their hands.**
6. **Communicate and be flexible.** Recognize the anxiety that may come with returning to work. Work with your employees to ensure they are comfortable.

## **Recommended Protocols for Law Offices**

### **Workplace Preparation and Policies**

- Common spaces must remain closed. No break room, and common refrigerator/water/coffee should be closed. Also, maximum of 1 person in the bathroom at any time with supplies available to clean as used.
- Staff and attorneys should limit printing and no more than one person should be in copy room at any time. If necessary, consider providing private printers to certain workers.
- No common food or drinks.
- Spaces must be thoroughly washed daily.
- Building management should ensure that appropriate cleaning occurs prior to the office reopening, including steam cleaning, and that appropriate anti-viral screen is in air conditioning, heating system.
- Install signage at multiple, relevant locations in the entry sequence, explaining building access rules and other protocols that impact how occupants use and move throughout the building. Suggested language to visitors: "You must wear a mask or face covering while inside this office. Persons without such a mask or face covering will not be permitted to enter. Additionally, visitors are required to use provided hand sanitizer." Also be especially mindful of bottleneck situations, such as entry ways, elevators and stairs; if necessary designate separate

entrances for entry and departure and use arrows to designate proper traffic patterns.

- The following are a list of items that should be touched only when necessary: Door handles, light switches, toilet levers, faucets, refrigerator handles, water coolers, coffee machines, ice machines, drawers, cabinets, remote controls, chairs (especially the top and arms), and collaboration tools such as conference phones, whiteboard markers and erasers. If you cannot eliminate use, ensure they are cleaned regularly.
- Leave lights on if possible. Install motion-activated doors, lights and fixtures if feasible. Remove non-essential doors or door handles if possible. Provide wall-mounted disinfectant dispensers where possible.
- Post signs about the importance of hygiene.
- Create and enforce one-way traffic pattern. Clockwise, for example. Use tape or stickers on floor if necessary. This eliminates passing in tight quarters. Be especially mindful of choke points and bottleneck situations such as entry and exit points, including elevators and stairs and hallways.
- Repurpose large spaces (such as conference rooms) to eliminate shared workspaces and create distance between tight workspaces.
- Designate one location for any deliveries to the building/space and disinfect items centrally. Assign delivery management and sterilization as a task to specific employees only. Encourage employees to bring their own lunch. Food deliveries bring more traffic and added risk.
- Outside the office, visual indicators of appropriate spacing should be placed to eliminate congestion.
- Create a plan of action regarding cleaning and communication protocols when employees are sent home with symptoms or when a visitor to the office has a confirmed case of Covid-19.

## **Employee and Client Protections**

- Employers should provide masks, hand sanitizers, and other protective equipment to ensure the safety of their employees and their clients. Masks are required in all shared spaces, in-person meetings, restrooms and in hallways. If employees will be less than three feet apart, face shields should be provided.
- Employees should be assigned an entry point to reduce congestion at the main entrance.

- Every person who enters building **\*MUST\*** have their temperature taken as a condition of entering. This includes guests or clients. Exterior doors should be locked to the building and to the suite. Tenants must also undergo daily temperature checks in order to enter the building.
- Any person with a temperature over 99.5 degrees, or any other flu like symptom, is required to leave the premises **immediately**. Without exception.
- All employees are required to wipe down their workstations at least twice daily.
- If an employee encounters a suspected or confirmed case, that person must quarantine in their home for 14 days, before returning to the office.
- If employees are quarantined and unable to work, make sure you comply with the CARES act. If you are exempt under the CARES Act ensure that your employees are aware and can file for unemployment during this time.
- When feasible, stagger workforce schedules to minimize people in your workplace. In addition, consider staggered, scheduled lunch-break timing. Where possible, eliminate shared office supplies and technology (such as telephones, postage machines, etc.). Also be mindful of passing papers between people, email them rather than put a hard copy in someone's inbox.
- Guests are limited to absolutely essential visitors: clients only, unless due to disability they need help with mobility or communication. Family members, except under essential circumstances, should not enter the building or the suite until these restrictions are lifted.
- All visitors and staff should wear a surgical mask or cloth covering. When social distancing is not perfect or impossible, surgical mask or cloth covering must be worn without exception.
- Attorneys may return to work and work in their offices with the doors closed.
- Staff with closed door offices may do the same.
- Reception glass must be closed at all times. The person sitting at reception must wear a mask..
- Staff in cubicles must rotate days in office and teleworking. Teams should make sure they rotate so there is sufficient in office coverage but that no person is unable to socially distance.

- Wherever possible, meetings should be conducted over video conferencing technology. Even if people are in building. In-person meetings should have as few people as possible. Social distancing guidelines should be followed.
- No handshakes or person-to-person touching.
- Depositions should continue to be conducted remotely wherever possible. Your client and you can be in the office (within social distancing requirements in a larger conference room) but defense counsel and court reporter should be remote whenever possible to reduce crowding.

### **Communication Protocols**

The key to any plan is to ensure leadership is aligned on the re-entry process. One person or a small group should be responsible for communicating information and all employees must know who is responsible. Management should adhere to policies and guidelines in order to lead by example.

Establish and actively engage in two-way communication to understand employee fears. Work together to find solutions. This will help create a trusting and transparent culture.

Set clear expectations and provide details of any changes. Other topics to communicate: Why groups and/or individual employees were chosen to return to work; How the organization and/or the building owner is following safety guidelines; Reiterate your guidelines; The measures undertaken in both the building and workspace to ensure health.

Frequently evaluate the steps taken, especially as new rules, orders and guidelines are released by the CDC, OSHA and state government and share any successes with employees.

Consider using a wide range of communication channels and materials —email, text messages, video, virtual live events, posters/digital displays, etc.

*Thank you to Goodman Acker, PC, Marla Linderman, The Michigan State Bar and the Indiana Bar Association for providing much of this content.*