Operation Open Doors
Checklist - Version 2.0 (updated May 15, 2020)

This checklist represents guidance from members and subject matter experts, and is intended to highlight key topics to consider as retailers seek to re-open operations. Your individual facts and circumstances will be unique, and we encourage you to work with your preferred legal and financial advisors to adapt this guidance to your specific situation. We also recommend using this checklist in conjunction with our [Interactive 50-State Tracker Map](#) (also found in the Members section of www.nrf.com). **NOTE: Concepts to consider well in advance of re-opening are in blue font throughout this checklist.**

Employment

The heart of returning to work is the workforce. The need to plan ahead is not limited to the initial transition back to work, but rather includes preparing for likely employee relations scenarios that will arise after returning to work. While some of these employee relations issues may be unique to COVID-19, others will not be novel, but how an employer needs to respond very well may be. Assessment of current policies and practices should be undertaken to ensure they meet the needs of the workforce and business during this transition back to work, along with the creation of new policies. In particular, development of a protocol to limit the spread of COVID-19 and how to respond if an employee contracts COVID-19 is essential. Likewise, employers should plan for how to respond to employees who are in vulnerable populations or are fearful of returning to work. Employers would also be well-served to assess factors competing with an employee's ability or interest in returning to work, such as child or elder care responsibilities or generous unemployment insurance benefits.

☐   [Appoint Return to Work Team](#): Consider HR, IT, facilities, health and safety team, office managers and senior management who can make company-wide decisions; identify new roles and responsibilities. If a COVID-19 "playbook" is created, revisit the document frequently to ensure that practices and protocols are updated based on changing conditions and guidance.

☐   [Determine Transition Plan](#): Consider whether to (i) reopen operations and get employees back to work as quickly as permitted under the applicable law, or (ii) implement a slow or phased approach. Develop a process to handle re-integration logistics. Recognize your approach may differ in different parts of the country.

☐   [Determine Which Shelter-in-Place Law and Orders Apply](#): Laws will vary by jurisdiction, and the law is likely to impose different requirements or restrictions on "essential" and "non-essential" retailers. Monitor and follow all applicable employee and customer safety directives. Provide employees with the tools to engage with law enforcement

to the extent practices at the retail location are questioned. Visit our Interactive 50-State Tracker for the latest on Shelter-in-Place and Return to Work orders.

☐ Identify Who Returns to Work and When: Consider timing issues (e.g., bringing back all employees, or staggering return to work dates), amount of notice to provide employees, and how many employees will be allowed in store at once (including any applicable occupancy limits required by law). Determine if individual employees are safe to return to work by implementing screening measures (see below), and consider plans for "at-risk" employees. Evaluate whether any roles that have traditionally been performed in store can and should be performed remotely now.

☐ Workplace Policies and Other Practices; Training: Develop new or update existing policies and other practices, and consider how such policies or protocols will be communicated to employees, including formal training. Review state and local requirements for training (e.g., Vermont's required COVID-19 prevention training), and implement training protocols to ensure all required training is provided and documented. Consider training assisting employees navigate enforcing laws and company policies that control customer behavior (e.g., customer face covering requirement). Policies to consider include:

  ☐ Paid time off from work (e.g., paid sick leave, paid time off, vacation, personal days, etc.), with particular attention to temporary COVID-19 paid sick and family leave benefits.

  ☐ Leaves of absence (e.g., family and medical leave [including for childcare during school and summer program closures], personal leave, etc.) and accommodation requests, including whether medical certification can be obtained.

  ☐ Complaint procedure, including conducting remote investigations.

  ☐ Whistleblower protections, with a particular emphasis on protocols for responding to employee complaints of violations of COVID-19 laws.

  ☐ Expense reimbursement for PPE or other workplace equipment.

  ☐ Rest break policy to permit increased handwashing.

☐ Transition from Furlough: Prepare a communication plan for calling employees back to work. Prepare written correspondence to memorialize recall, maintaining written records of employees who refuse to return. Review local laws concerning recall and worker retention rights. Prepare strategy for securing onboarding paperwork, including I-9s, for employees who were laid off (especially in states were a furlough constitutes a termination). Create a plan for notifying local unemployment agency of furloughed employees who refuse to return to work.

☐ Determine How to Handle Refusal to Work and Requests for Accommodations: Consider issues around "at-risk" groups, accommodations due to logistical and other barriers to returning to the worksite, exceptions and processes for parents/caregivers

Operation Open Doors - Checklist   National Retail Federation
                                                      Seyfarth LLP

when schools are closed or other caregivers are unavailable, etc. Plan for swift transition to Human Resources if an employee's rational for not wanting to return to work or requesting an accommodation warrants engagement in the interactive process.

☐ <u>Establish Well-Defined Protocol for Dealing with Suspected and Confirmed Cases of COVID-19</u>: What specific information is the employee required to disclose and to whom? With whom will the information shared? Determine if there is any requirement to notify any government agencies, public authorities, or third parties. If possible, implement workforce contact tracing protocol to identify and inform individuals who have been in close contact with the affected employee, and ensure such protocol complies with privacy and disability discrimination laws. Plan ahead for the need to contact trace by limiting scope of employee contact through scheduling and limiting workspaces. Develop protocol for how long employees with suspected or confirmed cases of COVID-19, as well as the individuals in contact with those employees, must remain away from work. Consider how to respond if the contact is from a customer or a close contact of an employee.

☐ <u>Consider Screening/Testing Measures</u>: Consider different screening processes and protocols, including questionnaires, self-certifications, temperature and other symptom checks, and virus and/or antibody testing, if available and legally permissible. See Health section below.

☐ <u>Determine Rules for Visitors, Vendors and Other Workers in the Workplace</u>: Determine how or to what extent the above policies, practices, and protocols will be applicable to temporary workers, staffing agency workers, independent contractors, vendors, delivery workers, and other visitors when they are in the workplace. Create a plan & guidance for employee who must engage with visitors, including customers, who are not adhering to the required employer or state/local mandates.

☐ <u>Consider Potential Changes in Pay, Hours, Schedules, Duties, Wage/Hour.</u> Consider how bonuses, incentive pay, or free benefits (such as a daily free meal) may implicate regular rate calculations, potentially impacting overtime, vacation, and sick time pay. Evaluate how screening measures may impact compensable time. Implement plan to mitigate risk for schedule changes due to predictive scheduling laws. Ensure that schedules designed to encourage social distancing and enhancing cleaning continue to compliment with meal and rest break requirements.

☐ <u>Assess Employee Benefits Offerings</u>: Assess offerings to support employee physical and mental health. Explore remote Employee Assistance Programs.

☐ <u>Determine Which Workplace Safety Law and Orders Apply</u>: Law will vary by jurisdiction, and the law is likely to impose different requirements for masks and other PPE, social distancing protocols, and cleaning requirements, in addition to related notices. Include in your consideration the impact of social distancing requirements on shared employee spaces, such as the break room. See Health section below. Also, reference our

[Interactive 50-State Tracker](#) for the latest on state and municipal PPE and social distancing requirements.

☐ Evaluate Hiring Practices/Hiring Needs in Light of COVID-19: Evaluate the need to hire additional employees due to increased business needs or unavailability of current employee pool. Assess ability to conduct applicant screening and onboarding remotely. Develop recruiting checklist and interview guidelines that specific address avoiding questions about an applicant's health or health history to avoid the appearance of discriminatory practices.

☐ Employee Workplace Posters and Notices: Post updated and new federal, state, and local mandated workplace posters and notices. Where permitted, create unique site or business posters and notices that are substantially similar to the template workplace poster (e.g., social distancing protocols and checklists). Ensure that COVID-19 related sick leave and time off is reported to employees in accordance with applicable law.

☐ Workers' Compensation: Confirm carrier is aware of any changes in workers' compensation requirements, including jurisdiction specific rebuttable presumptions and truncated response periods.

☐ Job Descriptions: Consider whether additional or changed duties require revision of job descriptions. Evaluate whether any modification in duties impacts exempt classification.

☐ Unions: Confirm policies concerning labels on or personalization of uniforms, face coverings, and PPE are neutral and otherwise comply with employees ability to engage in pro-union speech. Consider whether a neutral policy differentiating between employees who are customer facing and "back of the house" can be applied.

☐ Recordkeeping: Review recordkeeping practices to ensure information required to be maintained is done so in a manner that is easy accessible while maintaining confidentiality where warranted. Any records concerning employees' health, including symptom screening records, should be treated as medical records and may not be placed in employees' personnel files.

Logistics/Operations

A returning workforce needs a place to return to and goods to sell. This section will highlight various key considerations to keep in mind as you seek a return to normal (or quasi-normal) operations for your distribution centers, stores, and supply chains.

☐   Appoint Return to Work Team: Consider HR, IT, facilities, health and safety team, office managers and senior management who can make company-wide decisions; identify new roles and responsibilities. If a COVID-19 "playbook" is created, revisit the document frequently to ensure that practices and protocols are updated based on changing conditions.

☐   Determine an Organizational Approach: There is no one-size-fits-all approach to reopening. Consider your business goals and resources (and how reopening will impact those).

☐   Conduct an Internal Assessment: Take an internal assessment of your business and resources to get the lay of the land (e.g., what policies do you have in place?, which of your locations and who are the employees impacted by various state and local orders?). Make a policy checklist for the policies you will need during this transition and revisit the ones you implemented during the shutdown.

☐   Facilities: Deciding Which to Open

    ☐   Economic Analysis: Pre-crisis performance vs. re-opening projections; also, cost of lease termination should a given location no longer prove viable post-COVID.

    ☐   Occupancy Mandates: Do state/local occupancy mandates (in addition to social distancing rules) make certain locations no longer economically viable. Can you still operate within the space?

    ☐   Co-Tenancy Considerations: Have COVID-19 closures implicated one or more co-tenancy provisions in your portfolio? If so, have you taken any necessary steps to claim the relief provided under your lease(s)?

    ☐   Evaluate the Landlord/Tenant Relationship: Is this a multi-site Landlord with cross-default considerations? Is this a location where we did not pay (or short-paid) April or May rent? If so, has a strategy been devised to restore that relationship?

    ☐   Sublease / Assignment / Give Back / Repurposing Opportunities: Is this a site where it might make more sense to seek an alternative user or convert to a support use (e.g., ghost kitchen, BOPIS, curb-side delivery, or dark store)? Do you have rights in your lease to "give back" square footage and shrink your footprint?

    ☐   Retrofit: Do the costs of post-COVID retrofits (to meet new health and safety requirements - including social distancing) render a site no longer financially viable?

☐   Facilities: Preparing the Store for Opening

    ☐   For leased properties, work with your landlord and your local jurisdiction to obtain early access to store location to ready it for return-to-work (deep cleaning, retrofitting as necessary for new regulations, installation of new signage [see below], etc.).

    ☐   Thoroughly inspect facilities for any damage or issues caused by vacancy including mechanical, air, and water systems.

    ☐   Clean and prepare equipment for startup; install sneeze guards or other protective measures, as necessary and/or required.

    ☐   Consider facility enhancements such as increased fresh air circulation, installing highest efficiency rated filter recommended or allowed by manufacturer.

    ☐   Identify which vendors and/or distribution centers are functioning, and the extent to which they may be delayed or limited in their operations. Establish contingency plan for vendor disruptions.

    ☐   Establish protocol for monitoring store occupancy (metering) in compliance with any applicable laws. Consider whether you can designate specific entrances or exits for ingress or egress to control the flow of traffic and reduce contact.

    ☐   If applicable, establish procedure for use of escalators and elevators to avoid crowding (e.g., elevator attendants, queue management for waiting passengers, etc.).

    ☐   In multi-tenant situations, obtain clarity on *what* customer screening (e.g., temperature) may be required and *who* will perform it (landlord on behalf of all mall tenants, each individual tenant, etc.). Reference our Interactive 50-State Tracker for the latest on screening requirements.

    ☐   If customer or employee screening is to occur within your store, identify an appropriate location for such screening (such that privacy and social distancing protocols are respected).

    ☐   Notify Landlord in the event of confirmed COVID-19 cases.

    ☐   Develop a plan in the event of an outbreak at a nearby business.

☐   Signage

    ☐   Familiarize yourself with new signage requirements & needs (occupancy, social distancing, customer flow, BOPIS, etc.).

    ☐   Consider the public relations and health & safety (e.g., capacity) concerns related to any promotional signage you might otherwise normally employ.

    ☐   Do you need to limit quantities of certain items or implement other anti-hoarding signage?

- ☐ [Make a notice/posting requirements checklist](#) and ensure copies are posted and/or provided electronically to appropriate employees (and keep a log of these materials and where they are posted in the event of an inspection). Don't forget to include new requirements form state and local ordinances and the FFCRA.

☐ <u>Supply Chain & Inventory</u>

- ☐ Assess supply needs and explore options for sourcing additional supplies required for business operations; assess how to best leverage existing relationships with vendors.

  - ☐ Create a plan for how you will source and distribute cleaning products and PPE, accounting for existing and/or future shortages. Establish a protocol to monitor this on a frequent basis as rules and health guidance ebb and flow with the prevalence of the virus.

  - ☐ If you have international operations, consider current challenges with respect to shipping certain products (such as PPE) across borders. You may have to modify your traditional supply chain routing.

- ☐ Establish procedure for regularly disinfecting inventory and newly-received deliveries.

- ☐ Establish protocols for handling and processing shipping and receipts (including disinfection).

- ☐ Evaluate current situation as it relates to ports of entry and trucking logistics for your product. Will this impact your ability to timely re-supply, both now and in the medium term? Keep an eye out for future legislation which might have the effect of requiring truck drivers to quarantine upon crossing state-lines, etc., thereby further disrupting the supply chain.

☐ <u>Business Hours</u>

- ☐ Adjust store hours of operation, as necessary, to support social distancing efforts by limiting store traffic.

- ☐ Ensure staff has sufficient time to rest, sanitize and restock inventory.

- ☐ Consider offering seniors and other high-risk individuals exclusive early hours.

- ☐ Consider increasing pickup hours to serve more online customers.

☐ <u>Establish Protocol for Vendors & Non-Employees</u>

- ☐ Notify vendors of re-opening, and any revised protocol as it relates to store entry, deliveries, paperwork, etc.

- ☐ Consider implementing measures to ensure vendor safety, including:

☐   Disabling/suspending access (e.g., temporarily suspending all non-employee truck drivers from entering stores, warehouses and manufacturing plants).

☐   Transitioning to contactless signatures/e-signatures for deliveries.

☐   Adjusting store delivery windows to spread out deliveries.

☐   Requesting that vendors accessing your store locations to direct their employees follow all social distancing guidelines and health directives issued by the applicable public authorities.

☐   Consider implementing measures to ensure visitor (non-customer) safety, including:

        ☐   Limiting visits to certain times.

        ☐   Staggering visits.

        ☐   Requiring visitors to complete a questionnaire before entering your location.

☐   <u>Security Operations</u>

    ☐   Revise security protocol to conform to local & state health directives.

    ☐   Consider in-store announcements to remind customers of proper traffic flow and queuing protocols.

    ☐   How might your anti-shoplifting procedures change in the COVID-19 era?

    ☐   Consider employee training in safe de-escalation - both in the case of shoplifting as well as customer violation of health and safety rules.

☐   <u>Promote "Contactless" Shopping Options</u>

    ☐   On-line shopping.

    ☐   Contactless payment options (e.g., RFID credit and debit cards, Apple Pay, etc.).

    ☐   Self-checkout.

    ☐   Pickup and delivery services.

☐   <u>Merchandise</u>

    ☐   Returns and Exchanges

        ☐   Consider suspending or modifying return and exchange policies.

        ☐   Establish procedures for processing, handling, and disinfecting returns and exchanges. Consider requiring returned items to be sealed and stored separately, requiring employees to use PPE to process, handle and disinfect

returns, and storing returns in isolation for a safe time period before returning them to sales floor.

☐ Fitting Rooms

    ☐ Decide whether to re-open fitting rooms.

    ☐ If you decide to open them, ensure fitting rooms are "customer ready" by cleaning prior to any customer usage. Similarly, ensure that fitting room is properly sanitized after customer use.

    ☐ Encourage customers to use hand sanitizer/wipes before trying on items and to keep protective mask on during fitting.

    ☐ Determine procedure for disinfecting fitting room items (not just clothing, but also jewelry, eyewear, etc.). For example, consider having items that have been tried on segregated and steamed, and wait a safe time period before putting items back on sales floor.

☐ Fragrance & Beauty Testers

    ☐ Prohibit customer use; consider entirely removing from sales floor.

Health Policy

A returning workforce needs appropriate health polices, practices, engineering controls, and protective equipment. Employer practices should be designed to discourage contagious employees and customers from entering the store, screen those who enter, and mitigate the effect of contagious individuals in the store. This section will highlight various key health protections and safeguards to keep in mind as you seek a return to normal (or quasi-normal) operations for your distribution centers, stores, and supply chains.

<u>Social Distancing</u>

☐   Place signage in conspicuous locations throughout the store, particularly high-traffic areas such as entrances and exits, checkouts, fitting rooms, etc. Signage may include:

       ☐   Asking invitees and employees not to enter the store if they are sick or have felt sick.

       ☐   Instructing invitees and employees to maintain six feet of distance wherever feasible, per CDC guidelines.

       ☐   Floor markers located six feet apart any place where invitees are likely to queue.

       ☐   Entrance-exit or one-way only signs.

       ☐   Recommended hygiene practices, how to stop the spread of germs.

       ☐   CDC posters promoting frequent and thorough handwashing in all restrooms.

       ☐   Requesting customers temporarily cease using reusable bags, or to bag their own purchases if they choose to use reusable bags, and to clean reusable bags

       ☐   Information on pick-up/carryout options.

       ☐   Temperature screening of customers through infrared thermometers or thermal scanners, with employees or third party contractors turning away employees with fevers.

       ☐   Screening of employees for COVID-19 symptoms and recent symptoms with questionnaire.

☐   Consider programming in-store audio messaging to frequently remind employees and customers to follow CDC guidance on hygiene and physical distancing.

☐   For high-traffic retailers and retailers with checkout counters that do not allow adequate distance between the customer and employee, consider installing Plexiglas barriers.

☐   Capacity limits have been considered; if implemented, distance markers are located outside of store to allow for queuing while maintaining physical distance; employees can also be assigned to assist customers with waiting to enter.

- ☐ To the extent possible, use of point-of-sale terminals and other workstations is staggered.

- ☐ Manage queuing areas to minimize customer and employee interaction within six-foot distance.

- ☐ Implement and encourage use of contactless payment options for employees and patrons, contactless signatures for deliveries. If contactless signature for deliveries is not possible, require employees to use own pen.

- ☐ Where possible, employee shifts and meal breaks have been staggered to avoid crowding.

- ☐ Reconfigure break rooms to eliminate tables, chairs, and/or other forms of density.

- ☐ High-traffic areas have been widened to the extent store configuration allows.

Face Masks and Personal Protective Equipment (PPE)

- ☐ Provide and require employees to wear approved facial coverings, gloves, and personal protective equipment (PPE) at all times, where feasible.

- ☐ Consider protocols and interactive process for requests for accommodation on face protection, including alternative face coverings or face shields.

- ☐ Encourage or require customers to wear face masks or face coverings.

    - ☐ Offer face masks and/or PPE to customers who enter the store without any.

- ☐ Determine whether employees will be permitted to use their own face masks and PPE, and on what terms and conditions, with special attention to potential use of filtering face-piece respirators (e.g. N95 or equivalent).

- ☐ Train employees on proper use of facemasks and PPE, including proper wearing, removing, storage, and disposal.

- ☐ Designate receptacles for discarded face masks PPE.

Product Returns and Exchanges

- ☐ Suspend or modify returns and exchanges to limit interaction between employees and recently returned items

- ☐ Segregate, disinfect, or clean returned items.

- ☐ Eliminate or modify changing room protocols, to allow for additional cleaning

Cleaning / Sanitization

- ☐ Obtain cleaning products that are on the EPA's List N: Disinfectants for Use Against SARS-CoV-2.

- ☐ Cleaning "kits" including disinfectant wipes or sprays, disposable gloves, paper towels, masks, hand sanitizer and other cleaning supplies are readily accessible throughout

store, including point of sale terminals and other stations that will be cleaned periodically throughout the day.

☐ Implement a cleaning regime targets frequently touched surfaces and spaces, which are most likely to result in the transmission of communicable diseases:

    ☐ General:

        ☐ Shopping carts and baskets.

        ☐ Door and drawer handles.

        ☐ Light and other power switches (consider signage to keep lights on at all times, or utilizing exiting motion sensor capabilities).

        ☐ Shared tools such as pricing guns, pallet jacks, tape guns, box cutters, etc.

        ☐ Chairs, tables, and benches.

        ☐ Vending machines and self-serve kiosks.

        ☐ Refrigerators, microwave, and other frequently touched objects and surfaces in employee breakroom.

        ☐ Time clocks

    ☐ Point of sale/checkout:

        ☐ Cash register, including touch screens, keyboards, mouse.

        ☐ PIN Pads (touch screen, keypad, and pen).

        ☐ Checkout counter and/or conveyor belt.

        ☐ Cabinet pulls.

        ☐ Checkout dividers.

    ☐ Restrooms (consider temporarily closing restrooms to public, if possible):

        ☐ Door handles and flush levers.

        ☐ Toilet bowl and toilet paper holder.

        ☐ Sinks and faucets.

        ☐ Paper towel holders and/or air dryers.

        ☐ Diaper-changing stations.

    ☐ Sales floor:

        ☐ Fixtures with handles or pulls.

        ☐ Any other identified "high-touch" surfaces.

☐   Hand sanitizer is available throughout the store for customers and employee use, including store entrance(s), and checkouts.

<u>Employee Training</u>

☐   COVID-19 symptoms, spread, and precautions .

☐   Social distancing guidelines and expectations.

☐   How to monitor personal health and body temperature at home.

☐   How to properly wear, remove, and dispose of face masks and PPE.

☐   Guidance on how to launder cloth face masks and uniforms.

☐   Cleaning protocols, including how to safely and effectively use cleaning supplies.