Practice ADVISORY
Office Reopening

Tuesday, May 18, 2021
12:00pm-1:00pm PT
https://aiacalifornia.org/practice-advisory-office-reopening/

As the architectural profession emerges from the constraints brought on by the pandemic and move forward in re-opening offices and public operations, we all have questions about the legal and cultural implications of this change. AIA California has asked legal and human resource professionals in addition to several member groups to gather the best thinking in response to these Frequently Asked Questions and provide you with insight as you consider next steps in returning to the office.

Disclaimer: AIA California is providing this resource as general information and it is not to be construed as legal advice. Be sure to follow local and state public health requirements and obtain legal counsel for questions about your specific situation.

Can we legally require our employees to get vaccinated?
Yes, however it does become a condition of employment, which means unless there is a religious or medical reason (which requires an accommodation) if an employee does not get the vaccine, they could lose their job. The Fair Employment and Housing Act still applies, which requires a good faith interactive process and attempts to find a reasonable accommodation if an employee has a sincere religious or medical reason to not get the vaccine.

Also, this requirement cannot be applied in a discriminatory fashion; if an employer requires vaccination, it should be a requirement for everyone who does not have a valid accommodation request.

The California Department of Fair Housing and Employment’s guidelines and FAQ on the subject are located here: https://www.dfeh.ca.gov/archived-guides/sites/1292000/39/FEH-EmploymentInformation-onCOVID19-FAQs_ENG.pdf (primary on pages 7-10).

Additionally, some companies are providing additional incentives to encourage staff get vaccinated — things like additional time off, gift cards, etc. These should be applied to all employees equally.

What is the best way to inform employees of the vaccine requirement?
If an employer chooses to require vaccinations, there should be some effort to explain the rationale rather than simply giving a brute force edict that vaccines will be required, or severe consequences will follow. It should be grounded in the concerns over the health and safety of coworkers and clients, and of the more vulnerable — such as those with pre-existing conditions and the children of coworkers and clients who cannot yet be vaccinated. It could also reference...
Questions?

Click on the Q&A button located on the black menu bar at the lower or upper portion of your screen. Type in any questions you might have.
Learning Objectives

Understand
- Understand the issues around vaccination requirements for employees.

Share
- Share the latest guidance by California’s government entities about employers’ responsibilities to create healthy workplace environments.
- Share resources to help firms develop legally required Covid Preparation plans.

Discuss
- Discuss how office reopening policies impact different sized firms.
Call to Action: Complete our Survey

Details to be shared following today’s webinar.
Today’s Presenters

Mark Graham, AIA
Vice President of Education & Professional Development
AIA California

Ryan J. Kohler
Attorney at Law
Collins + Collins

Janelle Arsich, PHR
HR Consultant
HRtoGO

Rena M. Klein, FAIA
Vice President of Investment Partnerships
Charrette Venture Group
Upcoming AIA California Webinars

Make the Grade: Envelope & the 2019 Energy Code

Thursday, May 20, 2021
12:00pm-1:00pm PT

Housing & the Urban Boulevard

California Urban Design Townhall Series

Wednesday, May 26, 2021
12:00pm-1:00pm PT
What do State Guidelines Say About Returning to the Office?

Presented by:
Ryan Kohler., Collins + Collins LLP (rkohler@ccllp.law)
Topics Addressed

• Requiring Vaccines
• Current State Regulations
• Covid-19 Emergency Temporary Standards
• Local Regulations
• CDC Guidelines
• Reminder – recent COVID laws
Vaccine Mandates

- Employers can mandate COVID vaccinations
  - Must have exception under Fair Employment and Housing Act
    - Requires a good faith interactive process and attempts to find a reasonable accommodation if an employee has a:
      - Medical reason (doctor recommended)
      - “Sincere” religious reason
  
- Employers must apply vaccine policy in a fair manner
  - If required for one employee, require it for all
  - No discrimination in application

- Employers may discipline employees who refuse

- Employment remains at-will in California
  - Employee has a right to refuse vaccination
  - Employer has a right to fire employee for refusal

- HIPPA? Does not apply unless you are a health provider or health insurer
State Health Regulations

- Last update: Yesterday at 7:15 PM!
- Office workspace guidelines are the same
  - No update since July 29, 2020
- Numerous updates for the fully vaccinated
- Governor: Aspirational goal of June 15th for further relaxation of standards
  - Not yet reflected in regulations
State Health Regulations

• Masking and quarantine guidelines updated May 3, 2021
• Two tiers – vaccinated and unvaccinated
  • Vaccinated may “Spend time with other fully vaccinated people, including indoors, without wearing masks or physical distancing (outside a workplace setting)”
  • Refrain from quarantine and testing if asymptomatic
  • Continue to take precautions
• Vaccinated and unvaccinated do not have to mask if:
  • Outdoors (and physically distanced if unvaccinated)
  • Working alone in a closed room or office
  • Exempt by other guidance or medical condition
CALIFORNIA EMERGENCY TEMPORARY STANDARDS (ETS)

• Cal/OSHA plan required; similar to IIPP

• Requirements:
  • Develop California Covid-19 Prevention Program (CPP)
    • Sample exists on Cal/OSHA website
  • Provide effective training and instruction to employees
  • Provide testing to employees who might have been exposed at workplace during work hours at no cost to employees
  • Contact local health department immediately after 3+ cases

• Exceptions to new regulations:
  • One employee with no contact with others
  • Employees working from home
  • Vaccinated employees
Local Regulations

• Employers must comply with the more stringent rules
  • County or City may have stronger rules than the State
  • Case numbers may be different based on County

• Example: LA County – updated May 14, 2021
  • Two levels of messaging in order:
    • Best practices
    • What is permissible

• “This Order’s primary intent is to reduce the risk of COVID-19. All persons who can telework or work from home should continue to do so as much as possible…” [best practice]

• “This Order allows persons to engage in all permitted activities, as defined by the Order” [what is permissible]
Local Regulations: LA County

• Telework “strongly encouraged” for unvaccinated.
• All office-based businesses limited to 75% of indoor capacity
  • Staff must also satisfy social distancing requirements
  • UNLESS “all staff” are fully vaccinated against COVID 19
    • Then 100% capacity and no distancing is ok
  • All must wear face masks and continue to perform daily screening
    • Including fully vaccinated
• Ok to prove vaccination by showing
  • Official vaccination card
  • Photo of card (including on phone)
  • Other healthcare documentation
• Summary: work from home still encouraged, but office work allowed, especially with vaccinations.
  • Masks will remain likely for another 30 days or so
CDC Guidelines

• The CDC is advisory
• State and local law still control
• However – some entities just point to CDC for requirements
• Latest developments:
  • May 13, 2021: “Vaccinated people no longer need to wear a mask or physically distance...
  • ...except where required by federal, state, local, tribal or territorial laws, rules, and regulations, including local business and workplace guidance”
  • Fully vaccinated = two weeks after final dose
  • Fully vaccinated people can refrain from testing following a known exposure
    • Still get tested if experiencing symptoms
  • Continue with prevention measures for unvaccinated
<table>
<thead>
<tr>
<th>Unvaccinated People</th>
<th>Examples of Activities</th>
<th>Fully Vaccinated People</th>
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<tbody>
<tr>
<td><strong>Outdoor</strong></td>
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<tr>
<td>Safest</td>
<td>Walk, run, wheelchair roll, or bike outdoors with members of your household</td>
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<td></td>
<td>Attend a small, outdoor gathering with fully vaccinated family and friends</td>
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<td>Attend a small, outdoor gathering with fully vaccinated and unvaccinated people</td>
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<td></td>
<td>Dine at an outdoor restaurant with friends from multiple households</td>
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<td>Attend a crowded, outdoor event, like a live performance, parade, or sports event</td>
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<tr>
<td><strong>Indoor</strong></td>
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<tr>
<td>Safest</td>
<td>Visit a barber or hair salon</td>
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<td></td>
<td>Go to an uncrowded, indoor shopping center or museum</td>
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<td></td>
<td>Attend a small, indoor gathering of fully vaccinated and unvaccinated people from multiple households</td>
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<td>Go to an indoor movie theater</td>
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<td>Attend a full-capacity worship service</td>
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<td>Sing in an indoor chorus</td>
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<td>Eat at an indoor restaurant or bar</td>
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<td>Participate in an indoor, high intensity exercise class</td>
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Reminder: California Supplemental Paid Sick Leave for COVID

- **Covered Employers**: Public or private employers with more than 25 employees
  - Up to 80 hours of COVID sick leave from January 1, 2021 to September 30, 2021
    - Part time employees receive hours based on normal two week work schedule
  - Immediately on oral or written request
    - To care for self or family member
    - Get tested
    - Receive vaccine
    - To recover from impact of vaccine
    - Child care (caused by COVID)
  - Must post or distribute DIR poster
  - Must include amount of leave available to each employee on paycheck or other written notice
AB 685 – COVID Exposure Notice Requirements

- Effective January 1, 2021; Expires January 1, 2023
- Employers who receive “notice of potential exposure” must provide written notice to all employees who were at worksite within infectious period who may have been exposed to virus
- Notice requirement triggered if
  1. Employee has COVID-19
  2. Employee has been ordered to isolate related to COVID-19
  3. Employee has died from COVID-19
  4. Employee or worksite has been exposed to someone fitting description of 1, 2, or 3
AB 685 – COVID Exposure Notice Requirements

“**Infectious period**”

- For individuals with symptoms
  - Infectious period begins 2 days before first development of symptoms
  - Ends 10 days since symptoms first appeared
    - AND at least 24 hours with no fever (without use of fever-reducing meds)
    - AND other symptoms have improved
- For individuals who test positive without symptoms
  - Infectious period begins 2 days before test is taken and ends 10 days after test
Questions?
Please hold your questions for the end of the presentation!
HOW TO CREATE A SAFE & HEALTHY RETURN TO WORK ENVIRONMENT

Janelle Arsich
916-897-6954
Janelle@hrtogo.com
• Reassure your returning employees of your procedures, policies & safety practices – communication is key!
  • Frequent cleaning & cleaning supplies, HVAC system, engineering controls (i.e. plastic barriers, higher walls in between cubicles, rotation of staff in the office)

• Employee Resources – Counseling? EAP? HR?

• Provide incentives for employees to get vaccinated (but don’t discriminate those that have valid medical/religious reasons)

• CA Supplemental Paid Sick Leave Benefits – 25+ employees, up to 80 hours
  • What other benefits can you offer staff?
EMERGENCY TEMPORARY STANDARD (ETS) REQUIREMENTS

- Communication to employees about the employer’s COVID-19 prevention procedures
- Identify, evaluate and correct COVID-19 hazards
- Physical distancing of at least 6 feet unless it’s not possible
- Use of face coverings or face shields
- Procedures to investigate and respond to COVID-19 cases in the workplace
- COVID-19 training to employees
- Provide testing to those employees who are exposed at work
- Exclusion of those cases and exposed employees from the workplace until they’re no longer a risk
- Maintain records of COVID-19 cases and reporting illness and outbreaks to OSHA, WC and your local health dept.
On May 3, 2021, the California Department of Public Health issued its COVID-19 Public Health Recommendations for fully vaccinated people, which provide that fully vaccinated individuals who have had a COVID-19 exposure do not need to quarantine if they are asymptomatic.

Q: When must an employer exclude employees from work?

A: Employers must exclude from work employees who are not fully vaccinated if they (1) are COVID-19 cases, or (2) have had a COVID-19 exposure and exhibit COVID-19 symptoms. However, employers do not need to exclude fully vaccinated employees who had a COVID-19 exposure who are asymptomatic.
Q: What are the criteria for an employee who is not fully vaccinated and exposed to a COVID-19 case to return to work?

A: While a 14-day quarantine is recommended, an exposed employee who does not develop symptoms of COVID-19 may return to work after 10 days have passed since the date of last known exposure.

Q: What are the quarantine requirements for a fully vaccinated employee exposed to a COVID-19 case?

A: New CDPH COVID-19 Public Health Recommendations for fully vaccinated people, an exposed employee who does not develop symptoms of COVID-19, does not need to quarantine.
WHAT ABOUT MASKS??

- For **fully vaccinated** persons, face coverings are not required outdoors except when attending crowded outdoor events, such as live performances, parades, fairs, festivals, sports events, or other similar settings.

- For **unvaccinated** persons, face coverings are **required** outdoors any time physical distancing cannot be maintained.

- In indoor settings outside of one's home, including public transportation, face coverings continue to be **required** regardless of vaccination status, except as outlined below.

  - Visit, without wearing masks or physical distancing, with other fully vaccinated people in indoor or outdoor settings; and
  
  - Visit, without wearing masks or physical distancing, with unvaccinated people (including children) from a single household who are at low risk for severe COVID-19 disease in indoor and outdoor settings
THANK YOU!

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Office Reopening 2021

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AIA California Council
5.18.2021
CVG’s mission is to help small architecture firms be better businesses. Our perspective is nationwide.
Will vaccination be a requirement for employment (except for medical or religious reasons)? How will you accommodate unvaccinated employees?

- We will require vaccination as a prerequisite for returning to the office. Non-vaccinated employees will remain remote.

- We highly recommend that all employees are vaccinated. Non-vaccinated employees will need to be masked and provide a negative COVID test every two weeks.

- One of our employees won’t get vaccinated, but we have a closed office with an openable window in which she can work.

- I believe all health matters are private. We are neither requiring or tracking vaccination. Working at the office will be a requirement of employment, so it will be up to employee to decide if they are comfortable coming to the office.
Was remote work a net positive or net negative?

- Net negative for us - our productivity has taken a big hit with remote work. Staff have suffered emotionally and psychologically from the pandemic, and have difficulty focusing at home.
- Net negative - the ability to collaborate in real time and monitor progress, learn from each other has suffered.
- Net positive for expanding our view of different ways to work and we have been more productive than I had anticipated, but there are definitely some concerns to work through (team building, training, onboarding, etc).
- Leaned to the net positive side and only recently began to see some slight unraveling on communication around mentoring junior employees. We have learned to use new tools effectively and have more focused time with scheduled one-on-one check-ins every week. We hired a remote person who was the best fit even though they live in another state.
Was remote work a net positive or net negative?

- It has been a net positive for our team. It has forced us to ramp up new systems and get better at delegating. We have seen our utilization rate increase across the board as well but we do miss each other for sure!

- Somewhere in the middle of net negative and positive. Most of the team was resilient, and we’re now considering new hires out-of-state that would never have been considered before; however, for those few that are not self starters the productivity has been lower.

- A net positive in bringing making us more nimble, and making collaborative meetings more efficient, especially with clients. It’s really the isolation time that has not been efficient as people's utilization rates have gone down.

- Net negative, big time. The quality of work suffers immensely, and it takes twice as long for remote workers to produce the work. I have discovered that we can avoid a lot in-person meetings with clients and consultants.
How will your firm come back to the office? Will you continue using remote work?

- Our guess is that everyone who is vaccinated will work in the office 2 to 3 days a week with the rest from home (or wherever).
- We started our office as remote. As we grew we came together in an office. Now we are all (except one) back working in the office 75% of the time.
- I think we will have some hybrid situations, but for the most part, a majority of our staff will be back in the office 75% of the time.
- For us, we really need the studio environment to practice architecture, not just produce deliverables.
- We are going to try a hybrid approach as our studio opens back up in July. We will not be mandating the team to be in the studio (besides a twice a month all hands on deck meeting).
Your architecture firm is unique.
Your business challenges aren’t.