

Healthy at Work

Proposal for Reopening Retail

Submitted to Gov. Andy Beshear on May 1, 2020



A plan for open doors

The Kentucky Retail Federation is submitting this proposal on behalf of its members and retailers from across the commonwealth. The Federation membership includes department stores, electronics, apparel, gift stores, furniture, appliance stores, pharmacies, groceries, farm supply stores, hardware stores, direct sellers and many others. We are proud of our diverse membership that represents all sectors of retailers.

As we started this journey that has been the worldwide COVID-19 pandemic we have watched some retailers continue to serve their communities in effective and safe ways and along the way we have learned quite a bit from their experience. Essential retailers have worked to keep customers and employees safe by following the CDC guidelines for social distancing, hygiene and sanitation.¹ It is this experience and ‘on the job training’ so to speak that provides the Kentucky Retail Federation a unique perspective in navigating keeping customers and employees safe, and we are undoubtedly committed to this core principle. Retailers know that without consumer and employee confidence in the efforts they undertake to protect employees, they risk losing a loyal customer—their customers are the ones they serve and could not provide this service without the dedication of their employees.

While retailers deemed non-essential have been anxiously awaiting the reopening of their businesses, they want to educate themselves and their employees on how to safely reopen. Retailers are preparing now for the date when it is safely determined that they may reopen. Many have started sourcing masks, training employees on CDC guidelines and social distancing practices, enhanced cleaning practices and returning employees to work. Many of them are now armed with the knowledge they need to safely reopen.²

We submit this proposal on behalf of all retailers in the commonwealth and establish recommended protocols based on the knowledge and experience of the retailers who have remained open during these times.

Key Principles:

In order to safely and effectively reopen Kentucky, the Federation has learned a few key principles and lessons from essential retailers about what principles the entire retail industry should keep in mind;

¹ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>

² <https://www.cdc.gov/coronavirus/2019-ncov/downloads/guidance-small-business.pdf>

- ❖ **PROTECT OUR COMMUNITY:** Retailers are naturally deeply committed to protecting our communities from the harmful effects of COVID-19. It is with this in mind, that whenever practical and in accordance with CDC guidelines we have developed these protocols. We have learned so much more than we ever knew when the closure process started in mid-March and we will continue to learn more every day about ways to protect customers and employees so these protocols and guidelines will serve as a living document that will be updated as necessary.
- ❖ **ALLOW FOR SAFE REOPENING OF RETAIL:** In the past six weeks as essential retailers have continued to operate, they have quickly and rapidly responded to science and national guidance with demonstrated effectiveness that provided the flexibility necessary to accommodate for their specific needs. As we reopen, one of the most critical components is the need to allow retailers to innovate and accommodate spacing, business needs and customer and employee safety. Flexibility is critical as some retailers have small footprints, some have large footprints with few customers, some will operate on an appointment system, and they will all need some level of flexibility to operate in the new world of COVID-19.
- ❖ **CLEAR EXPECTATIONS FOR EMPLOYEES AND CUSTOMERS:** One of the greatest lessons learned from retailers the previous six weeks is the need for clear statewide expectations and guidelines for reopening. All interested parties from customers, employees, businesses, law enforcement, local health departments and other state agencies need statewide guidelines that are clear and concise, and everyone understands the implementation process. One of the greatest frustrations from the retailers' perspective is the lack of clear guidance across the state and an understanding of the agency responsible for enforcing any executive orders. Essential retailers were facing some very tough challenges made only more difficult by the constant changes in guidance and enforcement policies from various agencies. In order for this reopening to work for all parties, there needs to be greater collaboration across the private and public sector in order to ensure customers know and understand the guidance. In addition, retailers need this collaboration to ensure compliance from customers. There are times when customers skirt the guidance, or it is unclear if the retailer is operating within the guidance. Retailers do the best they can to ensure customers are following the guidance, but they are not law enforcement. We need the collaboration of all interested parties to ensure public safety. Also, retailers are not public health officials and there is so much information to sort through in order to know what is the best advice to follow. Better collaboration with local health departments will better ensure that everyone is operating within the guidelines established by the state.

One suggestion to ensure that enforcement is properly being administered is to develop a statewide appeal process for businesses issued closure orders. Currently, there is no such remedy for these businesses without due process or a mechanism to

seek such a remedy. It has left businesses trying to navigate a complicated web of regulations from local governments, local health departments and other state agencies. In many instances, KRF has assisted these retailers in seeking a remedy but it is not a quick process and can leave the business closed and employees sent home, even if they were properly following the guidelines.

- ❖ **WE ARE ALL #TEAMKY**: One of the best campaigns created by Governor Beshear is his #TeamKy program reminding all of us that we are in this together. While we recognize that guidance often changes, it is often difficult for Kentuckians to stay abreast of guidelines and making sure that they follow it. In this sense an overwhelming responsibility for enforcement has been placed at the feet of retailers. We need to make sure that customers and employees alike are complying with guidance and in our opinion, this requires a heavier reliance on personal responsibility. An overwhelming majority of customers continue to follow the guidance as issued, but as customers' frustrations grow, compliance becomes more difficult. In that respect it is everyone's responsibility in the commonwealth to follow the guidance and self-enforce the policies established as the commonwealth looks to reopen.

Continue E-commerce, Curbside, Delivery and Warehouse Operations:

One of the greatest reasons retailers have been able to maintain some level of business is the governor's willingness to allow curbside and delivery for those retailers deemed non-essential. We commend and thank Gov. Beshear for this innovative approach. As retailers evaluate whether they are ready or have a desire to reopen to the public, it is critical that they are allowed to continue curbside and delivery. Some of the non-essential businesses will need to deliver and/or install products in the home and we would recommend the following protocols for in-home delivery:

- ❖ *Continue to allow Warehouses to Operate:*
 - Social distancing with employees, hygiene and sanitation requirements will all be met.
- ❖ *Retailers delivering and installing products in home:*
 - Establish limits on the number of delivery personnel and recommend those delivering products in the home use appropriate face coverings and Professional Protective Equipment (PPE).
- ❖ *Protocols for Delivery and Installation:*
 - Wear protective face coverings and gloves during in-home delivery.
 - Ensure proper social distancing between employee(s) and customer.
 - Clean and disinfect any surfaces which will be regularly contacted throughout the duration of any installation.
 - When delivery/ installation is complete, clean and disinfect all surfaces which were contacted throughout installation.

- Clean and disinfect any tools or supplies used through delivery delivery/installation upon leaving the home.

Reopen Stores with Social Distancing Protocols and Reduced Occupancy:

❖ *Social Distancing—Employees*

- Ensure employees stay six feet apart whenever practical.
- Adjust seating in break rooms or other common areas to ensure social distancing.
- Prohibit gatherings or meetings of employees of 10 or more during work hours, permit employees to take breaks and lunch outside, in their office or personal workspace, or in such other areas where proper social distancing is attainable.
- Discourage employees from using colleagues' phones, desks, workstations, radios, handhelds/wearables, or other work tools and equipment.
- Prohibit handshaking and other unnecessary person-to-person contact in the workplace.
- Adjust training practices to limit number of people involved and allow for six foot spacing; use virtual/video/audio training when possible.
- Appoint an employee as social distancing/ workplace safety coordinator.

❖ *Social Distancing – Customers:*

- **Retail Store Occupancy Limits:** Currently, Kentucky does not have a statewide executive order limiting occupancy, but many local health departments and local governments have passed ordinances establishing these limits. In addition, many retailers created their own occupancy limits based on their knowledge of customers and their unique business needs. KRF encourages retailers to limit customers in stores as needed to ensure social distancing. This could range from 50-20% capacity according to the National Fire Code. Alternatively, thresholds of no more than 5 customers per 1,000 square feet of total square footage excluding employees and contractors, may also be appropriate. Some retailers may choose to operate by appointment only allowing them to have fewer employees and customers onsite. The most critical point is that retailers need some flexibility to ensure they can implement social distancing requirements and take into account their unique physical structures, store layout, or number of employees.
- Place conspicuous signage at entrances and throughout the store alerting staff and customers to the required occupancy limits, six feet of physical distance, and policy on face covering.
- Establish hours of operation, wherever possible and appropriate, that permit access solely to high-risk individuals.
- Demarcate six feet of distance between customers and cashiers and baggers, except at the moment of payment and/or exchange of goods.

- Arrange for contactless payment options, pickup, and delivery of goods whenever practical.
- Encourage the installation of plexiglass shields at cash registers and Point of Sale (POS).

❖ *Hygiene*

- Require infection control practices, such as regular handwashing/sanitization throughout the workday.
- Provide cleaning and sanitization materials, such as hand soap, hand sanitizer, and sanitizing wipes to employees.
- Require use of gloves when touching and handling community technology and equipment such as POS systems, cash registers, copy machines, etc. Require regular sanitation of this equipment on a periodic schedule throughout the day or after each use.

❖ *Sanitization*

- Require frequent sanitization of high-touch areas like restrooms, fitting rooms, doors, PIN pads, and common areas.
- Ensure operating hours allow for downtime between shifts for thorough cleaning. Encourage use of CDC COVID Virus Cleaning Products or third-party company specializing in such cleaning methods.³
- Provide sanitization materials, such as sanitizing wipes, to employees to clean handhelds/wearables, scanners, radios, or other work tools and equipment before and after use.
- Clean and disinfect high touch areas routinely, particularly in spaces that are accessible to staff, customers, and suppliers.
- Ensure cleaning procedures following a known or potential exposure in a facility comply with CDC recommendations.
- Have a deep cleaning response plan in place, in the event of an associate(s) testing positive for COVID-19.
- Establish procedures for processing, handling, and disinfecting returns and exchanges before returning items to the sales floor.
- Allow retailers to suspend or extend the time period for customers to return items.

❖ *Protective Face Coverings:*

- Require workers, contractors, vendors, and drivers to wear face coverings while on the premises.
- Strongly encourage customers to wear face coverings while on the premises. Retailers set their own policy on whether to serve customers who do not adhere to this request.
- Post signage for customers to understand the importance of wearing face coverings.

³ <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>

- Request PSAs from law enforcement/ Department of Public Health urging customers to act responsibly and utilize face coverings—it should not be the responsibility of retailers to enforce.
- Gov. Beshear has stated that for the public it is encouraged that they wear face coverings, but that it will not be required. It is critical that all state and local enforcement agencies understand this and do not issue citation and closure orders as a result of customers not wearing masks.

❖ *Health Screening*

- Encourage employees to self-evaluate (before they arrive for shifts) for signs of illness (such as fever over 100.4, cough, or shortness of breath).
- Require associates who exhibit signs of illness not to report to work and encourage them to seek medical attention prior to returning.
- Sec. J. Michael Brown recently issued an executive order allowing pharmacists to order and administer COVID-19 testing. As an association, we fortunately have several community pharmacy members across the state that we plan to coordinate testing opportunities with retail-employers. Some of these are chain drug stores, but many of them will be independent drug stores.

Healthy at Work Initiative 10-step Plan:

❖ *Continued Telework:*

- Retailers by the nature of their business are public-facing businesses and may have very few ‘back of the office’ employees who could work from home. We encourage all retailers, whenever possible, to continue to allow telecommuting.

❖ *Phased Return to Work:*

- Given that many retailers have kept some operations such as curbside and delivery available to customers, that phased return to work has occurred. Given that social distancing will need to occur, we estimate that most retailers will have smaller workforces to start and return to full staff when they can fully operate. There is one caveat/problem with a phased return to work plan—small businesses accepting the PPP federal loans need to have at least 75% of loans funds spent on payroll in order to receive forgiveness for these loans. If they cannot bring back this percentage of workforce, they will not receive the full benefits of the PPP loan jeopardizing the long-term existence of their business.

❖ *Onsite/Temperature Health Checks:*

- Onsite temperature checks of employees pose some barriers for retailers. Many are not able to get the appropriate thermometers because of shortages in the marketplace. Currently, retailers deemed essential are requiring employees to do self-health checks prior to coming to work and the signing of a form attesting that they have completed the health checks and don't have any symptoms that would prevent them from returning to work. We would encourage retailers have flexibility to require employees complete their own health checks prior to returning to work each day for their shift.

❖ *Universal Masks and other PPE:*

- Retailers will comply with the Governor's announced requirement for employees to wear face coverings. KRF will assist its members in acquiring face coverings and other necessary PPE to provide to their employees but must have the option of allowing employees to provide their own face coverings. In food related businesses, PPE is already required as part of the Retail Food Code. Pharmacies, as healthcare locations, will use required PPE necessary as a healthcare provider. For some retailers with high-value merchandise, such as jewelers, a policy where customers are asked to remove masks after initially entering the premise to ensure they are not actually engaged in retail theft will likely be needed.

❖ *Close Common Areas:*

- In closing common areas, we assume it is meant to close public common areas, such as waiting rooms, and limit employee-only common areas to social distancing. Giving employees breaks and access to an area where they can take their legally required break, while maintaining social distancing requirements, is possible. It is not likely that a retailer could close a stockroom or its actual retail space but instead would implement appropriate social distancing requirements.

❖ *Enforce Social Distancing:*

- (please see detailed sections above on enforcing social distancing with employees and customers)

❖ *Limit face-to-face meetings:*

- Retailers will continue to use curbside and delivery of products whenever possible and are encouraged to install plexiglass shields. In addition, retailers will use technology to conduct necessary training and staff meetings.

❖ *Sanitizer/ hand washing stations:*

- Retailers will provide necessary health and safety products to ensure employees can engage in appropriate hygiene practices (see above for more details)

❖ *Special Accommodations:*

- Vulnerable employees or those caring for a loved one can access Family Medical Leave Act where available and utilize paid sick leave and not be required to return to work or be allowed to work from home. Many retailers noted that they will have special shopping hours or set up appointments with vulnerable populations.

❖ *Testing Plan:*

- The Federation will work with retailers and community pharmacies to develop partnerships for testing employees if the employee so chooses. Prioritize those with symptoms or known exposure to the virus.

Other Retail-Specific Issues:

❖ *Fitting rooms:*

- Apparel retailers will need to develop plans to manage fitting rooms, including sanitation and social distancing requirements. Encourage retailers to limit one customer at a time in fitting room area. If apparel is not purchased it will be set aside in compliance with retailer established guidelines for returns.
- Clean all fitting rooms prior to use.
- Encourage customers use hand sanitizer or wipes prior to fitting room use
- Post-fitting disinfect room
- Items tried but not purchased would be separated and cleaned using steam or other appropriate cleaning measures prior to returning to sales floor .

❖ *Food service at convenience/grocery stores (ready to eat foods):*

- Convenience and grocery stores are currently not permitted to offer ready to eat hot foods self-served by the customer. Allow such service provided by an employee wearing gloves and masks and following proper sanitation requirements.

❖ *Returned Merchandise:*

- Consider suspending or modifying return policies
- Establish cleaning and disinfecting process for returns
- *Vendor visits:* Require vendors and suppliers to comply with social distancing requirements and require facial coverings.

❖ *Malls and Shopping Centers:*

- Consider closing common seating areas and children's play areas
- Increase signage on social distancing
- PA announcements throughout mall on social distancing requirements for customers
- Consider removing retail booths and kiosks
- Restrict vendor access and deliveries
- Consider Traffic flow patterns
- Limited entrances and exits
- Delivery preparations
- Signage

❖ *Fragrance Counters and Beauty Bars:*

- Remove all products the customer can use directly
- Consider no makeup application

Barriers to Reopening:

❖ *Sourcing masks for employees:*

- Many retailers are unable to source adequate amounts of face coverings for employees currently. KRF will work to provide resources and suppliers for these masks for employees.

❖ *Sourcing thermometers for checking employee temperatures (if required to be completed by employer):*

- High quality reliable thermometers are at a premium currently and retailers may not be able to purchase them for use. KRF will assist them with sourcing thermometers. In addition, we request the ability for the employee to complete a self-health assessment prior to their shift.

❖ *Small Business Loan Requirements:*

- Loans that many retailers have received through the Payroll Protection Program require that by June 15, 75% of the funds must be spent on payroll for them to receive full loan forgiveness. A phased-in returning of employees to work could force retailers to lose this loan forgiveness opportunity.

❖ *Childcare for employees:*

- Many employees may not have access to childcare that may be necessary to return to work.

❖ *Patchwork quilt of state and local regulations:*

- The greatest frustration of essential retailers today is the patchwork quilt of guidance and enforcement of social distancing requirements and other

Executive Orders. The EOs allow multiple agencies to enforce orders and oftentimes they give conflicting guidance or guidance that does not meet the EO requirements. **We would strongly encourage preemption of city and county ordinances as part of the reopening process.** In addition, an appeals process should be established for businesses to refute closure orders as there is currently no process in place.

❖ *Unemployment Benefits:*

- Employees receiving unemployment benefits are in some instances receiving more in unemployment insurance than they would from returning to their previous position. We encourage PSAs from governor's office letting employees know that if they refuse employment, they could lose unemployment benefits. This will help ensure employees return to work promptly.

KRF Member Services:

❖ *Checklist for reopening:*

- KRF and the national affiliates have developed a checklist of steps retailers should considering taking prior to reopening. (see attachment)

❖ *Assist in Sourcing Required PPE:*

- KRF will continue to assist retailers in sourcing necessary PPE and face coverings.

❖ *Collaboration:*

- KRF will continue to collaborate with key stakeholders and partners, including the governor's office and administration

❖ *Signage Templates and Customer Messaging:*

- KRF has developed and will continue to develop signage templates for retailers to use in reopening. (see attachments)
- KRF members have developed messaging that they have shared with customers during operations.

In conclusion:

On behalf of Kentucky's largest private-sector employer, the Kentucky Retail Federation submits this plan to be considered by the state. This plan provides general guidance retailers could consider to safely reopen to the public.

For more information or questions, contact:

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