RECOMMENDATIONS FOR RE-ENTRY OF THE WORKFORCE

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Legal Recommendations

Reducing risk and minimizing exposure is always a priority for all property management. During a pandemic, addressing potential legal issues is as important as keeping the property safe and secure. Work closely with legal counsel, insurance providers and others to protect your property and your team.

Make sure you thoroughly understand any and all orders and regulations that impact your building and your tenants, depending on your tenant mix. Note that some of the various regulations may conflict on the city, county, state and national levels. You must understand your rights and obligations. You should also be aware of any specific rights and obligations that may apply to your tenants, depending on their business.

Itemize all tasks and processes that were either delayed, eliminated, or reduced while you and your staff were engaging in shelter-in-place. You need to understand what items and processes need to be restarted or revised now that the world is changing rapidly. This includes physical processes, such as maintenance and repair to your buildings, as well as internal processes, such as financial/accounting activities, human resources, etc.

Before proceeding with evictions, lockouts, lawsuits, and applying late fees, check with legal counsel and decide the best course of action. Most of these standard legal processes and remedies have been abated or slowed down.

Many tenants will file for bankruptcy in the wake of the pandemic. Before the wave of bankruptcies start occurring, you may want confer with your bankruptcy counsel for advice and “best practices”. Note that in recent cases, some tenants (mostly retail) have asked the bankruptcy court to relieve them of their statutory post-petition obligation to pay rent until they reopen. Some courts are granting this request.

Make sure you understand how your leases and vendor contracts/relationships may be impacted by COVID-19 and any related delays.

If you agreed to some type of rent relief for a tenant, make sure you memorialize, in a written and signed lease amendment, the agreed upon terms.

The FBI has issued new warnings and reported a “significant spike” in COVID-19 related cybercrime. Therefore, stay vigilant and aware of the email, text, and web content so you reduce the likelihood of falling prey to phishing and other cybercrime schemes.
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Property Management Team/ Landlord

The property-management team is the link between the landlord and the tenants. A good relationship with both groups, as well as a strong plan, are the keys to success in any situation.

Prioritizing issues will be key. Property managers and owners will be extremely busy upon reentry, and prioritizing which issues need to be addressed first is key.

Continue management/engineering staggered staffing schedules.

Discuss with the landlord what type of communication, and how you will communicate, with tenants prior to re-entry.

Ensure building staff, management, engineering, security and janitorial all have proper PPE.

Have a confirmed COVID-19 case preparedness plan and a re-entry plan. Your plan should take into consideration advice from your professional advisors. Note that there is no one-size-fits-all plan, so your plan may vary slightly from building to building. You may need to make plans for a subsequent breakout of COVID-19 later this year. Hopefully, this will not happen, but you should start planning for how to handle a second extended shelter-in-place scenario.

Re-entry planning should consist of preparing the building, preparing the workforce, controlling access, maintaining all social-distancing requirements, and reducing touch points. Utilize your contracted essential services to assist in planning of re-entry.

Consider re-evaluating security needs and adjust accordingly to ensure proper staffing for new protocols.

Make sure you have a procedure in place if someone in your building tests positive for COVID-19 and that tenants are aware of their role in notifying management. (See Tenant Communications) It will happen sooner or later, and it will likely happen multiple times. This procedure will need to cover multiple fronts, for example from notifying tenants, to cleaning, to tracking expenses, and reviewing leases for rights, obligations.

Discuss with landlord the status of the AR, rent-relief requests, and any tenant who may be considered in default, prior to re-entry. The landlord must provide guidance on how management should handle those tenant situations. (See Legal Section)

Discuss with the landlord what level of additional services (high point cleaning, security screening, etc.) should be considered building standard and what should be considered tenant expense. For example, disinfecting and sanitizing within tenants’ space would, typically, be at each tenant’s discretion and cost, unless as otherwise provided in the lease or as may be required due to persons within the building testing positive for COVID-19. Other areas to consider are security staffing for screening of building visitors and guests, and access clearances for tenant vendors after-hours work. Tenant required staffing should be at tenant expense.

Consider budget impacts from reduced, canceled or expanded services, and determine their impact on CAM forecasts and services provided to the building and tenants. A re-forecast should be calculated, and a recommendation made to landlords about adjusting CAM recoveries.
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FOR RE-ENTRY OF THE WORKFORCE

Building Access/ Movement

Controlling building access and movement among individuals will be a challenge during re-entry. Keep in mind people are creatures of habit, and they need reminders and boundaries when establishing a new normal.

- Develop and implement plans to direct and manage employee, visitor, and customer movement and social distancing requirements. This would include any lobby areas as well as elevators, escalators, and stairwells. Security professionals can assist with implementing social distancing requirements and building protocols.

  Place appropriate signage or messaging for tenants, vendors, and guests that describe new rules and policies for social distancing and other issues related to COVID-19.

  Review city, county, state, and federal ordinances to determine if there are any additional posting requirements.

  Increase security at entry points to aid in the flow of traffic, at least until new protocols are learned.

  Security professionals can direct to screening areas, ensure proper PPE requirements is utilized, and direct pedestrian traffic flows

  Utilize stanchions and plexiglass screens at lobby desks.

  Limit entrances and access points.

  Pre-register visitors with security and limit to essential business visitors.

  Establish a quiet area to limit airborne exposure and encourage respiratory etiquette, such as proper coughing and sneezing techniques.

Elevators, Escalators & Stairwells...

Most elevators are different sizes, which makes it difficult to set one standard regarding spacing.

One option is to mark elevators in the four corners, noting where riders should stand.

Limit the number of passengers on each elevator and limit touch points.

Instruct security professionals to monitor how many passengers enter elevators and ride elevators to enforce social distancing.
**RECOMMENDATIONS FOR RE-ENTRY OF THE WORKFORCE**

**Building Access/ Movement (Cont.)**

Controlling building access and movement among individuals will be a challenge during re-entry. Keep in mind people are creatures of habit, and they need reminders and boundaries when establishing a new normal.

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**Screening...**

Consider screening tenants, employees, and guests. There are several options:

Consider adding a COVID-19 questionnaire for all guests and tenants. Make it required for all who enter the building and enforce it. If a tenant or visitors has a high temperature, or if answers “yes” to any of the questions, they will be turned away. (Sample of questionnaire available.)

Enclosed and non-enclosed close-contact screening, both of which involve taking a person’s temperature. There may be legal considerations for this approach, so please consult your legal counsel before implementing this type of screening.

Distance screening, which requires a thermal camera and associated software.

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**Amenities & Common Spaces...**

Consider adjusting procedures for building amenities that are controlled by management, such as fitness center hours of operation, liability waivers, cleaning schedules, spreading out equipment to minimize proximity to other users and limiting the number of occupants. Rely on commercial fitness centers and janitorial companies for information on cleaning and operating.

Consider procedures for building amenities that are NOT controlled by management. For example, café operations may need to put in stanchions or other crowd control devices to accommodate six-foot clearance. Further work may be required to implement on-line ordering or to-go pick-up. Contact providers before re-entry to address these issues.

Consider removing coffee bars and other amenities as to not encourage gatherings.

For conference rooms, consider rooms set-ups and interior traffic flow to accommodate six-foot clearance.

For lobby seating, consider reducing furniture to accommodate six-foot clearance.

Limit community/gathering areas in the common areas of your building.
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Tenant Education

Many problems can be prevented with strong communication. Tenants want to feel secure and they want to be in the loop. This is an opportunity for property management to establish stronger relationships with tenants.

Contact each tenant's representative to share your building plan, including:
- Social Distancing Protocols
- Heightened Cleaning Plan and Execution
- CDC recommendations
- State, County and/or City Guidelines for Re-entry
- Notification requirements in the event the tenant’s employee(s) tests positive for COVID-19

Be very clear and specific as to what services the landlord will provide and what the tenant will provide, making a distinction between whether or not the tenant or landlord will be financially responsible for the services in question.

Be careful about “overpromising”. For example, promising or committing to your tenants that you will “ensure” or “provide” a “safe work environment” (or similar statement) could lead to a false sense of security and create legal liability if the work environment is not safe.

Consider recommending staggered work times/days for tenants.

In addition to local, state and national shelter-in-place and social-distancing guidelines, other laws, such as ADA and OSHA safety-related laws, will come into play as you deal with medical issues and workplace safety.

Consider establishing new visitor policies for the building and post in the building or send directly to the tenants. Have tenants reference this when establishing their own visitor policies.

If an employee is confirmed to have COVID-19 infection, employers should inform fellow employees and building management of the possible exposure to COVID-19, but maintain confidentiality as required by the Americans with Disabilities Act (ADA). The employer should instruct fellow employees about how to proceed based on the CDC Public Health Recommendations for Community-Related Exposure.

Ensure services are available for disinfection of tenant occupied space for precautionary measures and confirmed cases. Be wary of companies that do not have a proven reputation in the industry. All disinfecting companies should be fully aware of the processes, chemicals, equipment, and people they bring to the building. If this process is not handled correctly, it could expose all individuals (workers, vendors, and tenants) to the virus and pose liability to the property.

Determine when each company plans to return to the building and each company’s process for reentry. Will the company stagger re-entry or will everyone return at once? How many employees are expected at any given time?

Develop a “tip sheet” for tenants and employees covering what they can do personally to reduce the risk of spreading any illness.

Remind your tenants to empty all ice machines, soda machines, and coffee makers, copy machines, furniture, equipment, and other frequently touched workplace equipment and have them thoroughly sanitized on a routine basis.

Coordinate outside deliveries with your tenants. This includes “visitation vendors,” such as food delivery, UPS and FedEx, that typically enter through the dock and move throughout the building making deliveries.
Determine vendor requirements in advance and discuss these requirements with your team and your vendors. These requirements should be based on current orders and best practices.

Will they be required to wear masks (required in Dallas County)? Take temperatures?

To the extent you held-off paying vendors, you need to understand the situation and figure out which critical vendors need to be paid to ensure there are no disruptions. You also need to check to make sure that no vendors filed lawsuits or liens if you held off paying them.

If you have delayed or stopped a main building service, NOW is the time to begin re-entry, PRIOR to reoccupancy.
Cleaning/Disinfection...
Consider cleaning supplies – order for resiliency and not just immediate use.

Increase cleanings in high traffic areas and common touchpoints. Biomass reduction wipe-down with approved CDC products that have a low dwell time.

Change filters and have a coil cleaning before everyone returns.

Increase in filtration for HVAC along with a possible increase in fresh air volume or add air scrubbers to high traffic areas.

Clean stairwells regularly.

Inspect stairwells for missing/loose handrails, corrosion and items blocking stairwells and ensure there is adequate lighting and reflective material on handrails and steps.

Consider alternate technologies, such as robotics, remote monitoring and that limit human interaction and exposure for visitor management, access control, patrols.

Building Maintenance/Operations...
Determine building operations regarding the HVAC system operation, referencing CDC, BOMA and manufacturer guidelines. Consider establishing IAQ benchmarks and certifying IAQ going forward based on government guidelines. Discuss with the landlord the budget impact of this service.

Upgrade HVAC filters to Merv 13

Increase outside air to building.

Install hand sanitizing stations in all common areas of the property.

Anticipate delays in receiving hand sanitizer and PPE. These items are top priority for the medical community, and deliveries of these supplies will be delayed.

Install copper pulls on all lobby door handles.

Consider possible barriers or floor markings to help control the flow of foot traffic.

Disposable plastic coverings over elevator call buttons that can be replaced every

Touchpoints...
Think about ways you can reduce touchpoints. Look into self-cleaning touchpoint technology.

Consider automatic door openers, including foot plates for restroom doors that would allow using the foot instead of a hand.

Prop open doors in all common areas if optional to avoid common touch points (if you can do so without creating a safety issue). Consider the number of touch points from the garage into main lobby.

Touch points can be reduced by propping doors open if it doesn’t affect building pressure or cause other security concerns.

Touch free fixtures in restrooms should be standard.