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CELEBRATING 75 YEARS

COVID-19 Employer **Workplace** Survey

"The Pandemic: One Year Later"

BLANK ROME COVID-19 TASK FORCE

SPRING 2021

The Pandemic: One Year Later

As we mark the anniversary of the coronavirus pandemic, the phased rollout of emergency-use vaccines as well as the emergence of highly transmissible variants of the virus are presenting employers with new challenges. With these obstacles in mind, Blank Rome's COVID-19 Task Force launched its fourth employer survey asking our clients about key workplace topics. We received responses from more than 130 employers who shared their collective knowledge and experiences from running businesses during the global pandemic. The responses came from C-Suite executives, in-house attorneys, and human resources professionals from a diverse array of businesses across various industries and geographies. The survey data demonstrates shifting trends from our March, April, and July 2020 surveys, which were conducted while workplaces were initially shut down and beginning to reopen with new safety measures.

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The Pandemic: One Year Later

The data also shows the various strategies for addressing the challenges of the 2021 workplace, including vaccinations, industry impacts, workplace safety protocols, contact tracing, health screenings, liability waivers, travel restrictions, and other business operations.

With the help of our clients, Blank Rome's labor & employment attorneys have spotlighted their key takeaways from our Spring 2021 survey. Many of the answers to this survey can be analyzed through a comparison to the responses from similar questions contained in our first three employer surveys conducted in March, April, and July 2020. One thing is for certain—the pandemic has altered the way we live and conduct business beyond what we could have imagined a year ago.

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LEADERSHIP POSITIONS

Donut chart values: 26.19%, 22.22%, 22.22%, 18.25%, 13.49%
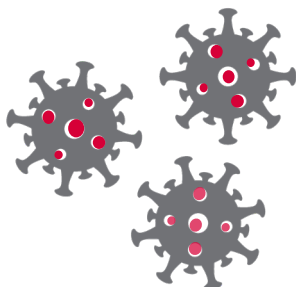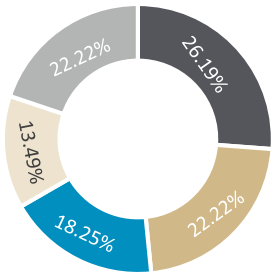
- Human Resources
- Chief Operating Officer
- General Counsel
- In-House Counsel
- Other Executive

NUMBER OF EMPLOYEES

28.91% More than 500 employees

500+	28.91%
101–500	27.34%
51–100	14.06%
Under 50	29.69%

TYPE OF WORKFORCE

46.92% administrative
22.31% operations
11.54% in field

and 19.23% described as other

INDUSTRIES

Industry	%
AVIATION	0.76%
CHEMICAL	2.29%
CONSUMER FINANCIAL SERVICES	0.76%
CONSTRUCTION	4.58%
ENERGY	3.82%
FINANCIAL SERVICES	16.03%
HEALTHCARE	5.34%
LIFE SCIENCES	1.53%
MARITIME	5.34%
PRIVATE EQUITY & INVESTMENT FUNDS	3.82%
REAL ESTATE	10.69%
TECHNOLOGY	7.63%
MANUFACTURING	12.98%
RESTAURANT/FOOD SERVICE	4.58%
PROFESSIONAL SERVICES	13.74%
OTHER	24.43%

BASE OF OPERATIONS

Bar chart (y-axis 0 to 100):
- State based
- U.S. by region
- U.S. nationally
- International
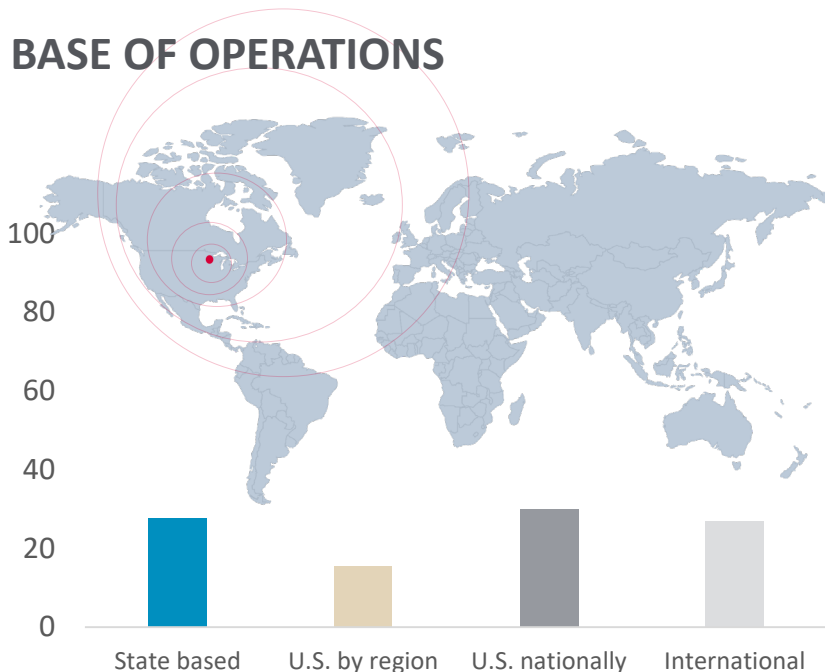
BUSINESS

Business	%
ESSENTIAL BUSINESS	51.54%
NON-ESSENTIAL BUSINESS – WORKING REMOTELY	37.69%
TEMPORARILY CLOSED	0.77%
PARTIALLY CLOSED	2.31%
OTHER	7.69%

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KEY TAKEAWAYS

According to the responses, more than **40%** of companies revised their written return-to-work strategy in response to the year-end surge of COVID-19 cases and/or the changing of state & local restrictions while **22%** are beginning to review their plans.
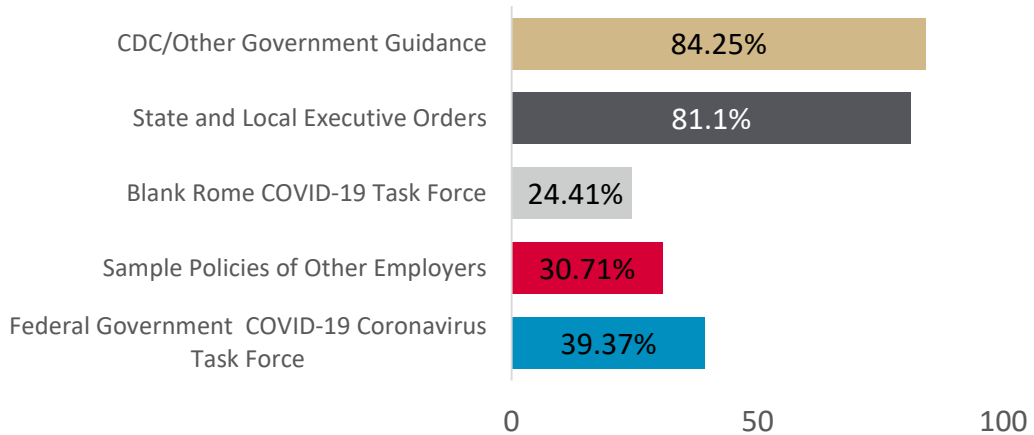
Employers continue to rely most heavily on guidance from the U.S. Centers for Disease Control and Prevention ("CDC") and state and local executive orders—over **80%**–to create their written return-to-work strategies. We note an interesting change connected to the new Administration. Employers now say they are relying more on the federal government's COVID-19 Task Force than they were in July. Blank Rome's COVID-19 Task Force and other sample policies are the next most relied upon resources.

Regarding the recent transition of power in the federal government, **62%** of respondents said it would have a positive impact on fighting COVID-19, **6%** said it would have a negative impact, and **27%** responded it would have no impact on the battle against the virus. Companies were split on whether businesses would be more likely to reopen faster or slower.
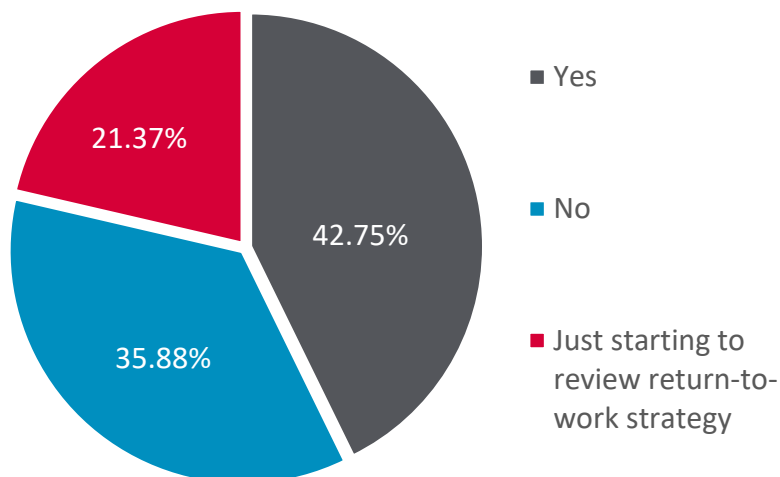
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Strategic Planning & Guidance

? **What guidance have you used, or are you using, to revise your written return-to-work strategy?**

| Guidance	Percentage
CDC/Other Government Guidance	84.25%
State and Local Executive Orders	81.1%
Blank Rome COVID-19 Task Force	24.41%
Sample Policies of Other Employers	30.71%
Federal Government COVID-19 Coronavirus Task Force	39.37%

0   50   100

? **Have you revised your written return-to-work strategy in response to the winter surge of COVID-19 cases and/or re-tightening of state/local restrictions?**

- Yes — 42.75%
- No — 35.88%
- Just starting to review return-to-work strategy — 21.37%

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Strategic Planning & Guidance

?

How has the recent change of leadership in the federal government changed your outlook on COVID-19?

No change	Businesses more likely to reopen slower	Businesses more likely to reopen faster	Negative impact on fighting COVID-19	Positive impact on fighting COVID-19
26.72%	13.74%	15.27%	6.11%	61.83%

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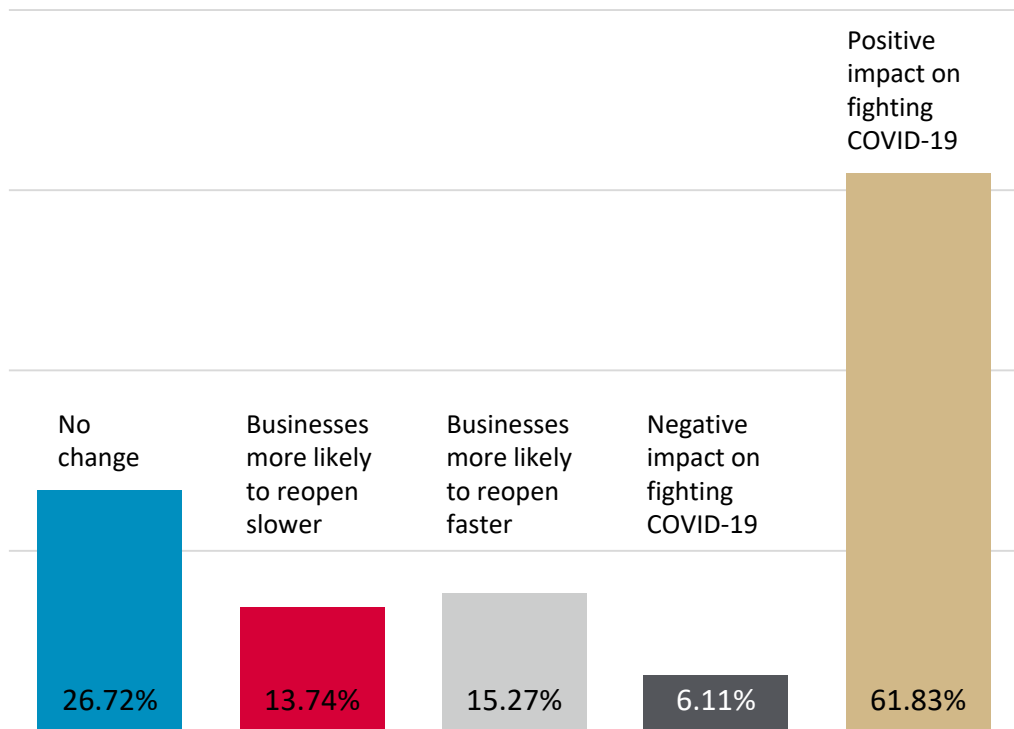
Vaccines

KEY TAKEAWAYS

At the end of 2020, the U.S. Food and Drug Administration issued emergency-use authorization for multiple vaccines that had demonstrated efficacy at preventing severe cases of COVID-19. Employers face difficult decisions over vaccination policies with complexities ranging from whether to mandate vaccinations for employees, confidentiality and HIPAA issues, potential disparate treatment claims, and various types of requests for accommodations and exemptions. Companies would also need to weigh alternatives to a mandatory policy such as remote work, face masks, offering incentives, or providing an education program; whether to limit a mandate to high-risk positions and worksites; and what consequences would follow an employee's refusal, ranging from reassignment to a lower-risk worksite or termination for anything but a legitimate medical accommodation. Our survey indicates that respondents are still grappling with these issues and, while they personally plan to obtain an approved vaccine for themselves once available, most employers have not fully analyzed how they plan to address such issues with employees.
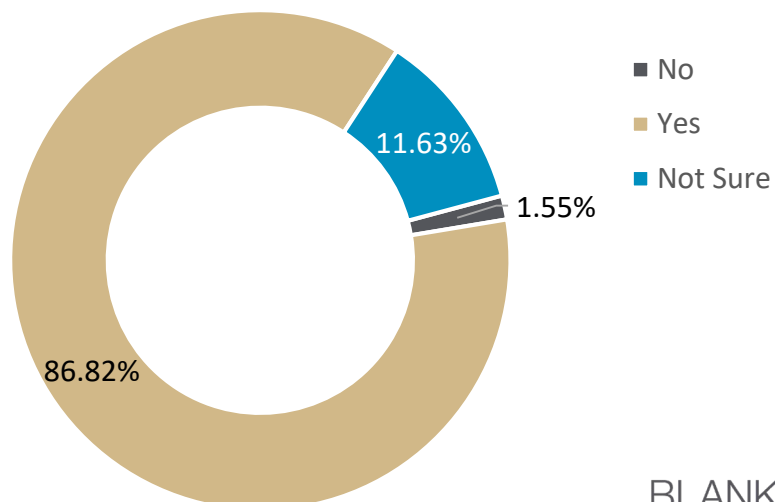
Vaccines

KEY TAKEAWAYS

In our survey, an overwhelming majority of respondents (**87%**) said they would personally take one of the approved COVID-19 vaccines while less than **2%** said they would not take one and **12%** were not sure. As far as adopting a mandatory vaccine policy for workers, less than **15%** said they would require getting an approved vaccine when available, **39%** said they would not mandate vaccination, and **47%** were not sure. Among employers who said they would mandate employees receive a vaccine, **74%** said they had not planned how to address objections to vaccinations based on religion or health issues. Conversely, **26%** said they had a plan for such objections.

Will you personally take one of the approved COVID-19 vaccines once it is available to you?


- No
- Yes
- Not Sure

11.63%
1.55%
86.82%

Vaccines

According to the responses, **41%** of employers planned to survey on-site employees as to whether they had received an approved vaccine, **9%** said they would not ask, and **50%** were not sure. In our survey, **48%** of employers said they planned to offer an education campaign for their workers on receiving one of the approved vaccines and **16%** said they would not. **36%** of employers are not sure. Less than **10%** of employers said they would offer incentives to employees to receive one of the vaccines. More than **34%** said they would not offer any incentives and **54%** were not sure.
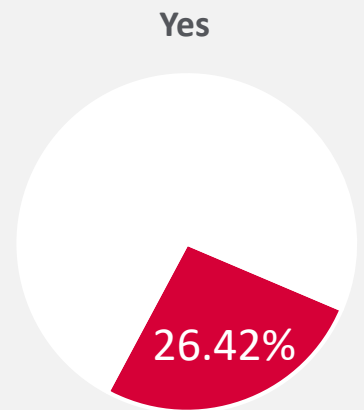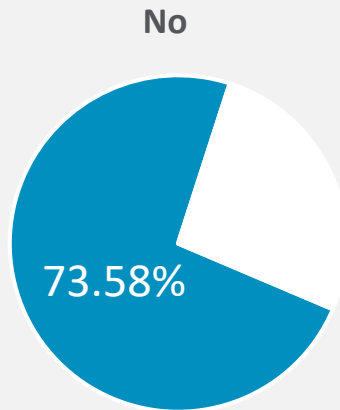
?

Do you plan to adopt a mandatory vaccine policy in which you will require your workers to get one of the approved vaccines when available?

■ No
■ Yes
■ Not sure

38.76%   14.73%   46.51%

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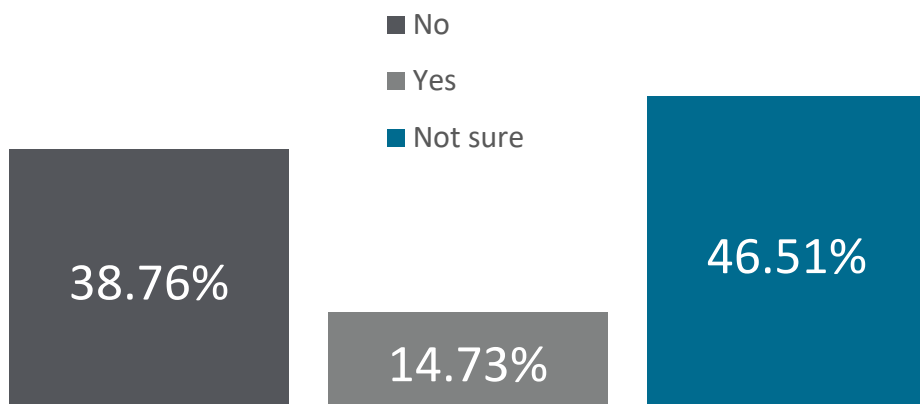
Vaccines

?

Have you planned in advance regarding how to address objections to being vaccinated based on religion or health issues?

No

73.58%

Yes

26.42%

?

Do you plan to survey employees working on-site concerning whether they have received an approved vaccine?

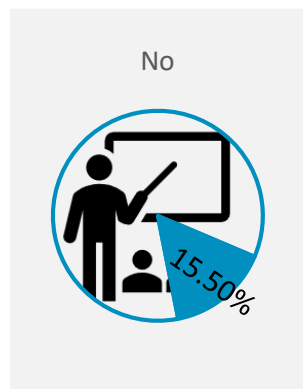|	
Yes	40.94%
Not Sure	49.61%
No	9.45%

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Vaccines

? **Do you plan to offer an education campaign for your workers on taking one of the approved vaccines?**

Yes	No	Not Sure
48.03%	15.50%	36.43%
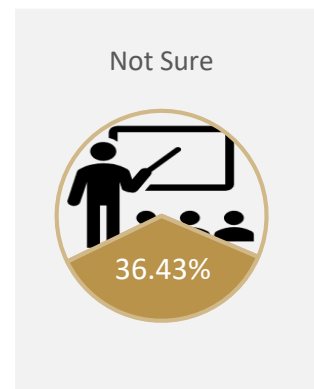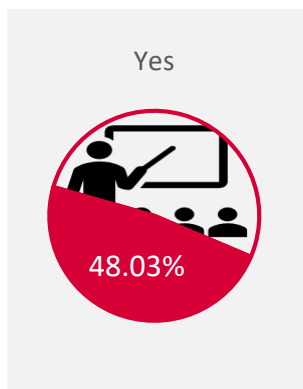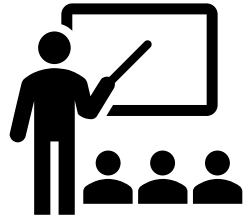
Will you offer incentives to your employees to take one of the approved vaccines?

No 33.59%
Yes 10.16%
Not Sure 56.25%

- No
- Yes
- Not Sure

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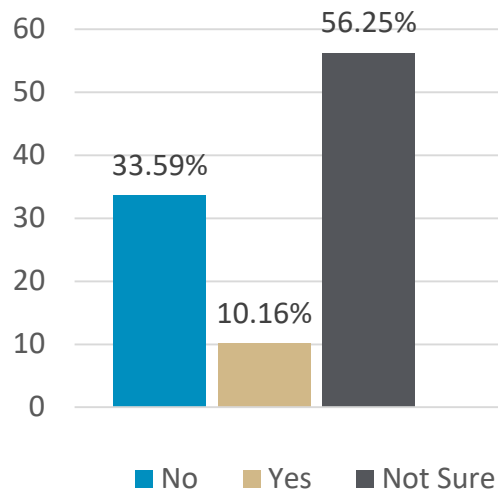
If you plan to require your workers to get one of the approved vaccines when available, what consequences will follow from a failure to obtain the vaccine?

"

- No working in the office and possibly, termination.

- Workers out sick

- Have not decided appropriate consequences yet

- Employees will not be allowed to come to work until they have the vaccine

- Plan to maintain safety protocols already in place

- Whatever is legally available

- Depends on legislation. Since schools mandate vaccine for basic diseases like whooping cough, diphtheria, etc, why not COVID?

- Uncertain at this time

- No direct/in-person contact with officemates until vaccinated. Possible change in status/contract on a case by case basis.

- We work at certain hospitals that require contractors to be vaccinated. If an employee declines the vaccine, we will try to place on another site if work is available. Otherwise it comes down to having the vaccine or not having a place to work.

- Not allowed to attend meetings or travel

- Medical or religious reasons only

- The worker will not be allowed in office without vaccine

- Wait

- Termination

- Appeals to government authorities to get waivers

- N/A - we will wait for some formal guidance from state/federal govt

- Strongly considering mandatory vaccines. Currently discussing reasonable accommodations and a policy for vaccine record disclosure requirements

- Probably not make vaccination a requirement for work. All employees are currently on-board to obtain the inoculation.

- It will not be required if there are legitimate medical or religious reasons. Those who do not agree to get vaccinated will need to find new employment.

- Not allow the person to work in the office, but can work from home.

- Not able to return to office.

- Non-vaccinated employees will be required to continue working from home.
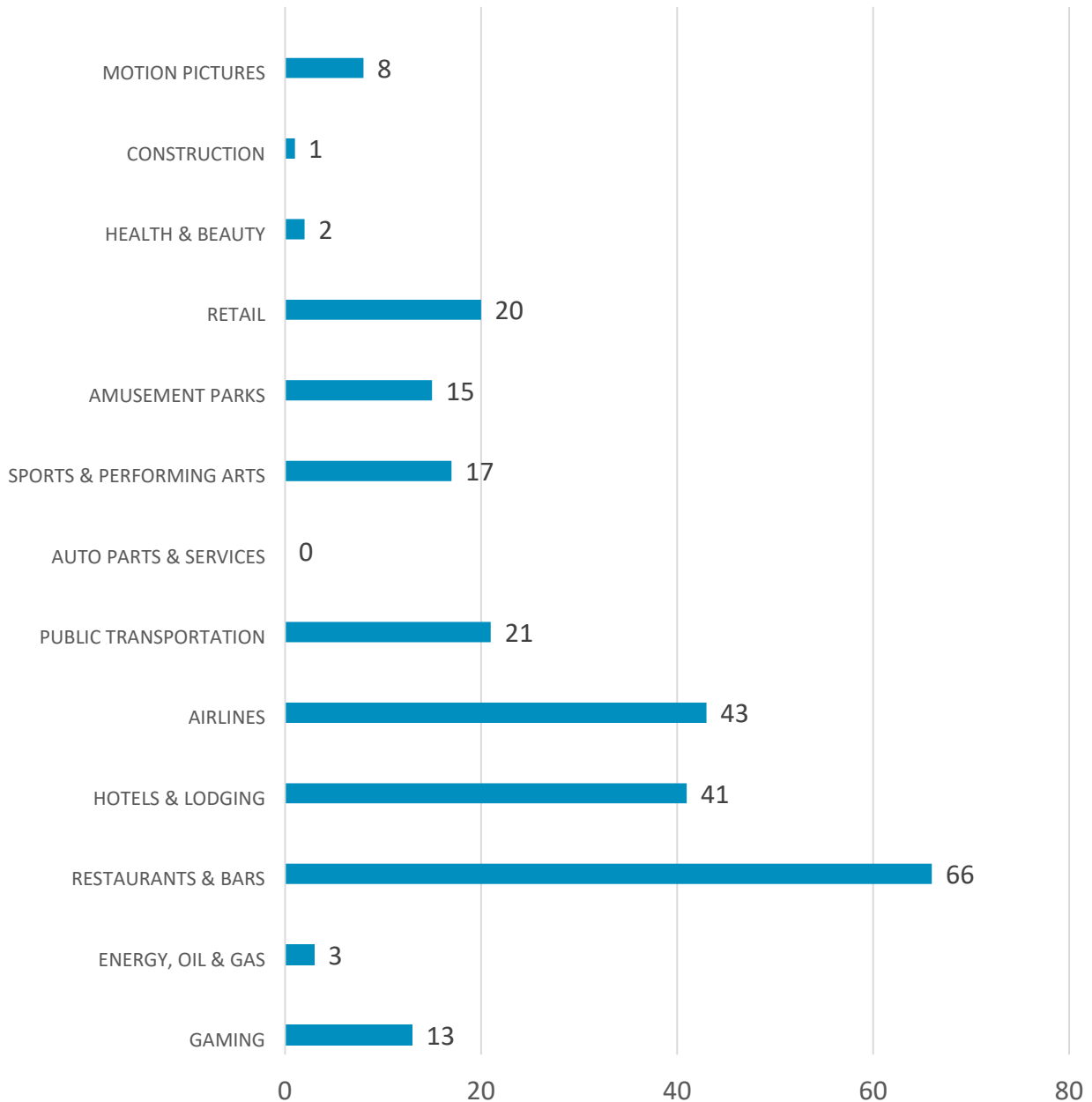
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KEY TAKEAWAYS

After a year of being battered by the COVID-19 pandemic, many industries have suffered significant impacts from both government-ordered restrictions and the potential to spread the virus. According to our survey, restaurants and bars were selected by **52%** of respondents as an industry most likely to have permanent long-term impacts from COVID-19, the airline industry was next at **34%**, and hotels and lodging were selected by **33%**. These industries are among the hardest hit by furloughs, layoffs, and business closures due to the pandemic.

In our April 2020 survey, companies' top COVID-19 concerns were the financial impact and potential global recession. According to our current survey, the financial impact of the pandemic remains the top concern, but the effects of COVID-19 on the workforce and productivity is now the second biggest concern of employers. For many companies, a year of isolation due to the pandemic has led to a decline in employee engagement, retention, and overall business performance.
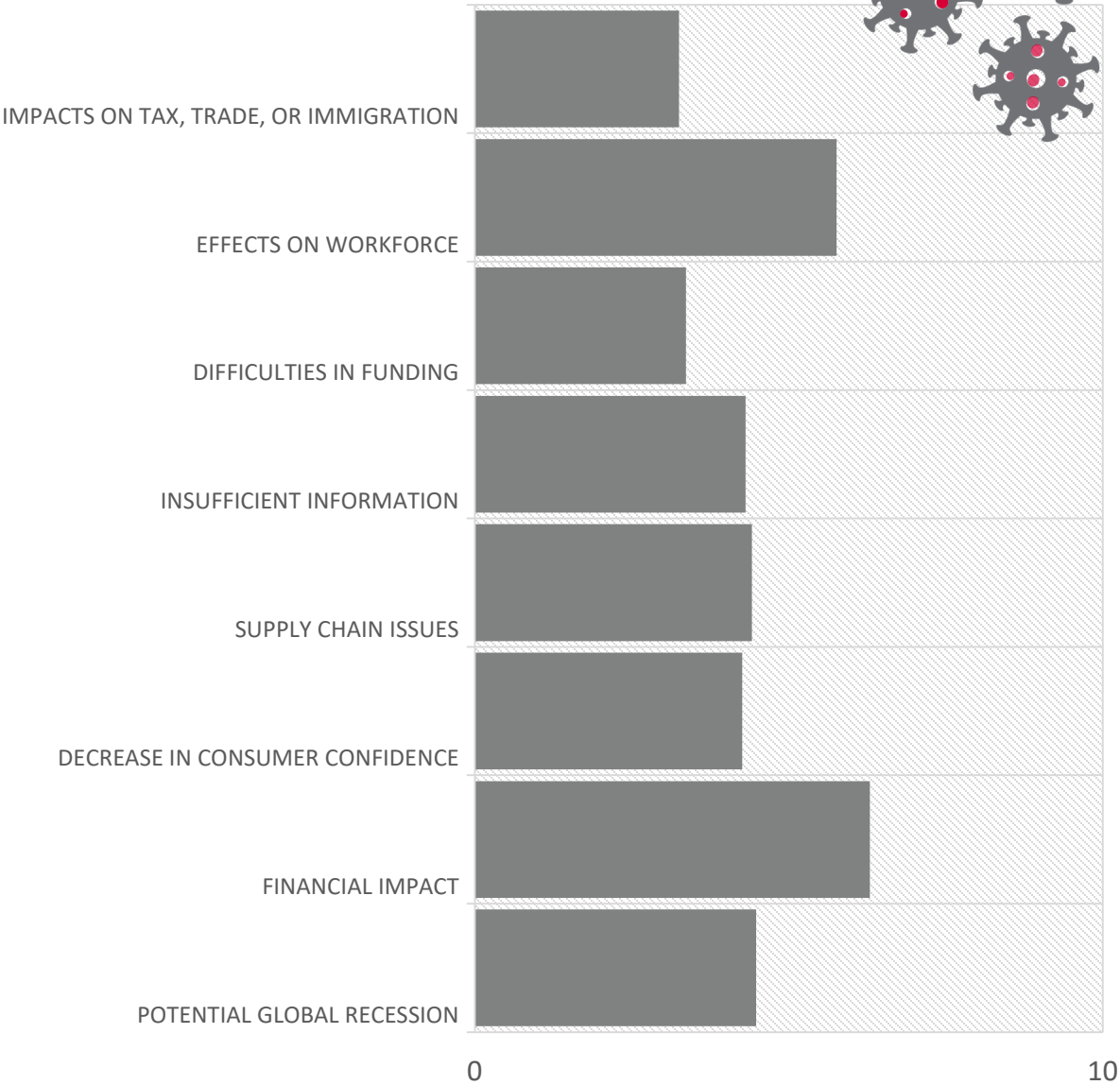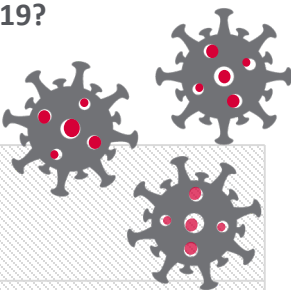
Industry Impact & Financial Concerns

? **Which industry is most likely to have a permanent long-term impact from COVID-19 in your opinion?**

Industry	Value
MOTION PICTURES	8
CONSTRUCTION	1
HEALTH & BEAUTY	2
RETAIL	20
AMUSEMENT PARKS	15
SPORTS & PERFORMING ARTS	17
AUTO PARTS & SERVICES	0
PUBLIC TRANSPORTATION	21
AIRLINES	43
HOTELS & LODGING	41
RESTAURANTS & BARS	66
ENERGY, OIL & GAS	3
GAMING	13

Industry Impact & Financial Concerns

What are your current top concerns related to COVID-19?

Chart (horizontal bar graph, scale 0 to 10):

- IMPACTS ON TAX, TRADE, OR IMMIGRATION
- EFFECTS ON WORKFORCE
- DIFFICULTIES IN FUNDING
- INSUFFICIENT INFORMATION
- SUPPLY CHAIN ISSUES
- DECREASE IN CONSUMER CONFIDENCE
- FINANCIAL IMPACT
- POTENTIAL GLOBAL RECESSION

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Describe any mental health and wellness actions your company is taking to help workers who may be struggling at work due to isolation and anxiety caused by COVID-19.

"

- Virtual Meetings and Gatherings

- Biweekly meetings for updates, continuing employee community-building activities, like virtual holiday gatherings, and wellness week.

- EAP, special activities to bring people together virtually, focusing on mental health awareness.

- We have firm wide team meetings once a week to check-in on everyone.

- Yoga classes; monthly HR calling; wellness programming

- Regular distribution of EAP information via email and paycheck inserts.

- Have not taken any actions

- We have had lunch 'n learns related to stress, depression, etc., we have our employee assistance program that provides a number of resources related to COVID-19 in addition to counseling services and information related to mental health resources available through healthcare provider

- Added Behavioral counseling to Teledoc. Added telemedicine for regular providers. Provide information on EAP and other resources for assistance

- We have been advertising our EAP program more often.

- Reinforcement of EAP program offering, contact information, continuous communication and emphasis about self care. Outreach by phone from HR, management

- Encourage employees to look at the health benefits. Send them something monthly. Weekly zoom calls.

- Having managers check in frequently with staff, also raising at internal meetings

- Department zoom activities, newsletter, company-wide conference calls

- Active online services to support coach employee through health care provider.

- Those programs offered under company health insurance

- EAP programs

- Offering flexible schedule and time off if needed

- Increased EAP promotion

- Review and reminder of employee assistance program; monthly virtual team building activities; assistance with appropriate mental health referrals; allowing flexible time off.

"

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Describe any mental health and wellness actions your company is taking to help workers who may be struggling at work due to isolation and anxiety caused by COVID-19.

"

- Make individuals aware of counseling benefits

- Employee assistance helpline; encourage manager and team engagement at all levels of organization.

- Weekly wellness checks.

- We feel inquiring directly about such is not in an employer's purview nor should it be, but we have encouraged all staff to be mindful of the warning signs of depression, self-isolation and decompensation. We also have a pseudo mandatory "virtual cocktail party" with all staff every Friday at 5pm EST to maintain personal contacts as best as possible.

- Created and implemented a total wellbeing offering for staff - partnering with external experts.

- We send out a weekly informational email regarding Covid that covers all aspects including mental health. And have our Director of Nursing available to help guide employees

- Increased materials around EAP and mental health awareness

- Survey measuring employee wellbeing; HR push for increased phone/video communication between employees/supervisors; increased employee recognition

- Promoted the EAP through our Medical carrier.

- Increased employee outreach, team building and Q & A sessions. Involve employees in decision making

- Offer assistance through EAP

- Monthly calls and wellness opportunities

- Promote resources available through benefits

- We have an EAP provider

- Counseling if needed

- More frequent check ins —extra time off.

- More Zoom-type meetings, more supervisor check-in, EAP

- The company is very flexible with any leave request especially when notice low performance.

- Reminders of availability of the Employee Assistance Program

- We offer access to mental health services - which we always have.

"

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Describe any mental health and wellness actions your company is taking to help workers who may be struggling at work due to isolation and anxiety caused by COVID-19.

"

- Newsletter from health insurance providers.
- Have put employees on disability
- Provided resources and free telehealth for employees
- Extra benefits.
- Providing mental health counseling services
- Communications!
- Watching closely for mental issues
- Wellness coach is available for consultations via phone or zoom.
- More PTO

"

Labor-Related Cost Savings

KEY TAKEAWAYS

At the time of our April 2020 survey, more than **55%** of companies had taken no employee-related cost-cutting measures in response to the economic downturn caused by the initial COVID-19-related shutdowns. According to the current survey, **31%** of employers reported that they had not undertaken any employee-related cost-saving steps. Among the companies that have ushered in labor-related cost-saving initiatives since the start of the pandemic:

- **30%** of respondents suspended pay raises

- **16%** suspended bonuses

- **30%** laid off employees
  (up from 17% of employers who had done so in April)

- **27%** furloughed employees (up from 19% in April)

- **13%** terminated or suspended the use of contract labor
  (up slightly from 12% in April)

- **4%** eliminated retirement plan contributions
  (down from 6% in April)

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Labor-Related Cost Savings

KEY TAKEAWAYS

Employers who had undertaken labor-related cost-saving steps report that since the start of the pandemic:

- **38%** reactivated workers from furlough

- **24%** have kept their initiatives in place without adjustments

- **18%** instituted pay raises

- **17%** restored salaries to pre-pandemic levels

- **16%** permanently laid off previously furloughed employees

- **12%** reinstated bonuses

- **5%** instituted more rounds of layoffs and furloughs

- **4%** returned backpay for temporarily reduced salaries

- **2%** restored retirement plan contributions

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Liability Waiver Requirements

KEY TAKEAWAYS

In response to litigation risks related to COVID-19, many businesses have considered whether to implement liability waivers or confirmations that employees, visitors, and customers/clients are assuming increased risk of exposure while working at or visiting a workplace. In our July survey, **73%** of employers indicated that they were not pursuing employee waivers and that has remained stable in the current survey with **76%** of employers saying they do not require employee liability waivers. In July, **8%** of employers said they were specifically mandating employee waivers before entry into the physical workspace and that has dropped to **6%** of employers in the current survey. Approximately **6%** of employers in July said they were requiring that worksite visitors sign these waivers and that has risen slightly to **9%** in the latest survey. The enforceability of these type of waivers will likely be fact-specific and state-specific, but under established law most courts will not enforce waivers that violate public policy and will consider the parties' respective bargaining power.

Liability Waiver Requirements

? **Regarding waivers of liability relating to COVID-19, our company:**
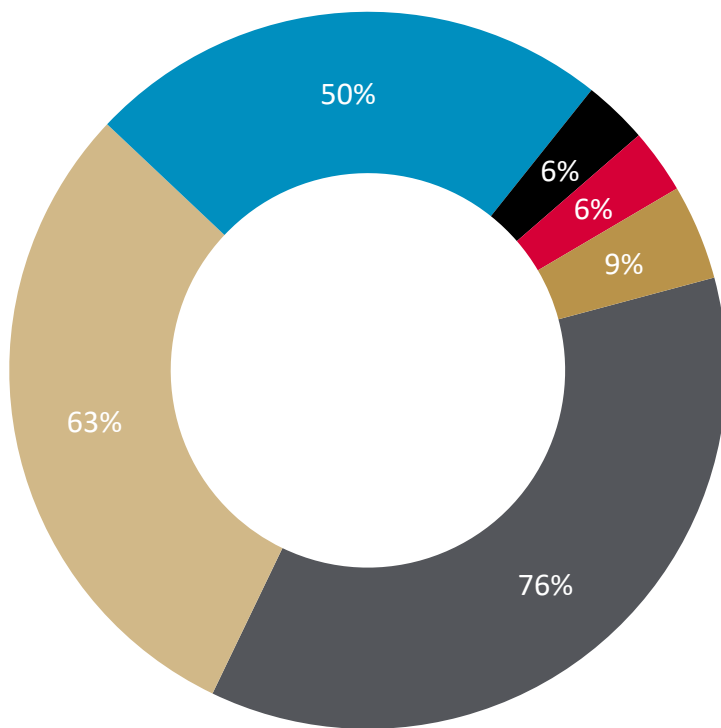
- ■ Does not require employees to sign a waiver
- ■ Does not require customers/clients to sign a waiver
- ■ Does not require visitors to the company workplace to sign a waiver
- ■ Requires employees to sign a waiver of liability
- ■ Requires customers/clients to sign a waiver of liability
- ■ Requires visitors to the company workplace to sign a waiver

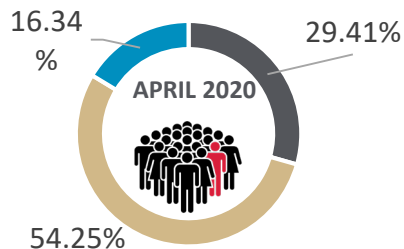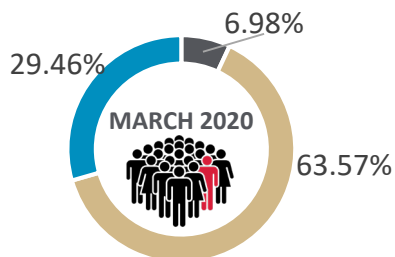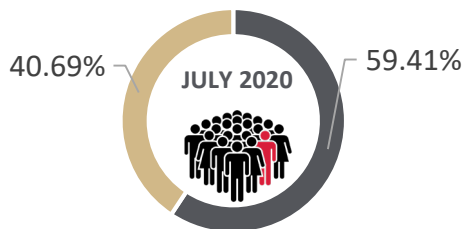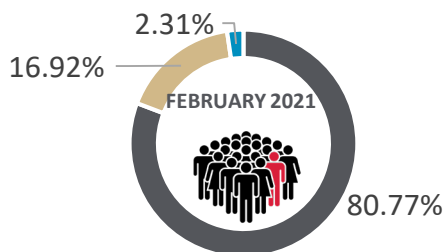Chart values: 50%, 6%, 6%, 9%, 76%, 63%

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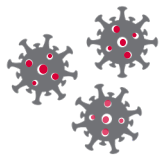
KEY TAKEAWAYS

According to our March 2020 survey taken in the very early phase of the U.S. pandemic, only **7%** of companies had an employee test positive for COVID-19. That number rose to **30%** after a month of uncontained spread of the disease and doubled to **60%** in July 2020. In our latest employer survey, more than **81%** of employers have had an employee test positive for COVID-19. Tragically, in our last survey in July, nearly **10%** of employers reported at least one of their employees had died as a result of COVID-19 and that number has increased slightly to more than **11%** in this survey.

Have you had an employee test positive for COVID-19?

YES NO UNKNOWN

FEBRUARY 2021
2.31%
16.92%
80.77%

JULY 2020
40.69%
59.41%

MARCH 2020
6.98%
29.46%
63.57%

APRIL 2020
16.34%
29.41%
54.25%

Workplace Safety Protocols

KEY TAKEAWAYS

A major shift since the beginning of the COVID-19 pandemic has been the widespread adoption of masks and face coverings in the United States following the CDC's April recommendations that Americans wear them in public spaces.

In our April survey, **64%** of surveyed companies responded that they planned to provide masks or other facial protection, **38%** planned to provide gloves, **12%** expected employees to provide PPE if they desired such protection, and **5%** required employees to provide specified PPE that the employer will identify. In July, **92%** of companies required onsite workers to wear masks in common areas, **93%** enhanced cleaning protocols, **92%** required social distancing by onsite employees, and **72%** enhanced signage onsite. According to our latest survey, more than **97%** of companies are requiring onsite workers to wear masks in common areas, **89%** had adopted enhanced cleaning protocols, **93%** require social distancing by onsite employees, and **71%** had enhanced signage onsite.

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Workplace Safety Protocols

As a result of COVID-19, do you currently use any of the following measures for employees who are not working remotely?

Remote Work & Social Distancing
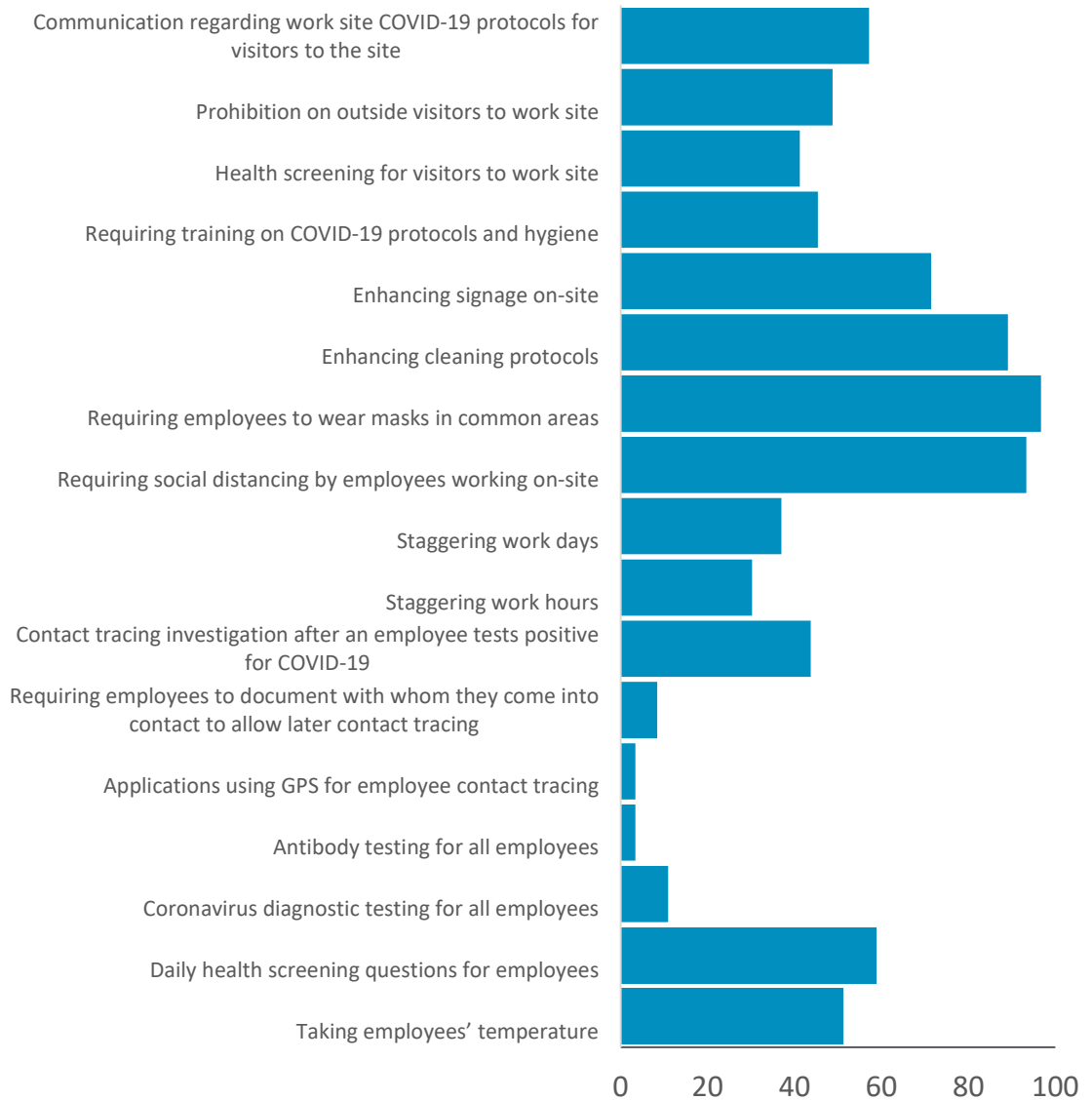
KEY TAKEAWAYS

While most companies still report having the majority of their employees working remotely, more companies are reporting an increasing percentage of employees returning to work onsite. In response to being asked what their best estimate of the percentage of employees currently working onsite as opposed to remotely:

- **41%** of employers said only 0–15% of employees are onsite (down from 48% in July)
- **12%** of employers said 16–30% are onsite (11% in July)
- **8%** of employers said 31–50% are onsite (10% in July)
- **12%** of employers said 51–75% are onsite (12% in July)
- **28%** of employers said 76–100% are onsite (up from 19% in July)

According to the survey, **75%** of employers (**73%** in July) allow employees to work from home based on a fear of contracting COVID-19 without risk factors being present. Interestingly, survey respondents report that slightly fewer businesses are staggering work hours (**30%** now, **39%** in July) or staggering work days (**37%** now, **41%** in July) for onsite workers.

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Remote Work & Social Distancing

KEY TAKEAWAYS

An emerging issue for remote workers is the tax implications of working from home in a jurisdiction that is different from where their office is located. According to our survey, **67%** of employers are withholding state and local taxes for employees based on office location and **33%** are withholding taxes based on the state residence and home jurisdiction of their remote workers. There are many challenges and complexities to work through with tax practitioners, especially for workers who work remotely for an employer in a different state.

Remote work and permanent "virtual presences" appear to have stabilized as the primary way business is conducted throughout the pandemic. Once the pandemic is over, we are interested to see if employers fully adopt remote work as permanent going forward.

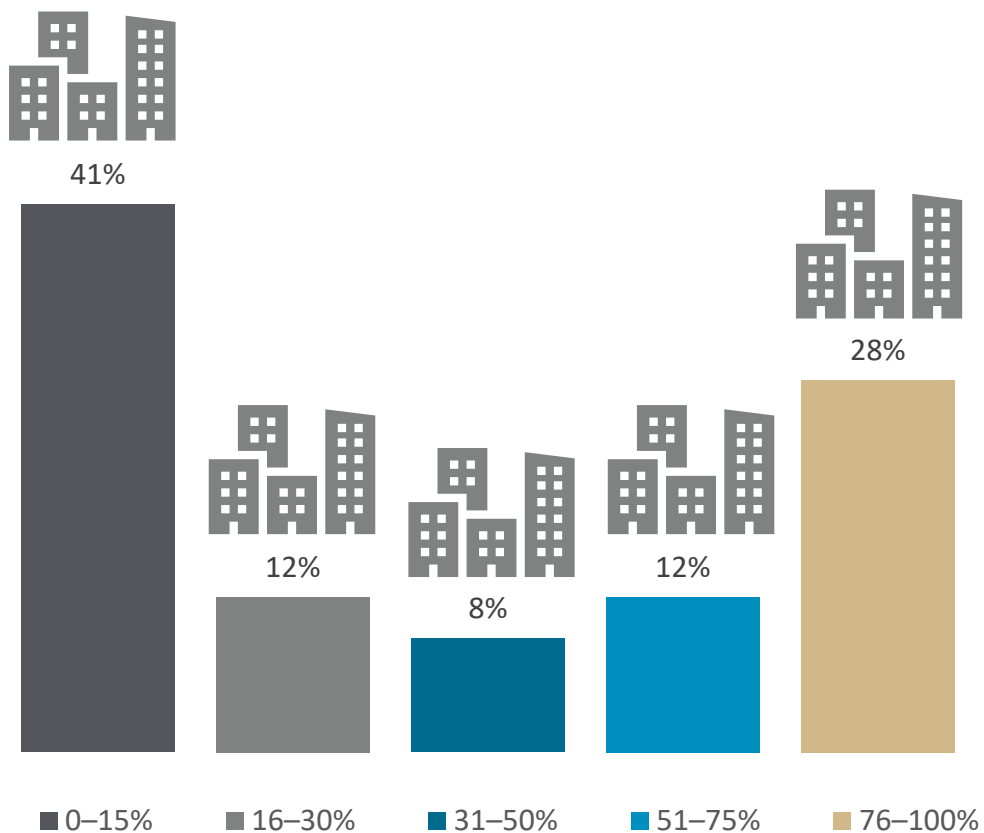BLANKROME

Remote Work & Social Distancing

KEY TAKEAWAYS

Interestingly, more than **73%** of employers allow employees to work from home based on a fear of contracting COVID-19 without risk factors being present. Those employers who are not allowing employees to work from home based solely on a fear of COVID-19 provided a variety of other reasons that they are allowing remote work, including childcare and eldercare issues, family situations, documented high-risk medical issues, and quarantining due to exposure to the virus. We are interested to see whether remote work and permanent "virtual presences" take hold as the primary way some types of business are conducted in the United States, and globally, going forward.
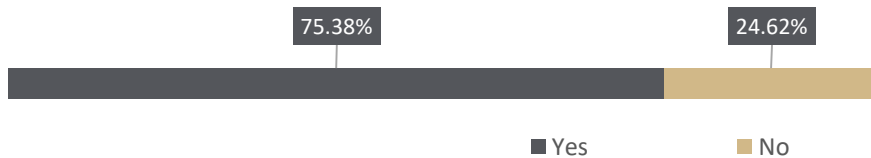
Remote Work & Social Distancing

What is your best estimate of the percentage of your employees currently working onsite as opposed to remotely?
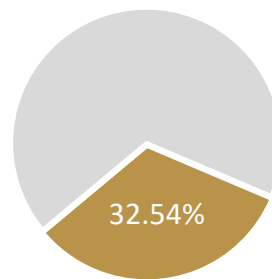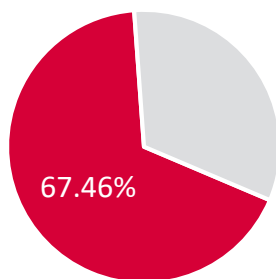
41%

28%

12%

8%

12%

- 0–15%
- 16–30%
- 31–50%
- 51–75%
- 76–100%

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Remote Work & Social Distancing

? **Do you allow employees to work from home based on a fear of contracting COVID-19 without other risk factors being present?**

75.38%   24.62%

■ Yes   ■ No

? **Are you currently withholding state and local taxes for employees based on office location or jurisdiction of remote worker?**

67.46%   32.54%

ANSWER CHOICES
● Office Location
● State residence jurisdiction of remote worker

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Once the pandemic is over, what types of work model changes will you adopt permanently for your business?

"

- Hybrid work model

- Considering increased flexibility for remote work on a long-term basis

- Allowing more full-time work from home arrangements.

- TBD; supportive of additional flexibility

- Adoption of full-time and partial remote work.

- No change - we really don't promote working from home

- Allowance of partial work from home; flexible office hours

- None of these issues have been discussed yet.

- Provide allowances based on employee need and ability to deliver on expectations at work

- Most likely more relaxed remote work policy than was in place before the pandemic. We would like staff back on site because we feel we are missing out on the "watercooler brainstorming" but are willing to allow some remote work.

- Anticipate hybrid depending upon the position within the organization and varies depending on the department needs

- None. Our operations will continue the same as before

- Fully embrace remote working

- Far more WFH, but we were already in flex mode

- Partial work from home

- Back to working in the office. Personnel interaction is necessary and needed

- We will offer much more flexibility when working from home. We will allow more relocation requests to other states.

- Phased reentry with staggered volume, adoption of partial work from home and in office "collaboration days"

- Hybrid/but most full time remote

- More remote work

- TBD

- Hybrid - allowance of partial work from home but we will allow some who request to work fully remote as well

"

"

- Better work from home technology. Ability to hold client meeting w/o travel

- Full time back in the office

- Full time remote

- More remote work, more non-NYC office locations

- Work from home is not really an option. Patiently waiting for special events to start

- Perhaps require vaccination before returning to office. Rotate work/home ratio to reduce staff density.

- Unclear at this time

- Basic work functions allowed under WFH. All other requirements (training, collaboration, brainstorming etc.) in office

- Formal work from home policy (we did not have this pre-pandemic - company fully face time/onsite)

- Partial work from home. Push towards outsourcing.

- Undecided

- Health and safety measures; space management at office

- Allowance of partial work from home, reducing office space, increasing technology

- Majority of Work from home office with downscaled office space for visits on regular but limited basis. Software development is largely screen to screen anyway, but in testing certain hardware designs we are looking at supplying high level 3D printers to home workers to speed reiteration and design changes.

- Much more remote work opportunities for corporate staff -- we are hiring nationally

- Adoption of hybrid work from home and in the office, 3 days one week in the office, 2 days the following week. More relaxed dress code allowing jeans on days where no meetings are scheduled.

- Less reliance on working from office and in person meetings

- Allowing flexible work schedules that combine WFH with working in key office locations.

- Continue to use safety shields in exam rooms and at the front desk. Continue to deep clean after each patient.

- No change. Health care and my specialty requires real presence. Very little can be accomplished remotely.

"

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Once the pandemic is over, what types of work model changes will you adopt permanently for your business?

"

- More full-time remote workers.

- Office work but with precautions, face mask, sanitizer & distancing

- We will allow partial work from home and adjust space requirements accordingly

- Reviewing a flexible work arrangement for employees with a hybrid model (partial work from home)

- Paperless; partial work from home; more virtual meetings with suppliers/customers

- Broader use of remote work; potential consolidation of leased office footprint

- Hybrid work model

- Return to work at our workplace

- Probably downsize office space, have more flexible schedules for working remotely and in the office, rethink open plan office

- Heaven knows

- On-site office presence is essential to provide services. We are considered a required work enterprise.

- No changes

- Adopting one day a week remote work schedule

- Back to normal operations when allowed and is safe to do so

- Mostly work from home

- Limited telework usage based on specific circumstances, but not a blanket change in approach where part-time telework was used as a method to increase social distancing.

- We will likely allow for more remote work, but not full time

- Remote full-time.

- None. Everyone comes back to the office.

- We may permit partial work from home for some staff.

- We do not have anyone working remotely at this time and don't plan on it.

- Workforce was already largely remote--expect that trend to expand.

- There will be some impact on flexible working as compared to pre-COVID, but we have not yet identified to what extent

"

Once the pandemic is over, what types of work model changes will you adopt permanently for your business?

"

- I don't get to decide, but hopefully partial work from home / increased flexibility to work from home.

- None ... come back to work

- Allowance of partial work from home, adoption of permanent changes to formerly travel heavy business processes such as selling and mgmt reviews of international site

- Remote work 2-3 days permanently

- None, can always work from home or in office.

- Will return to previous business model. Work from home is not working well long term for our business

- Partial work from home, maintain cleaning and air filtration

- Still under development

- More working remotely.

- We have supported remote working for well over a decade. We will return to normal rotation of home vs office days.

"

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Contact Tracing

KEY TAKEAWAYS
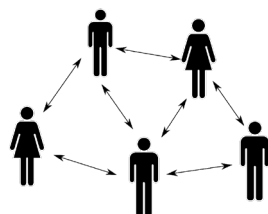
In our July survey, **36%** of employers were then attempting to conduct a contact tracing investigation after an onsite employee tested positive for COVID-19. In the latest survey that number has increased to **44%.** In both our July survey and the current survey, **8%** of companies require employees to document with whom they come into contact to allow later contact tracing. In our last survey, less than **1%** of employers reported using applications with GPS for employee contact tracing, but that has increased slightly to **3%** in the current survey.

As a result of COVID-19, do you currently use any of the following measures for employees who are not working remotely?

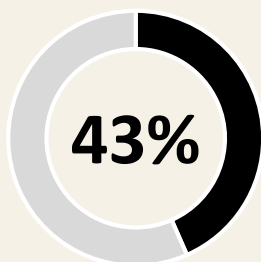| Measure	Percentage
Staggering work days	36.97%
Staggering work hours	30.25%
Contact tracing investigation after an employee tests positive	43.7%
Requiring employees to document with whom they come into contact	8.4%
Applications using GPS for employee contact tracing	3.36%

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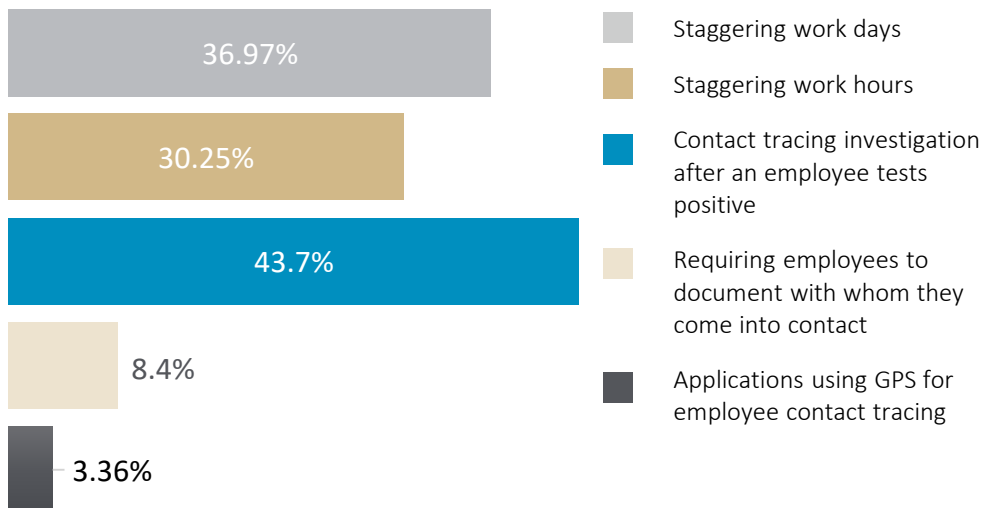
Health Screening

KEY TAKEAWAYS

Of the employers that mandate health screening questions for all employees working onsite, in July, nearly **39%** required them each day an employee was at the workplace and that has increased to **79%** now. In July, **11%** required a formal health screening only once before an employee was permitted back onsite and otherwise relied on self-reporting of health-related issues. That has increased to **23%**. Less than **2%** only required a health screening weekly in July, but that number has increased to **17%** in the current survey. Now more than **63%** conduct the screening in writing and/or by e-mail as opposed to **27%** in July, **43%** perform the screening through oral questions up from **23%** in July, **35%** use an application as opposed to **17%** in July, and **28%** perform the screening through a company intranet site up from **11%** in our July survey. However, nearly **47%** of employers now report that they rely solely on employees to self-report an issue without requiring either the company or the employees to record their responses to health screening questions, up from **35%** in July.
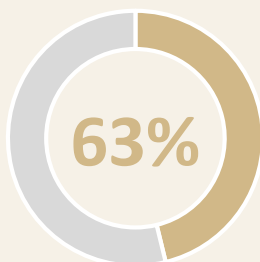
Health Screening
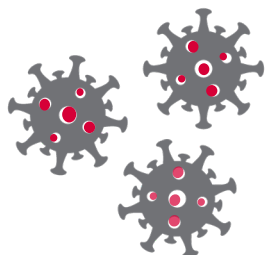
If you require health screening questions for all employees working onsite, which of the below will you require?
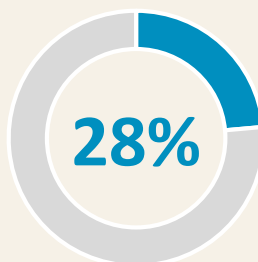
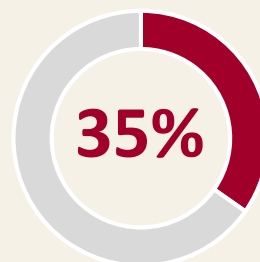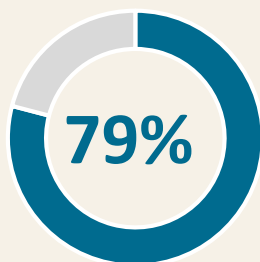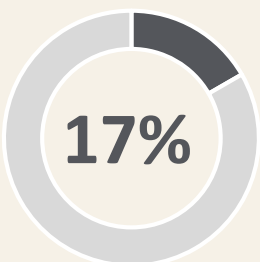| Perform the screening through oral questioning	Perform the screening in writing and/or by e-mail	Perform the screening through an intranet site	Perform the screening through an application
43%	**63%**	**28%**	**35%**

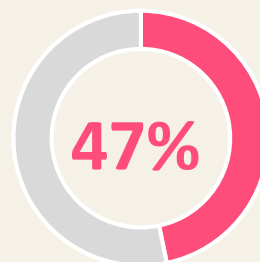| Require health screening each day an employee is onsite	Require health screening weekly when an employee is onsite	Require formal health screening only once before employee is permitted to return to work onsite	Rely solely on employees to self-report an issue
79%	**17%**	**23%**	**47%**

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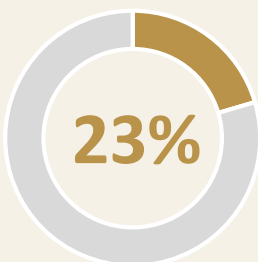
Employee Complaints

KEY TAKEAWAYS

According to the March survey, only **12%** of companies had received a COVID-19-related complaint from their employees. In April, that number slightly increased to **15%** of companies reporting a COVID-19 employee complaint and increased to **21%** in July. In the current survey, that number has increased to **34%.**

In a continuing indication of how unprecedented a challenge the pandemic is to workplaces, approximately **73%** of the responses to the types of complaints received don't fall within the traditional framework of employment complaints, such as discrimination or retaliation. Those employers reporting OSHA-related complaints rose from **3%** in March to **12%** in April to **19%** in July but appears to have stabilized for now at **18%** in our latest survey.

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Employee Complaints

KEY TAKEAWAYS

There was, however, a bump in reported retaliation claims and ADA discrimination claims, doubling from **4%** in July to **8%** in the current survey, indicating a potential trend as more employers ask probing health screening questions to employees returning to work onsite. We will continue to monitor this area in anticipation of a continued upward trend in employment complaints as more employees focus their grievances and/or consult with attorneys.

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Employee Complaints

Have you received any employee complaints related in any way to COVID-19?
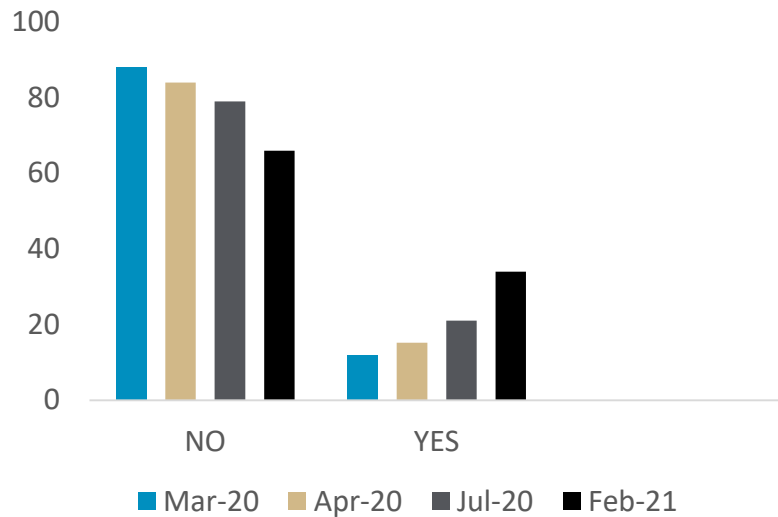
If you answered "yes" to the question above, what type of complaint have you received?
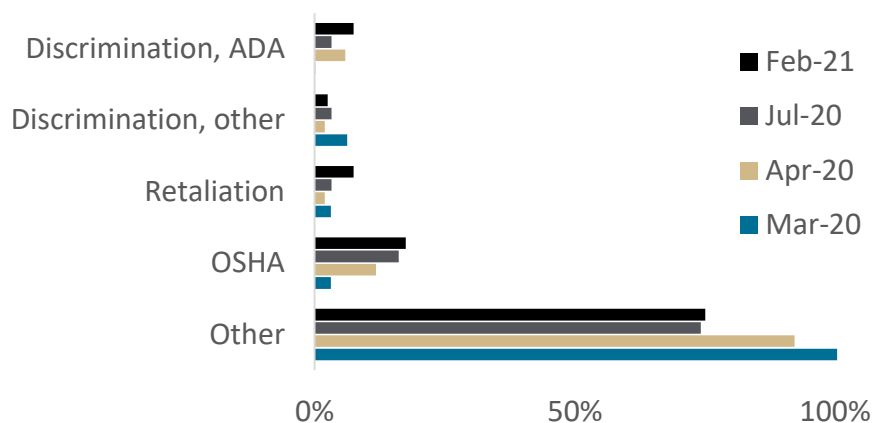
ANSWER CHOICES	RESPONSES			
	MARCH 2020	APRIL 2020	JULY 2020	FEBRUARY 2021
Discrimination, ADA	0%	5.88%	3.22%	7.5%
Discrimination, other	6.25%	1.96%	3.22%	2.5%
Retaliation	3.13%	1.96%	3.22%	7.5
OSHA	3.13%	11.76%	16.13%	17.5%
Other	93.75%	92.16%	74.19%	75%

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"

- Increased risk of employee claims for accommodations

- Personal injury; workers comp; ADA and similar state laws

- Hopefully, none.

- Exposure liability

- Discrimination

- Unsure

- None

- Complaints that our personnel have exposed clients

- None if lawyers just stay out of it

- Safety

- Discrimination - failure to accommodate.

- ADA

- Exposure risk to vulnerable populations

- None, we are a small company with largely work-for-hire contracts. And our projects are contractually delivered "as-Is" with a limited warranty of performance.

- Hopefully none, we are very careful on the decisions we make

- Possible litigation by or on behalf of employees who believe they were exposed at work.

- Finance cases. e-commerce cases. as a result of increasing of online usage.

- Eventually, ADA / retaliation / FMLA

- Workers Comp

- None. Have been completely remote since 3/15/20 with no plan to return to offices in the near future.

- None anticipated. we have not had a single case of on-site transmission and plan to keep it this way

- OSHA

- Disability Discrimination; OSHA

- Medical discrimination on vaccines

"
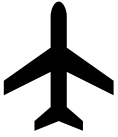
KEY TAKEAWAYS

Our latest survey demonstrates that the virtual business model is showing some slight softening as some companies loosen restrictions on employee travel. At the time of the March survey, more than **60%** of companies had already prohibited all international travel and more than **17%** of respondents had made no changes to their international travel policies. Our April results showed that **29%** of companies expected less foreign travel as a lasting legacy of the pandemic. The July survey shows that **58%** of companies are still prohibiting international travel, **23%** require pre-approval on all international travel, **6%** of employers issued communications to follow State Department travel advisories but no formal restrictions, and **13%** have made no changes to their international business travel policies. According to the current survey, **54%** of companies are prohibiting international travel, **17%** require pre-approval on all international travel, **9%** of employers issued communications to follow State Department travel advisories but no formal restrictions, and **19%** have made no changes to their international business travel policies.

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Changes to Travel

KEY TAKEAWAYS

For domestic business travel, companies responded that due to COVID-19:

- **40%** require pre-approval (down from 54% in July)
- **24%** prohibit all business travel (up from 18% in July)
- **19%** discourage travel but issued no restrictions (up from 17% in July)
- **12%** have made no changes (up from 8% in July)

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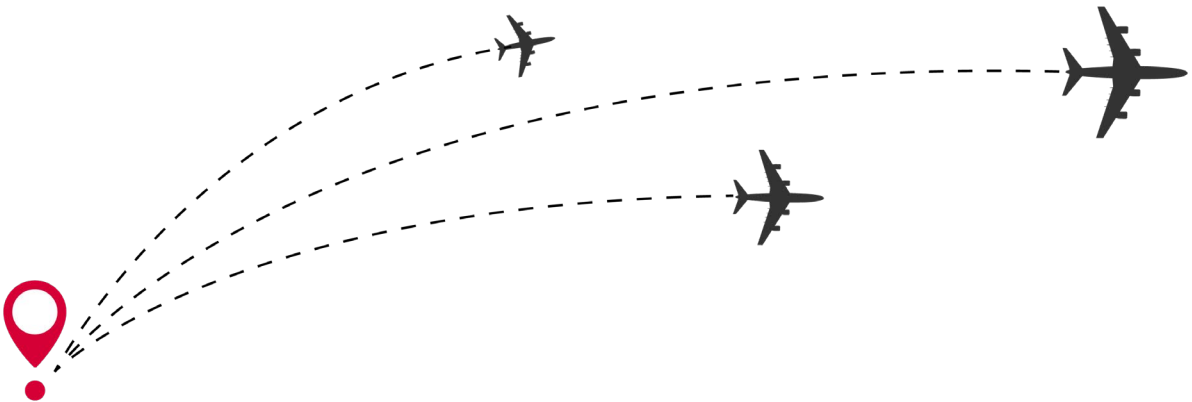
KEY TAKEAWAYS

For personal travel, companies responded that due to COVID-19:

- **37%** advise employees to notify the company of any domestic travel, and that they may be required to work remotely or take leave for the 14-day incubation period after returning from their trip, depending on the travel destination (down from 45% in July)

- **27%** require that employees inform the company of when and where they are traveling, so that employers are aware of any exposure risk (up from 17% in July)

- **17%** request that employees inform the company of when and where they are traveling, so that employers are aware of any exposure risk (same as July)

- **16%** discourage personal travel (down from 21% in July)

- **2%** require preapproval of personal travel or have prohibited some forms of personal travel (up from less than 1% in July)

- No employers prohibited a particular mode of employees' personal travel

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Changes to Travel

KEY TAKEAWAYS

For domestic business travel, companies responded that due to COVID-19:

- **54%** require pre-approval

- **18%** prohibit all business travel

- **17%** discourage travel but issued no restrictions

- **8%** have made no changes

For personal travel, companies responded that due to COVID-19:

- **45%** advise employees to notify the company of any domestic travel, and that they may be required to work remotely or take leave for the 14-day incubation period after returning from their trip, depending on the travel destination

- **21%** discourage personal travel

- **17%** request that employees inform the company of when and where they are traveling, so that employers are aware of any exposure risk

- **Less than 1%** require pre-approval of personal travel or have prohibited some forms of personal travel (*e.g.*, commercial airline, rail)

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International Travel

Regarding international business travel, in response to COVID-19 our company:

Prohibited all international travel

Required pre-approval

Issued communication

Made no change

APRIL 2020
JULY 2020
FEBRUARY 2021

0%   50%   100%
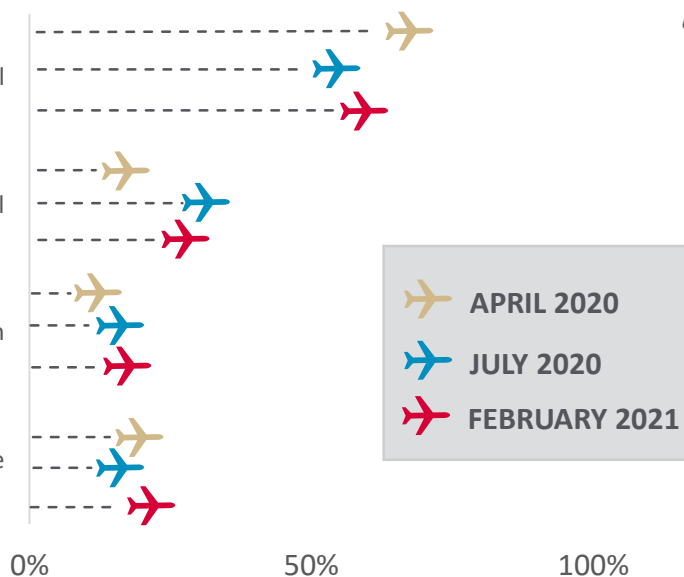
ANSWER CHOICES	APRIL 2020	JULY 2020	FEBRUARY 2021
Prohibited all international travel	62.79%	58.04%	54.33%
Required pre-approval for all international travel	12.40%	23.08%	17.32%
Issued communication to follow State Department travel advisories but no formal restrictions	7.75%	5.59%	9.45%
Made no change	17.05	13.29%	18.90%

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Domestic Travel

?

Regarding domestic business travel, in response to the COVID-19 emergency our company:

Prohibited domestic travel
- 17.93%
- 38.46%
- 24.03%

Required pre-approval
- 53.79%
- 33.00%
- 40.31%

Discouraged domestic travel but issued no restrictions
- 17.24%
- 19.23%
- 18.60%

Made no change
- 7.59%
- 9.23%
- 11.63%

APRIL 2020
JULY 2020
FEBRUARY 2021

0%   20%   40%   60%
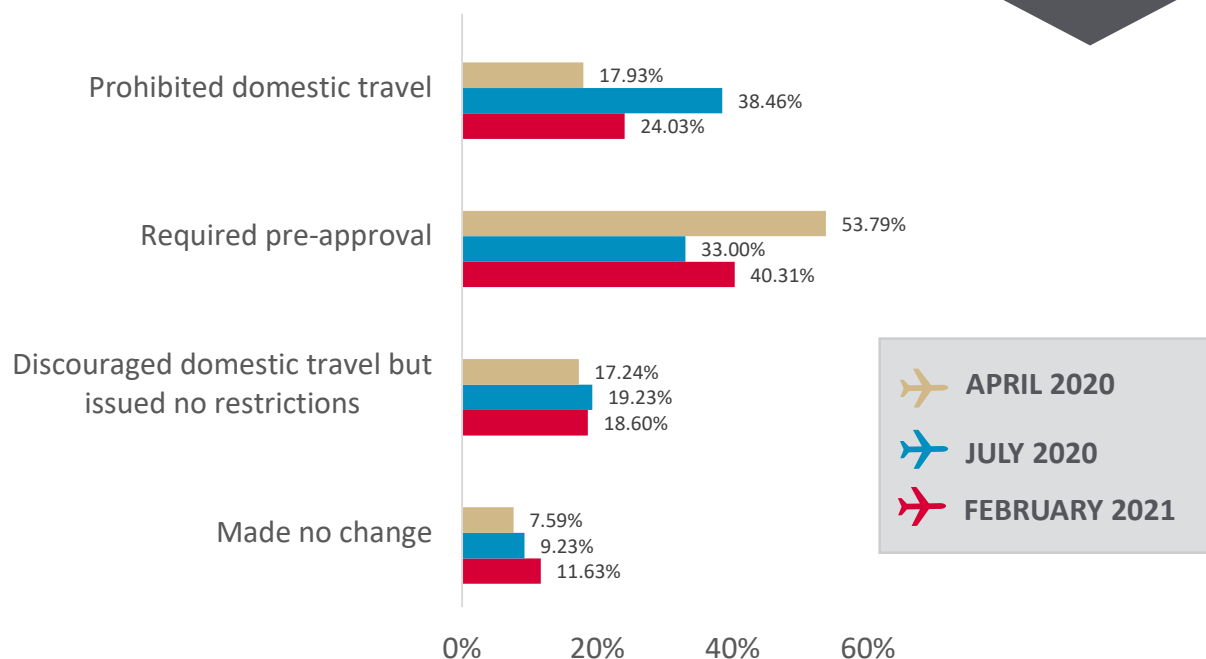
| ANSWER CHOICES	APRIL 2020	JULY 2020	FEBRUARY 2021
Prohibited all domestic travel	38.46%	17.93%	24.03%
Required pre-approval for domestic travel	33.08%	53.79%	40.31%
Discouraged domestic travel, but issued no restrictions	19.23%	17.24%	18.60%
Made no change	9.23%	7.59%	11.63%

Personal Travel

Regarding employees' personal travel, our company has:

Required that employees inform company of when and where they are traveling, so that employers are aware of any exposure risk

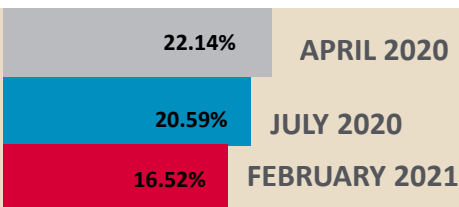|	
7.63%	APRIL 2020
16.18%	JULY 2020
26.93%	FEBRUARY 2021
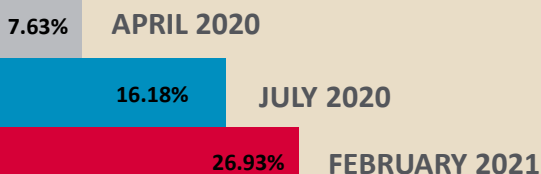
Requested that employees inform company of when and where they are traveling, so that employers are aware of any exposure risk

11.45%	APRIL 2020
16.91%	JULY 2020
17.39%	FEBRUARY 2021
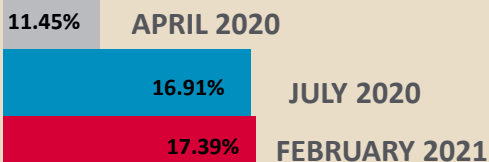
Discouraged personal travel

22.14%	APRIL 2020
20.59%	JULY 2020
16.52%	FEBRUARY 2021

Advised employees to notify the company of any domestic travel, and that they may be required to work remotely or take leave for the 14-day incubation period (*i.e.*, self-quarantine) after returning from their trip, depending on the travel destination

34.35%	APRIL 2020
44.85%	JULY 2020
37.39%	FEBRUARY 2021
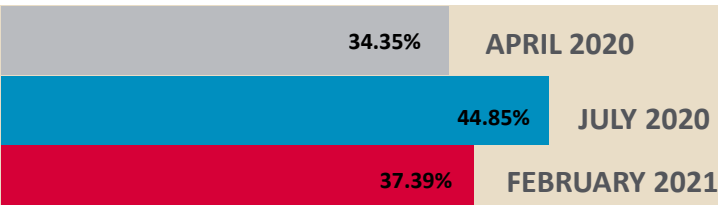
Managing Paid Time Off

KEY TAKEAWAYS

Our March, April, and July 2020 surveys showed that more employers were allowing paid time off to employees as new federal relief legislation allocated billions of dollars toward paid sick leave reimbursement. That trend has continued in our latest survey as **78%** of employers report an increase in PTO/sick leave requests as a result of COVID-19. Our survey also shows that **36%** reported an increase in FMLA leave requests and **40%** reported increased unpaid leave requests.

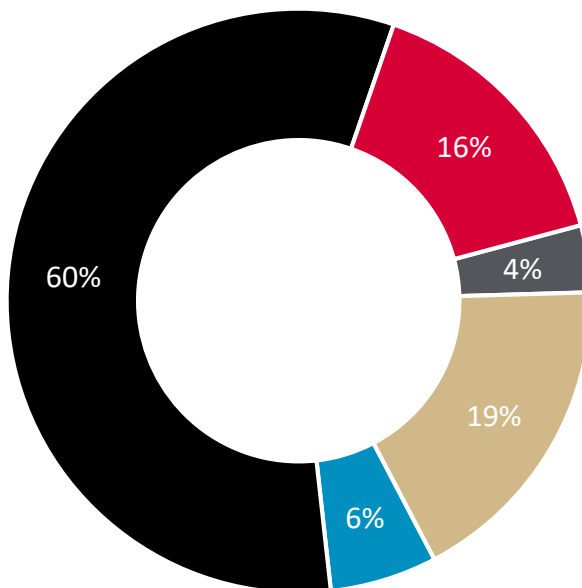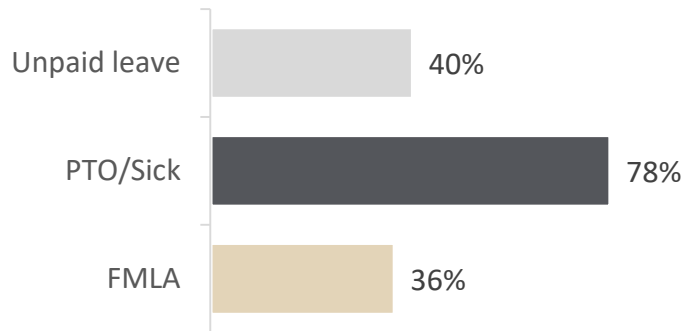According to the latest survey, **60%** of employers reported that they have not altered any of their paid time off policies since the start of the pandemic while **19%** grant all reasonable PTO requests and **4%** of employers have eliminated accrued PTO. **6%** of employers have granted more PTO for employees who are parents of young children as a childcare crisis impacts many employees' ability to work without interruption.

Managing Paid Time Off

For what type of leave requests has your company experienced an increase as a result of COVID-19?

FEBRUARY 2021

Type	Percentage
Unpaid leave	40%
PTO/Sick	78%
FMLA	36%

- 16% — Other
- 4% — Elimination of accrued PTO
- 19% — Allowance of all reasonable PTO requests
- 6% — More PTO for parents of young children
- 60% — No changes made

Legend:
- Elimination of accrued PTO
- Allowance of all reasonable PTO requests
- More PTO for parents of young children
- No changes made
- Other

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Describe any special efforts or programs that your company has taken to allow employees with virtual school parenting responsibilities to continue working.

"

- In addition to supporting remote work by virtually all employees, we've allowed increased scheduling flexibility, and discouraged meetings during the lunch hour and on Friday afternoons

- Remote work, but not a real issue for us fortunately.

- Remote work and flexibility

- Supplemental childcare reimbursement policy (for people needing "gap" or additional coverage beyond regular childcare)

- We are extremely flexible with our employees. If a parent needs to watch their child, they can work odd hours or take time off as sick leave.

- Allow to work from home

- Increased access to IT hardware and allowed expensing charges for setting up a home office with proper ergonomics and all electronics.

- We have allowed for use of the FFCRA in relation to at home schooling and extended it into 2021.

- Allow the flexibility in work schedule for parents with virtual schooling responsibilities through the end of this school year. Will re-evaluate that moving forward depending upon the information available in the future.

- Flexible work hours, weekly totals not daily

- Flex hours

- Flexible Work Arrangements

- None

- We have allowed employees to take as much time as they need without reducing their pay.

- Working on a case by cases basis; providing much for flexibility.

- Remote work and staggered hours as operational needs permit.

- Flexibility in start, end times. Allowing staff to work when they can regardless of time of day as long as hours are met within the week.

- Remote access to all work place related work

- Work from home when possible, paid leave time

- Staggered days

- Flex hours, time off, etc.

"

Describe any special efforts or programs that your company has taken to allow employees with virtual school parenting responsibilities to continue working.

"

- Corporate associates - remote work. Additional LOA options for field associates with child care responsibilities

- Small company, so flexibility is always there.

- Nothing extraordinary

- Increased latitude to work from home and take care of family issues such as children at home.

- Continuance of the FFCRA through March

- Work from home as available.

- Remote work, modified work hours

- Flex schedule allowance; FFCRA

- One staff member brought her child to the office for many weeks because she did not have childcare. Another has to come in late to bring child to school when they have in person schooling, since regular transportation does not exist. She will not take lunch and stay later in the afternoon to make up time.

- Home schooling

- This has been very difficult to balance

- We are flexible and have set aside space and computers for parents who wish to have schooling at the work site

- None necessary

- Expanded work from home policy.

- Work remotely. work from home with flexible time in/out.

- Limited initially to comply with the EFMLA provisions of the FFCRA, but as of January 1, 2021 that ended, but we have offered more flexibility for taking personal leave to address such issues

- Have adopted new technologies in order to permit more of these employees to work remotely.

- We are very flexible.

- Accommodations to schedules

- Where remote work schedules permit, we have been very flexible to accommodate personal needs regarding schedules
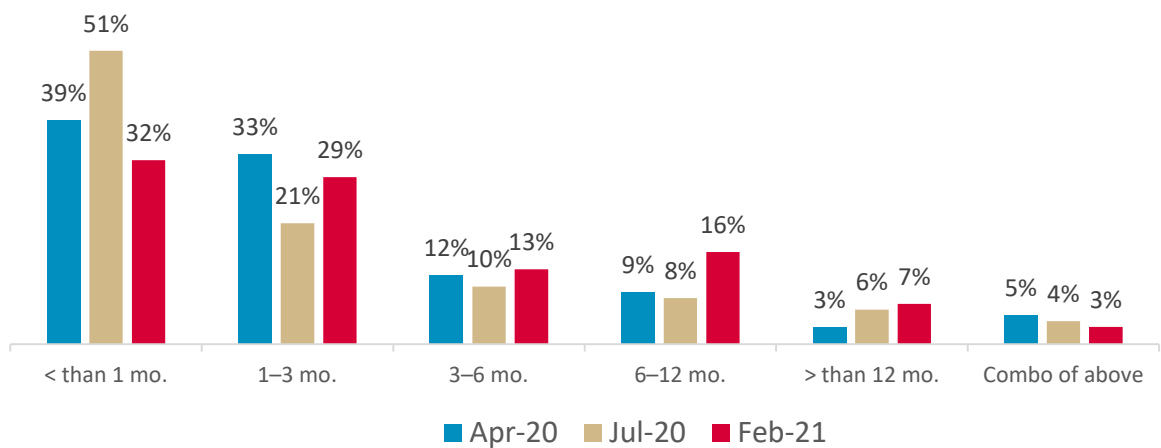
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KEY TAKEAWAYS

According to our survey conducted in July 2020, 57% of employers said their company was less hopeful that things are beginning to return to normal since Blank Rome's previous survey in April 2020 while **43%** said their company was more hopeful. In the current survey, conducted after the approval of emergency-use applications for multiple vaccines, **80%** of employers say their companies are now more hopeful than they were in July that things are beginning to return to normal and **20%** of employers say their companies are less hopeful than they were in July.

However, once things are back to "normal," employers say it will take slightly longer to relaunch operations. Should a best-case scenario of COVID-19 immediately disappearing occur, **61%** believe their company could relaunch within three months (**72%** in July), with **32%** of this group stating they would need less than a month (**51%** in July). **23%** of companies would need more than six months (**14%** in July), including **7%** estimating they would need more than a year to return to normal (**6%** in July).

Business Outlook

? If COVID-19 were to end today, how long would you estimate it would take for your company to get back to "business as usual"?

	< than 1 mo.	1–3 mo.	3–6 mo.	6–12 mo.	> than 12 mo.	Combo of above
Apr-20	39%	33%	12%	9%	3%	5%
Jul-20	51%	21%	10%	8%	6%	4%
Feb-21	32%	29%	13%	16%	7%	3%

■ Apr-20 ■ Jul-20 ■ Feb-21

I would describe our company as follows since Blank Rome's last survey of employers in July 2020?

80.49% More hopeful that things are beginning to return to normal

19.51% Less hopeful that things are beginning to return to normal

CONCLUSION

Our COVID-19 employer workplace survey results reflect how the business world has responded to a year of unprecedented challenges as U.S. employers closed and relaunched operations and dealt with multiple spikes in the spread of COVID-19. Our paramount hope remains the health and safety of our families, friends, colleagues, and communities. As the distribution of vaccines increases across the country, we will continue to provide our valued clients with useful information to address critical COVID-19 workplace issues in real time. Clients can navigate the rapidly changing business and legal implications of the pandemic by monitoring our COVID-19 State Impact Tracker.

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