

# HUMAN RESOURCES

## PANDEMIC PREPARATIONS FOR LAW FIRMS

BY ROBBIN DOLAN, CLM



The Swine Flu pandemic is official. Late this spring the World Health Organization declared a health emergency, with over 40,000 cases and rising in 93 countries by early June 2009. This marks the first official pandemic in over forty years, and has targeted mostly the very young, aged and infirmed, and those with prior health issues. Although the current death rate is very low—0.4%—the flu has caused major disruptions in school systems in New York and Boston, and is considered unstoppable by the WHO.

Thankfully, the closing of schools in the U.S. for the summer led to a decrease in the spread of the flu. However, with the start of the fall season, cases are expected to spike, based on patterns observed during the last pandemic in 1968, where a deadlier form of the virus appeared once the summer was over.

Although law firms are considered by the Occupational Safety and Health Administration as having a low risk of exposure compared to other industries, law firms must examine their business continuity plans, and adapt them to address the pandemic. Global consulting firm Mercer reports that 40% of employers are unprepared for the pandemic, lacking business continuity plans that focus on the issue. According to the Centers for Disease Control and Prevention, businesses have the key role of not only protecting their workers, but also “limiting the negative impact on the economy and society” through proper planning and execution of their continuity plans.

Typical pandemics affect up to 35% of the population; law firms therefore must anticipate the effect on business operations of the loss of one third of its workforce at once. In addition, law firms should develop plans to prevent illness among its workers and limit the spread of the flu among its employees. Topics that should be addressed in the plan include travel restrictions, worker protection, and administrative controls to stop the spread of the virus.

The CDC issued a business planning checklist that is listed on the government’s website, [www.pandemicflu.gov](http://www.pandemicflu.gov). Law firms can take the following steps to adequately prepare and protect their workers and clients.

**Plan for the impact of the pandemic on your business.** Identify a team or name a coordinator to head the planning. In a law firm, this will be your managing partner, administrator, and other essential members who are knowledgeable about your operations, and are able to take charge in the event of an emergency. This

group is instrumental in the development and execution of your continuity plan. Your coordinator will be responsible for notifying local authorities in the event of a breakout and identifying who within the firm will respond to the incident.

**Identify the potential impact of the pandemic on your services, and your ability to deliver services to your clients.** This includes potential travel restrictions and alternatives to travel. Consider emergency communication plans and chains of communication should your office be closed or workers take ill. A contingency plan for client or court notification should be developed and maintained. Develop an alternate vendor list in case your usual vendor is adversely affected.

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## Pandemic Preparation for Law Firms

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**Plan for the impact on your clients and your employees.** Develop contingency plans for coverage should up to one third of your workforce be out, either with the illness or to care for sick family members. Consider the effect of school closings and mass transit suspensions. Implement guidelines for greeting clients, conducting close quarter meetings and sharing workstations and offices. Utilize online meeting services instead of personal meetings.

**Establish policies and procedures to be used during the pandemic.** This includes evaluating and revising sick leave policies, and identifying when a sick employee should leave the office or can finally return to work. In addition, allow for flexible work arrangements so that well workers can telecommute to avoid getting sick. Allowing for staggered hours may provide additional coverage. Triggers for the shut down of the office, such as wide spread infection in your geographic area, or infection within the office, should be established.

**Establish hygiene procedures to prevent the spread of the disease.** The virus spreads the same way influenza spreads—from person to person through coughing or sneezing, or touching something infected with the virus. The CDC believes the contagious period to be from the time symptoms develop to seven days later. Employees who develop symptoms should stay home for the duration.

Employers can make hygiene products readily available to their employees to further reduce the spread. These products include hand sanitizers, disinfectant wipes, tissues, and disposable towels. Employees should be encourage to keep personal work surfaces clean using these products, and cleaning services should disinfect door handles, cabinets and bathroom surfaces, as it is thought the virus can live for several hours on these surfaces. Employees should also be encouraged to avoid close contact, staying at least 6 feet away from co-workers and clients. Everyone should cover nose and mouth when coughing and sneezing, and avoid touching their eyes and mouth.

**Allocate information sources and resources.** Provide up-to-date information on developments with the virus, and post this information in a readily accessible area. Display hygiene posters that remind employees to wash their hands and work surfaces. Enhance communication and technology to incorporate the latest in telecommuting and remote access. Establish a working relationship with a knowledgeable medical provider to assist in preparations and provide consultation with employees.

**Educate your employees.** Share your plan with your employees so that everyone knows what to do in case of emergency. Educate your employees on the symptoms of the disease, and let them know the procedure for staying home if the symptoms develop. Similarly, should a co-worker develop symptoms, inform employees of their exposure to the worker and have them monitor themselves for symptoms. This will help avoid the spread of the contagion to others in the firm. Communicate appropriate websites where they can get information on symptoms and caring for sick family members.

Share information on vaccines and over-the-counter treatments, and identify local treatment centers where they can get help.

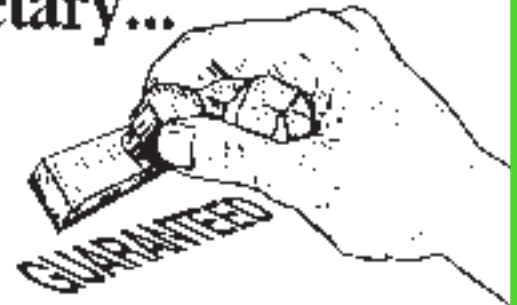
During the preparation stage, law firm managers must consider applicable laws if revising policies, and when developing procedures. For example, an employee who is sick or who is caring for sick family members may be entitled to leave under the Family and Medical Leave Act (FMLA) or in New Jersey, the New Jersey Paid Family Leave Act (NJPFLA). However, leave taken to avoid contracting the flu would not be covered under this law. Employers should consider adopting flexible work arrangements under this scenario.

Employers may also require a doctor's note, submission to a medical exam, or symptom-free conditions for a certain time period before allowing a sick worker to return to work. Under the Americans with Disabilities Act (ADA) and during a pandemic health crisis, this is considered a direct threat to the workplace due to a disability. In this instance, employers can mandate an employee stay home if they are suspected of having been in contact with someone exposed to the pandemic flu.

At this point, everyone has heard of local pandemic flu cases or knows of someone who has been infected. Now is the time for law firm managers to develop adequate plans for dealing with potential problems. Proper preparation will minimize business disruptions and help protect the health of your workers and clients.

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