

CAPCO

PLANNING FOR A RETURN TO THE WORKPLACE: CREATING A COVID-19-FOCUSED RCM PROGRAM



Throughout the COVID-19 crisis, financial institutions have seen intensified complexity in managing the increased volume of emerging laws and regulations. And with the struggle to keep abreast of these changes still high priority, institutions must now shift to a new phase where federal, state, and local governments begin to lift stay-at-home orders and implement new guidance.

While institutions begin return-to-workplace protocol for facilities and branches throughout the country, it is imperative to consider operational and compliance risks for employees and customers. As institutions find their 'new normal,' it will be necessary to optimize regulatory change management (RCM) programs for numerous federal, state, and local requirements that vary region-by-region, state-by-state, and even city-by-city.

- The April 16, 2020 Guidelines for Opening Up America Again, outlining the conditions for states to prepare for opening their economies, signaled the shift from tracking real-time requirements to close dispersed facilities and branches to tracking new requirements for a potential return to workplace. The plan considers a three-phased approach that includes states testing for symptomatic and asymptomatic cases, contact tracing, and ensuring healthcare systems are sufficiently capable of managing second and third waves of COVID-19.
- On April 27, 2020, the White House released the Opening Up America Testing Overview and Testing Blueprint to launch, scale and support widespread testing for states to reopen their economies. In addition to tracking laws and regulations, we recommend that financial institutions also track infection rates in local jurisdictions to navigate potential stay-at-home order lifting, as well as second waves and a prolonged public health crisis. Several common points of focus are emerging as federal, state, and local governments provide guidance on operating in a 'new normal' environment and enhancing RCM programs for planning future-readiness.

Capco's Center of Regulatory Intelligence (CRI) looks to guidance from the U.S. Department of Labor (DOL), U.S. Equal Employment Opportunity Commission (EEOC), Federal Financial Institutions Examination Council (FFIEC), Federal Deposit Insurance Corporation (FDIC), and the U.S. Centers for Disease Control (CDC) to plan for this 'new normal' and find the most effective RCM plans for operational resilience. Financial institutions need to make decisions to not only manage current challenges from the pandemic but also plan for long-term structural changes to the economy and the workforce.

Ultimately, financial institutions need to plan for what is in the best interest of their shareholders, employees, customers, and vendors, knowing that both regulators and the general public will be scrutinizing the decisions an institution makes as part of its recovery plan.

HOW A PANDEMIC-FOCUSED RCM CAN BEST PREPARE YOUR INSTITUTION FOR RETURNING TO THE WORKPLACE

An effective COVID-19 RCM program will allow an institution to manage a variety of risks related to a return to workplace and ensure inclusive surveillance of pandemic-related regulatory changes.

Figure 1. Why a Pandemic-focused RCM is Critical for Return to Workplace



The First Step: Defining Regulatory Applicability

The first step in the RCM process is creating or updating a regulatory applicability document (sometimes called a map or matrix), which serves as the foundation for any RCM program. An institution creates this document by dissecting the organization's structure and defining the universe of regulations applicable to each business unit, product or service, delivery channel, and other internal programs subject to regulatory oversight.

This document is, by nature, dynamic and evolving and should change with both internal and external developments. This analysis must include not only federal- and state-level rules, but also laws, regulations, and ordinances from municipal and local governments — an area that continues to grow as a response to COVID-19.

Key considerations for a regulatory applicability document include:

- Whether done internally or via third party, the tracking element of the RCM program should ensure proper scope of coverage for COVID-19 that mirrors the regulatory applicability document, and as a best practice, goes beyond the current applicability to improve awareness of peer and industry trends.
- Upon collecting the details of a new event, the appropriate personnel must determine if there is an impact on the institution or third party.
- It is prudent to document applicability determination decision points to show how active and responsive the institution's RCM program is.
- Amid impactful events such as the COVID-19 pandemic, the same matrix should serve as the backbone for monitoring new orders, guidance, and other applicable requirements.
- RCM stakeholders must have access to information from the compliance management, product development, and other enterprise functions that could modify any facet of the way an institution does business, especially for decisions made in response to pandemic planning.

COVID-19 has caused firms to consider broader topics and categories for inclusion in their regulatory applicability documents, such as areas that could apply to employees, healthcare plans, facilities, legal entities, subsidiaries, affiliates, and third-party relationships. Financial institutions should consider expanded tracking for a number of new topics and categories related to COVID-19, as well as identifying and monitoring for expanded issuing authorities and issuance types.

Monitoring for new and expanded topics and categories will help financial institutions more efficiently manage processes for decision making for all geographies and legal entities. Expanded topics and categories could include:

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|---------------------------------|---------------------------------------|------------------------|
| • Benefits | • Health emergency | • Stay-at-home |
| • Business continuity | • Health order | • Telemarketing |
| • Compensation | • Homelessness | • Telemedicine |
| • Confidentiality | • Office closure | • Testing |
| • Contact tracing | • Non-essential business | • Travel |
| • Compensation and payroll | • Personal protective equipment (PPE) | • Unemployment |
| • Disaster recovery | • Public health | • Whistleblowing |
| • Essential business | • Quarantine | • Work from home |
| • Face coverings/ facemasks | • Robocalls | • Workers Compensation |
| • Harassment and discrimination | • Shelter-in-place | • Workplace safety |
| • Health coverage | • Social distancing | |

In evaluating and implementing these new approaches, institutions may find it prudent to discuss the following list of issuing authorities with key stakeholders to determine whether the additional coverage is warranted:

- Bank for International Settlements (BIS)
- World Health Organization (WHO)
- County Health Officer
- Office of the Governor
- State Attorney General
- State Department of Public Health
- State Department of Insurance
- State Department of Labor
- Federal Reserve Bank of New York
- Federal Bureau of Investigation (FBI)
- Financial Industry Regulatory Authority (FINRA)
- Internal Revenue Service (IRS)
- U.S. Centers for Disease Control and Prevention (CDC)
- U.S. Department of Defense, Office of Small Business Programs
- U.S. Federal Housing Finance Agency (FHFA)
- U.S. Food and Drug Administration (FDA)
- U.S. Department of Health and Human Services (HHS)
- HHS, Office for Civil Rights (OCR)
- HHS, National Institutes of Health (NIH)
- HHS, Office for Human Research Protections
- U.S. Department of Homeland Security (DHS)
- DHS, Cybersecurity and Infrastructure Security Agency (CISA)
- DHS, Customs and Border Protection (CBP)
- DHS, Federal Emergency Management Agency (FEMA)
- DHS, Transportation Security Administration (TSA)
- U.S. Department of Housing and Urban Development (HUD)
- U.S. Department of Justice (DOJ)
- DOJ, National Center for Disaster Fraud
- U.S. Department of Labor (DOL)
- DOL, Occupational Safety and Health Administration (OSHA)
- DOL, Wage and Hour Division
- U.S. Equal Employment Opportunity Commission (EEOC)
- U.S. Small Business Administration (SBA)
- U.S. State Department, Bureau of Consular Affairs
- U.S. Department of Transportation, Federal Aviation Administration (FAA)
- U.S. Department of the Treasury

RCM Risk Mitigation in a Return to Workplace

After a financial institution completes its regulatory applicability document and begins the process for capturing and reporting, it will need to develop a detailed strategy to implement a response to current requirements, as well as prepare for future regulatory change events. The plan should be flexible and allow for adaptation to changing circumstances.

Financial institutions operationalizing a return to workplace will need to consider new, and sometimes conflicting, laws, regulations and guidance on how best to decrease potential exposure to COVID-19 in their workplaces, as well as prepare for monitoring and responding in the event of another outbreak. RCM stakeholders should engage resources throughout the organization, including project managers and other subject matter experts, to ensure they accurately capture the relevant requirements in the COVID-19 RCM program and project scope for a return to workplace.

It is critical to define a communication strategy that ensures the right people receive the right information at the right time.

This is especially important when the changes occur at multiple levels, as both solution owners for local branches and staff/executives at more encompassing and global levels will have to remain in-the-know regarding new policies.

Key considerations for risk mitigation include:

- Internal communication should include not only the strategy for the return to workplace, but also training materials and, if necessary, regulatory and customer communication.
- The institution should consider how a specific change could alter the institution's initial COVID-19 regulatory applicability document. The RCM program itself is not immune to the results of its process, and a stagnant applicability document will not ensure full coverage.
- The institution should clearly document risk considerations for a return to workplace, including updating risk assessments; drafting new policies and procedures; updating monitoring and testing programs; and documenting what actions the institution took, who was involved and what the ultimate considerations/inputs were for all involved parties, including customers.
- Firms should identify and communicate their objectives in re-entering their workforce, which may include one or more of the following: reducing transmission to and among staff; protecting people who are at higher risk for adverse health complications; maintaining business operations; and minimizing adverse effects on other entities in their supply chains.

Specific Return-to-Workplace Operational Considerations

As laws, regulations, orders and guidance in the U.S. rapidly evolve around COVID-19, financial institutions are tasked with promptly assessing their facilities and branches to determine processes that react and respond to changing risks.

The board of directors should continue to oversee senior management in their return-to-workplace planning. All areas of the financial institution should be involved in the COVID-19 RCM planning process (e.g., legal, human resources, information technology, business and product areas) and the plan should include sufficient resources to implement, monitor, and test the plan.

Financial institutions can consider some of the current 'lessons learned' informational available, while also actively engaging in the strategic planning process and monitoring emerging requirements. Unlike relatively short disruptions caused by natural disasters, technical failures or terrorist attacks, RCM in a return to workplace during a pandemic is challenging to manage because of differences in scale and duration. Focus on protecting the workforce from COVID-19 while ensuring continuity of operations when returning the workforce to facilities and branches.

While the checklist below includes specific suggestions based on current regulatory guidance, institutions should emphasize these areas during the RCM process, to track for changes in these guidances or monitor for new regulatory action that could impact policies and procedures for COVID-19 return to workplace.

Figure 2. A Checklist for Return to Workplace RCM Focus Areas

Communication

The most important part of any plan for return to workplace is to communicate that plan to employees and other stakeholders, advising of new procedures and policies before returning employees to work.

- Roles and Responsibilities.** Share your return to workplace plan and updated human resources (HR) policies with all employees. Explain to employees their roles and responsibilities in a return to workplace, and ensure you provide employees with a written plan and HR policies before returning to the workplace.
- Customer Awareness.** The FDIC advises providing customers with helpful updated information on the institution's operating status, branch office hours, and available online or mobile services on the institution's websites, customer support lines, and push notifications.
- Information Sharing Plan.** FFIEC deems communication with customers and the media as critical to ensuring accurate information dissemination. FFIEC recommends having in place an advance agreement to share information with other financial institutions and third parties for coordination and support during a pandemic.
- Applicable Stakeholders.** In addition to employees, customers, and media, other stakeholders that may need to receive updates regarding an institution's return to workplace plan include third parties or vendors, delivery companies, regulators, and examiners.
- Community Efforts.** Share best practices and prepare a communications plan with other businesses in your communities (especially those in your supply chain), chambers of commerce, and appropriate associations to improve community response efforts.
- Public Health Officers.** Coordination with state and local health officials is strongly encouraged for all businesses so that timely and accurate information can guide appropriate responses in each operation's location. Since the intensity of an outbreak may differ according to geographic location and occur in multiple waves, local health officials will be issuing guidance specific to their communities.
- Fraud Risk.** Federal and state regulators across the board have been vocal about the financial crime risks associated with this uncertain time. The FDIC specifically reminded firms of the risks to them and their customers during the pandemic and outlined four common scams they should monitor and mitigate risk for (1) fraudulent account openings and money transfers; (2) firm imposter scams; (3) IT help desk scams; and (4) business email compromise schemes. Institutions should ensure both clients and employees know to be on the lookout for red flags and know what action to take in the case of suspicious activity.

Localized Communications. Prepare localized communications to keep staff informed on roles, responsibilities and decisions in response to emergency preparedness activities. Update the emergency communication plan for distributing timely and accurate information, including employees without company-issued phones, laptops, or desk stations. OSHA recommends developing an emergency communications plan, along with resources to answer employees' concerns and internet-based communications. Also, be sure each branch or facility has up-to-date information for other applicable local stakeholders and a communications plan for that locality.

HR Communications. Institutions will need to review their HR policies to ensure they are consistent with public health recommendations at multiple levels and jurisdictions. In addition, they will need to align with existing state and federal workplace laws (for more information on employer responsibilities, visit the federal and applicable state departments of labor, CDC, OSHA, and EEOC websites). Some HR considerations that HR will need to communicate to employees include:

- Leave policies to ensure flexibility and continued compliance with applicable and recently enacted sick leave laws
- Furlough or similar policies with an awareness of new laws that require giving priority to furloughed or part-time employees over new hires
- Benefits policies and issues such as re-enrollment of returning furloughed employees and any impact on 401(k) plans
- Existing bonus/incentive plans and COVID-19-specific impact
- Internal contacts, such as an HR representative, to receive confidential employee health information or to which an employee may report another employee's noncompliance with new workplace policies and requirements, such as not maintaining social distancing

Other HR Considerations

The HR team, along with other essential stakeholders in the RCM program, will need to make many important decisions as guidance and regulations change, to protect both employees and the institution.

Discrimination. Remind employees it is against federal laws to harass or otherwise discriminate against co-workers based on race, national origin, color, sex, religion, age, disability, or genetic information. Fear of the COVID-19 pandemic should not be misdirected against individuals because of a protected characteristic.

Vulnerable Populations. Consult employment law counsel concerning disparate treatment of elderly employees and those with underlying conditions (diabetes, obesity, etc.) in scheduling returns to work, working hours, conditions, and pay.

Furloughed Employees. If employees have been furloughed, the institution will need to select who will be brought back first in a non-discriminatory manner – requiring employment law specialists' advice in many cases.

Essential Employees. Financial institutions may consider certain practices to limit the risk to employees and contractors at each location and should classify which staff are deemed essential for an office to operate safely.

- The CDC recommends that those with a higher risk of severe illness, including adults 65 years or older, are assigned to job functions that allow them to maintain a six-foot distance from others.

Absenteeism. Financial institutions should continue to monitor and respond to absenteeism in the workplace and implement plans to continue essential business functions in case absenteeism is higher than usual while back in the workplace. Protocols should be in place to monitor and trace unexpected absences or unexpected departures to ensure supervisors, HR, and other responsible parties are notified.

Personnel Cross-training. It is critical to cross-train personnel to perform essential functions so that the workplace can operate even if key staff members are absent.

Doctors' Notes. The CDC does not recommend requiring an employee to obtain a doctor's note or test results to validate infection. Given the challenges for individuals to be tested with an FDA Emergency Use Authorized COVID-19 molecular assay or see their healthcare provider, it may be difficult for employers to rely on those options for a return to work. The EEOC issued an opinion that under the Americans with Disabilities Act (ADA) an employer is allowed to request a doctor's note to certify fitness for duty, but cautions similar to the CDC, that individuals may not have access to their healthcare providers and employers may consider alternative certification from a local clinic to provide a form, a stamp, or an email.

Health Monitoring. The debate over privacy and what information an employer is allowed to collect will be particularly challenging for financial institutions for how, and whether, it will use an electronic application or system to track employees as part of a health monitoring and contact tracing program. Employers are allowed to ask employees whether they are experiencing COVID-19 related symptoms. Still, the EEOC recommends relying on EEOC, CDC, and other public health authorities to choose which symptoms-related questions to ask. Because of the medical nature of this information, financial institutions must use a secure and confidential process to collect this information. The ADA requires an employee's health information to be stored separately from their personnel file, including if the employee has tested positive. This health information also cannot be disclosed to other employees.

- Employers should rely on the CDC or other public health authorities, WHO, DOL, OSHA, and the EEOC for guidance on emerging symptoms associated with the pandemic virus. Financial institutions are encouraged to work with state and local health agencies, as well as the institution's healthcare providers, vendors, and third parties, to provide their employees with the latest information on COVID-19 and what resources and medical care are available.
- Employees, contractors, and vendors are expected to self-certify that they do not have a fever or symptoms before entering a facility. Employees and visitors should screen themselves for temperature and symptoms at home and should notify their supervisor if their temperature is above 100.4 degrees Fahrenheit (38.0 degrees Celsius) or if they are experiencing any COVID-19 symptoms.

Flexible Work Schedules. Financial institutions should continue policies and practices for flexible work schedules (e.g., telecommuting) and flexible work hours (e.g., staggered shifts), to increase the physical distance among employees and between employees and customers.

- Ensure essential employees have phased or staggered work schedules to meet office operational and safety requirements. Contact local and state health departments for accurate and timely notification of relevant information.
- Stagger days and working hours to limit the times and number of employees onsite at each location.
- Continue flexible work arrangements, and reasonable accommodations, for employees who disclose that they are higher-risk.

- Until you complete operational planning, encourage employees who can telework to do so instead of coming into the workplace.
- Regularly evaluate who needs to be physically present in the workplace and who can continue to work remotely to reduce the number of employees in the workplace.
- Continuously update technology and cybersecurity protocols to continue to remote operations. Hardware, software, mobile devices, and cloud-based platforms should allow for scaling and continued secure remote access for extended periods.



Transportation. Financial institutions should consider options to minimize potential exposure for employees, contractors, and vendors when traveling to and from the workplace.

- Certain locations may request that employees limit travel to only employee-owned vehicles when traveling to and from work. Other incentives could include parking reimbursement, staggered shifts, and assigned parking to limit the use of public transportation and ridesharing.
- In certain areas where parking and personal vehicle use are more limited, financial institutions may wish to consider dedicated transportation (e.g., Uber, Lyft, car services), as well as offering valet for those traveling to and from the workplace. Regardless of the transportation method, employees, contractors, and vendors should be instructed to wash hands upon arrival at the workplace.

Operational Plan for an On-site Sick Person

In planning for a return to workplace with the knowledge that the first wave of COVID-19 is not over, and that experts expect second and thirds waves, it is critical to understand the chances are not low of an infected person coming into a branch or facility. Institutions must plan for how to mitigate exposure quickly and safely.



Temperature Checks. Before entering a facility, financial institutions screening for temperature can verbally request that employees and visitors confirm that their temperature is less than 100.4 degrees Fahrenheit (38.0 degrees Celsius) and are not experiencing any COVID-19-related symptoms.

- If an institution decides to screen employees and visitors before entering a facility, or is required by state or local law, no-contact thermometers are recommended.
- The CDC recommends that screeners maintain a six-foot barrier between parties, and it is recommended the screener use a glass or plastic partition.
- The institution will need to determine whether the individual conducting temperature checks is at high risk of exposure and should be provided with the appropriate personal protective equipment (PPE). OSHA reminds employers that they are obligated to provide their workers with PPE needed to keep them safe while performing their jobs.
- The institution should develop a non-discriminatory policy to ensure appropriate use and protocols for those required or not required to wear PPE.

- Employers must be able to easily identify who has and has not been cleared into the facility. After each employee is cleared, there should be a visual indicator to show who has or has not been checked (e.g., badges, pins, buttons, or stickers).



Onsite Separation. Identify and plan for a specific area that may be used to immediately isolate an employee or customer exhibiting signs of illness in the workplace, either upon arrival or developing during the time on site. In the event an employee becomes sick or shows symptoms of COVID-19 at work, they should be isolated from the rest of the workforce in a designated area with closable doors, provided and expected to wear a mask and sent home immediately or as soon as practicable.

- The CDC recommends this protocol for employees who appear to have acute respiratory illness symptoms (e.g., cough, shortness of breath).
- The ADA allows employers to send employees home when ill from symptoms of COVID-19, as well as requiring them to stay home when symptoms are present.
- Financial institutions are encouraged to have a written plan with their contractors and vendors on expectations for their sick employees to stay home.



Exposure Protocols. The CDC recommends those who have had close contact (six feet or less) with someone infected with COVID-19, for a prolonged time, should self-isolate if they are showing symptoms. For those employees without symptoms, they should remain home and social distance for 14 days. All sick employees, especially those experiencing symptoms associated with COVID-19, must stay home and away from the workplace. After completing home isolation, an employee should consult a healthcare provider and state or local health department before returning to work.



Return-to-work Testing. For financial institutions that determine a testing program is an integral part of their return to workplace program, the EEOC has issued an opinion informing employers that they can administer a test to determine whether an employee has COVID-19 before they enter the workplace. Institutions will need to decide whether or not they will require a recovered or an exposed person to be tested or use a symptoms-based approach to allow for a return to work. The CDC does not recommend an employer require a recovered person to provide the results of a test. Still, the EEOC, under the ADA, allows for an employer to require testing since the employee poses a threat to the health of others.

- When requiring testing before returning to the workplace after an employee tests positive, institutions should consider only allowing for FDA Emergency Use Authorized COVID-19 molecular assay to be used. Even when implementing a testing-based strategy, for those without symptoms, it will not be possible to determine with any certainty where they are in the course of the infection.
- A time-based approach (i.e., time-since-illness-onset and time-since-recovery strategy) for those without symptoms, but who have tested positive, does not provide for a clear indication of what stage an infected person may be in the course of the infection and could be longer or shorter than when first tested positive. The CDC currently recommends someone infected with COVID-19 to isolate for at least ten days after illness onset and at least three full days after recovery, but this is a challenging metric for asymptomatic positive cases.

- Institutions must implement more stringent and restrictive standards when a recovered person could expose vulnerable or immunocompromised people to infectious risk while at the workplace.



Positive Infection Notification. If not already detailed, institutions should develop policies and procedures for how employees can notify the institution if the employee tests positive for COVID-19, becomes aware they have been exposed to COVID-19 and/or has any underlying symptoms for the virus. Employers can notify employees that there is evidence of a positive infection by a co-worker or customer, but the employer is expected to maintain confidentiality and not disclose the name of that employee as required by the ADA.



Contract Tracing. When an employee, vendor, or customer tests positive for COVID-19, financial institutions will need to determine whether to implement a contact tracing program for those people potentially exposed to the virus while on premises or when performing job tasks or functions related to their employment. Contact tracing must be done confidentially, without identifying the individual who tested positive or is deemed presumptively positive for COVID-19.

- If the financial institution decides to have a contact tracing program in place, it will be essential to monitor employee movement in and out of the facility, document and review daily employee logs to observe violations of operational protocols, and determine whether to incorporate further electronic surveillance.
- Some other considerations include: laws and regulations for labor and employment, health, and privacy; the policies and procedures, developed by counsel, for having an employee, company representative, or local health officials notify individual(s) exposed; and the communication and storage of health-related materials for those exposed and how to balance certain legal privacy protections with a need to ensure those exposed are aware of such exposure.



Closing the Facility. When an employee, contractor, or customer has been on premise and has tested positive for COVID-19, the institution should determine whether, and for how long, the facility, office, or branch should be closed for a thorough cleaning. The CDC recommends focusing on disinfecting the areas used by the person, as well as ventilating and closing off the areas the person visited, until the area can be cleaned and disinfected. This approach may be difficult in a branch where there are many common and high-touch areas, and where the person could have efficiently transmitted the virus. The CDC recommends waiting 24 hours before beginning the cleaning and disinfecting process.

- Set up authorities, triggers and procedures for activating and terminating the company's infectious disease outbreak response plan, altering business operations (e.g., changing or closing operations in affected areas), and transferring business knowledge to key employees.
- Work closely with your local health officials to identify these triggers.

Facilities

Whether for branches or office locations, the facilities management aspect of physical institution locations will be critical. These considerations affect employees, clients, third-party service providers, and anyone else who visits or enters a building in which the institution operates.

Multiple Facilities/Branches. Financial institutions with more than one location are encouraged to provide local managers with the authority to take appropriate actions outlined in their business infectious disease outbreak response plan based on the condition in each locality. Ensure there is an escalation plan in place and there are clear lines of communication, including appropriate emergency contact numbers and emails. Identify local emergency operations coordinators and planning teams where each office should have specific and documented operational plans.

Contract Management. Consider contracts with vendors that provide essential services and assess the potential need to renegotiate, recognizing that qualified sanitation service providers may be in short supply in the first wave of return to work from the pandemic. In addition, each institution must review its various agreements, contracts, and other business documents with stakeholders such as borrowers, depositors, service providers, and suppliers to determine how they address 'force majeure' events and monitor for new laws and regulations that could apply.

Performance and Maintenance. Institutions should examine their current facilities' and co-working spaces' lease agreements to ensure focused discussions with facilities management on operations, health and safety, space management, strategic planning, security, compliance, and emergency management. Coordination and a written plan on the roles and responsibilities, and associated reporting on the Key Performance Indicators (KPIs), will be imperative as financial institutions return their employees to leased facilities.

Supply Chains. Examine current supply chains and inventories to determine whether there are enough supplies of essential sanitation products and equipment to safely open headquarters or back-office operations sites and/or branch locations. Given the challenges with current supply chains for commercial and noncommercial products and materials, the institution must take appropriate inventory to ensure it can effectively control current supplies for a 30 – 60-day period, and take steps to ensure supplies are replenished promptly. OSHA [warns](#) shipments may be delayed or even canceled without notification. It is recommended that facilities are supplied with the necessary resources to promote personal hygiene, including:

- Disposable gloves
- [EPA-registered approved disinfectant](#)
- Disinfectant wipes
- Toilet paper
- Disposable towels
- Soap
- Nonsurgical masks
- Alcohol-based hand sanitizer
- No-touch trash cans

Worker Exposure Risk: Financial institutions are encouraged to examine OSHA's [occupational risk pyramid for COVID-19](#) to determine potential occupational exposure to COVID-19. For example, customers allowed to enter a branch and transact directly with the employee may have Medium Exposure Risk due to their potential close contact with a customer or the public. Institutions should encourage customers to use phone-based communications or online services to reduce those risks.

- Working from Home.** Institutions should examine their existing facilities' contracts to determine the terms, scope of services, consequences of breaches, and associated penalties and termination rights. Given the increased frequency and the potential movement of a significant portion of the workforce to a permanent work from home (WFH) scenario, institutions should examine options to reduce their real estate footprint.
- Open Doors.** Doors with handles should be left open to the extent there are not security protocols in place to protect people, technology, or sensitive information. If there are such protocols in place, appropriate sanitization products should be provided to those entering and exiting those doors.
- Elevators.** Depending on an elevator's square footage, there should be no more than two to four people in the elevator at one time. When practical, employees should be encouraged to use stairs (and stairwell exit doors should be kept open, where appropriate) as most elevator cabs do not allow for social distancing. Each floor should have a dedicated automated hand sanitizer dispenser located at the entrance and exit of each elevator hall, and people using the elevator should be required to wear masks while in the cab.
- Social Distancing.** Institutions may consider staggering workstations or separating furniture and equipment to maintain a six-foot separation between employees. Prohibit sharing desks, workstations, phones, and other work equipment. Alternatives could include continuing to provide back-office operations and support services by video, phone, or online while on premise.
- Communal Areas.** Close all common areas and strictly limit use of break rooms until COVID-19 restrictions have been lifted.
- Office Capacity.** The square footage and proximity of each office can determine the number of employees safely allowed to occupy the space.
- Conference Rooms.** The measurements for each conference room should be calculated to allow for the number of people safely allowed to enter, exit, and use a conference room. The use of conference rooms should be strictly limited, and the time allowed in each room should be limited based on the airflow and risk of infection from proximity exposures.
- Traffic Patterns.** To facilitate the movement of employees and visitors on premises, financial institutions should mark the direction and appropriate distance for those people to move through the facility safely.
- Reclosing.** Institutions must utilize federal, state, and local guidance to decide which branches or offices to reopen or reclose. Determine the institution's threshold (e.g., absences, sick, infected, exposed) for closing a facility, office, or branch location(s) and the scheduling timeline for each threshold scenario. State or local ordinances may also reference potential scenarios and should be included in planning. Plan ways to continue essential services if onsite operations are reduced temporarily under new orders or pandemic waves.
- Signage.** Station signs at bathrooms, entrances, and other common areas to remind employees, clients, and visitors on expected sanitation practices (e.g., hand washing, coughing, and sneezing etiquette), social distancing requirements, and staying home when sick or experiencing symptoms. Place signage outside of each facility entrance notifying employees and visitors of self-monitoring and institution protocols for health monitoring and assessment. Place signage inside bathrooms, reminding people of proper handwashing practices.



Regular Cleaning. Regularly clean and disinfect bathrooms, soft surfaces, electronics, offices, cubicles, and common areas according to the CDC's guidelines for [Cleaning and Disinfecting Your Facility](#).

- Each location must be able to source commercial cleaning services that can constantly and regularly disinfect surfaces, including doorknobs, handrails, POS systems, tables, chairs, and desks.
- Disinfectants should meet the EPA's criteria for use against COVID-19.
- Each cubicle and/or office should be supplied with alcohol-based hand sanitizer, antibacterial wipes, face-fitting masks, and disposable tissues.
- The CDC [recommends](#) that porous services, such as paper, should be isolated for a minimum of 24 hours before exposure.
- Policies and procedures for cleaning should consider local requirements and must be communicated to employees and contractors to ensure proper disposal of waste, etc.
- The CDC [recommends](#) gloves and gowns be used to minimize risks from certain cleaning products, and PPE may be required in certain settings and for the disinfectant product used.
- Follow all manufacturer instructions for all cleaning and disinfection products, including concentration, application method, and contact time. Ensure workers and contractors are trained and monitored for [compliance](#) with OSHA's Hazard Communication standards.



Hygiene. [FFIEC](#) recommends publishing general hygiene programs and teleconferencing and telecommuting to reduce face-to-face contact. Institutions should outline respiratory etiquette and hand hygiene, including washing hands with soap and water for 20 – 30 seconds and using hand sanitizer that contains at least 60 percent alcohol. All bathroom sinks should meet the required temperature and clean running water guidelines for handwashing. No handshakes or physical interactions should be allowed.



Masks. The CDC [recommends](#) wearing cloth face coverings and masks in settings where social distancing cannot be maintained. While an employer may require masks to protect employees and customers as an infection control practice, employers should be aware of certain situations where employees with disabilities or requesting religious accommodation may wish to discuss a modification.

Branches

Local conditions will influence the decisions that public health officials make regarding community-level strategies, and financial institutions should take the time now to learn about plans in place in each community where they have a branch. Branch locations, due to the inherent public interface, pose certain risks in addition to the ones listed above, that other back-office facilities may not need to consider.

- Essential Third Parties.** In addition to identifying essential employees, it may be necessary to identify essential business functions, essential jobs or roles, and critical elements within your branch supply chains (e.g., raw materials, suppliers, subcontractor services/products, ATM logistics) required to maintain business operations. Financial institutions should consider the size, location, number of open and closed offices, and back-office operations at each branch to determine the number of employees, customers, and third parties safely allowed on premise at any one time
- Safe Distancing.** Adopting safe distancing practices such as wider spacing of workstations and customer help desks, limiting the number of customers, promoting customer use of electronic platforms for financial transactions, and ensuring a separation of at least six feet between people will help to ensure customer and employee safety.
- Protective Barriers.** To keep employees and customers safe in facilities and branches, the CDC recommends that institutions construct partitions, protective barriers, and use markers to guide spacing at least six feet apart to minimize exposure to airborne particles.
- Scheduling Limited Visits.** Financial institutions should consider allowing customers to preschedule meetings online or by phone before entering a branch. A shared calendar in each branch should allow for tracking and scheduling for customers who need to conduct in-person business with the financial institution.
 - OSHA recommends minimizing contact among employees and customers by replacing face-to-face meetings with virtual communications. Asking clients to schedule meetings in advance may allow for an opportunity to notify a client that the matter can be handled virtually or telephonically, where applicable.
 - The FDIC suggests reminding customers of the various ways to receive service without physically going to a bank location such as using an ATM, telephone banking, or an online/mobile banking application.
- Hand Hygiene.** Contactless systems should be used in branches, when feasible, to allow for customer and account identification, payment processing, and account transactions.
 - The CDC recommends employees wash their hands or use hand sanitizer after touching objects handled by customers and minimize the handling of cash and credit cards.
 - OSHA recommends providing employees, customers, and the public with disposable tissues and easy access to trash receptacles.
- Vaults and Safes.** The CDC recommends wearing cloth face coverings and masks in settings where social distancing cannot be maintained. Employees and customers should be expected to wear face-fitting masks when utilizing vaults and safes, and when accessing safety deposit boxes.

OPERATIONAL AND WORKFORCE TRAINING

One of the most critical aspects of a return to workplace is ensuring the workforce understands and adheres to all the emerging laws and regulations for COVID-19, along with internal corporate policies that apply to daily roles. An institution must be able to ensure that it meets legal and regulatory requirements and supervisory expectations for the pandemic, and employee training is the cornerstone for properly operationalizing the outcomes of the RCM process.

Financial institutions recognize that organizational and employee training is an essential and legally required component of an institution's risk management and compliance program, and are no strangers to training tailored to their risk profile and compliance responsibilities. But during a return to workplace, a strong training program is more critical than ever.

Some financial institutions may recognize the need to conduct COVID-19 specific training and spend the resources required to ensure it is comprehensive, timely and relevant. Still, these initiatives may not be in sync with learning initiatives throughout the rest of the institution. "Enterprise learning" is a framework that gives employers and employees the tools they need in their COVID-19 training, and for continued training and professional development in the long term to grow product knowledge and skills. When executed properly, its advantages are both:

- Proactive, providing a constant learning arena for employees to deepen proficiencies in areas outside of narrow roles or domains, and supporting proactive, multifaceted solutioning; and
- Tactical, changing the workplace culture, augmenting the feeling of cohesion and accomplishment, and fostering loyalty.

Enterprise learning through a return to workplace will also increase revenue, decrease costs, and accelerate timelines by improving business processes when re-entering the workforce and planning for new operational processes. Accordingly, employers may find it prudent to provide employees with tools that enable faster and more efficient access to knowledge. Learning and upskilling employees is a key component in retention and reaching overall business objectives.

COVID-19 training should follow these tenets:

- Compliance training is comprehensive, timely, and specifically tailored to the particular responsibilities of the staff receiving it, including those responsible for product development, marketing, and customer service.
- The compliance training program is updated proactively in advance of the rollout of new or changed products, or the effective date of new or changed laws and regulations, to ensure that all staff are aware of compliance responsibilities.
- Training is consistent with policies and procedures and designed to reinforce those policies and procedures.
- Compliance professionals have access to training that is necessary to administer a compliance program tailored to the supervised entity's risk profile, business strategy, and operations.

Many existing regulations already required trainings directionally geared toward different levels of a financial institution's operations, such as retail or first-line employees, back-office personnel, those serving in a lending capacity, or the board of directors or C-suite executives. When developing training for COVID-19-specific or pandemic-impacted areas, the institution will have to decide which levels need which trainings.

It is important to note the difference not only in tone of delivering training to different audiences, but also the differences in actual content. A board of directors, for example, does not have to learn the technical processes for proper immediate isolation for a client showing symptoms of illness, while those directly serving customers at branch locations would require training on those procedures. However, the board level may require a more abstract explanation of the current policies and trends in the field, and the implications a violation or misstep could have on the institution overall, examining operational, reputational, and legal risks.

Best Planning Practices Overall

Boards of directors should oversee senior managements' pandemic response planning, and all areas of the financial institution should be involved in the planning process (e.g., legal, human resources, information technology, business and product areas). The plan should include sufficient resources to implement, monitor, and test these processes and procedures.

In response to the various federal and state regulators an institution already monitors, institutions will need to quickly implement a timely monitoring and response program for nontraditional governmental authorities that issue obligations and requirements the firm will need to consider when opening offices, branches, and back-office operations. Not only do institutions need to continue to monitor for all applicable laws and regulations directly associated with their products and services, or risk noncompliance, but they will also need to carefully monitor for how third parties are impacted by rapidly evolving federal, state, and local specific requirements in such areas as debt collection, complaint management, privacy, technology, healthcare, and what are deemed essential services.

Due to the heightened scrutiny financial institutions will face in safely reentering their workforces, it is more important than ever for the board and senior management to use critical thinking, strong team collaboration, effective communication, and trusted sources of information for their planning, RCM system, and training efforts.

The fact remains that financial institutions have varying sizes, levels of complexity, and regulatory oversight models. An institution must cultivate a program that makes sense considering these variables. The plan must be prepared for small-scale and large-scale shifts and consider both internal and external forces in how to interpret, understand, prepare, and execute. These activities could have enterprise-wide impact, so do not minimize or forget their importance.

CONCLUSION

With the focus on federal, state, and local governments opening the economy in various phases, financial institutions need to expand their RCM consideration to include all relevant regulatory bodies and numerous laws and regulations that apply to human resources, facilities, products, services, operations, and business lines impacted by COVID-19 measures. It is clear that COVID-19 regulation is both rapidly changing and shaping the growth of financial services itself.

Financial institutions should determine the most appropriate steps to reopen and reintroduce their workforce based on guidance from regulators, public health officials, law enforcement, and appropriate international, federal, state, and local authorities. The considerations and lessons learned should be closely examined with the board, senior management, counsel, and business leads to ensure conformity with current guidance, regulations, and rapidly evolving laws.

In today's competitive landscape, where risks are so intertwined, it is becoming increasingly critical to remain abreast of the shifts and trends in the regulatory compliance sphere — and while financial institutions around the world struggle to keep up, the current crisis becomes a make or break moment for many firms.

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