



CHECKLIST

RETURN TO WORK FOLLOWING COVID-19 CHECKLIST

Revised: April 2020

Summary:

This checklist presents considerations for employer when opening up operations following a temporary shutdown for the Covid-19 pandemic.

Important Notice:

The information provided herein is general in nature and designed to serve as a guide to understanding. These materials are not to be construed as the rendering of legal or management advice. If the reader has a specific need or problem, the services of a competent professional should be sought to address the particular situation.

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Return to Work Following Covid-19

Considerations for employers to resume operations during the Covid-19 pandemic.

Before anything, consider creating a COVID-19 team or committee. Consider who should be on the committee:

- Officers
- HR
- IT
- Other?

RESEARCH

- [Read these general considerations](#)
- Identify any industry-specific requirements/ considerations
 - [CDC Fact Sheets](#)
 - [Review](#) essential guidance
 - [CDC link](#)
 - [OSHA Employer Guidance link](#)
 - State Health Departments
 - [Arizona](#)
 - [Colorado](#)
 - [Utah](#)
 - [Wyoming](#)
 - NOTE: There may be local health orders to consider.

POLICIES

- Draft any desired new policies for employees
 - Safety training protocols
 - Duty to notify employer of symptoms/ infection/ exposure
 - Hygiene responsibilities
- Obtain signed acknowledgement of employer procedures
 - Acknowledge new safety training protocols, notification and hygiene responsibilities, etc.

CONTACT TRACKING

- When an employee reports they have been or may be infected
- Assign to someone in HR or having supervisory authority for the employee to identify other employees who had contact with the employee
- Protect the identity of the employee as required by the American with Disabilities Act
- Determine how these employees will be notified in a timely manner
- Draft notice to advise impacted employees when there is a reported workplace COVID exposure, including next steps and recommendations
- Consult legal advice to discuss customers and other non-employees who may have been impacted in the workplace or in the course of the infected employee's work.

COMMUNICATION

- Organizational Effectiveness
 - OD guidance on how to successfully reintegrate employees into the workplace
 - Survey employees in advance to solicit their feedback about return to work
 - Advise employees of employer intent, commitment to safety, expectations
 - Connect to Mission
 - Encourage open communication in case of concerns
- Clarify lines of reporting: who should employees contact to report concerns?
- Communication plan for employee recall of all furloughed employees when recalls begin.
- Remain aware of employees' protected concerted activity
 - Advise Managers on how to handle complaints (in person, social media, etc.) over workplace conditions

TRAINING

- Will any new training be provided to employees (perhaps virtually)
 - New safety training protocols, notification and hygiene responsibilities
- Special training for Managers/ Supervisors

RECALL LETTERS

- Draft letter
- Advise of any new screening/ testing requirements and new regimens
 - Virus, antibody, temperatures
 - PPE, face masks, social distancing, etc.
- Selection of who is called back
- Evaluate for possible disparate impact (select criteria like seniority, performance that is non-discriminatory and measures the employees against the task rather than one another)
- Document thought process
 - Review any employee who will not be rehired due to performance reasons. Does documentation exist? Assess risk.
- Identify any laid off employees on FMLA or other leaves when laid off
 - May need to notify and seek fit for duty documentation
 - May seek recertification for leave to continue

EMPLOYEE SAFETY

- PPE
 - OSHA link
- Critical businesses and their employees
 - Considerations with PPE as employees work and interact with public
- Workplace sanitation protocols
 - CDC link
 - Professional cleaning
 - Individual cleaning supplies: wet wipes
 - Work with your property management company
- Hygiene
 - CDC link
 - Hand washing supplies/ signage

- Face masks
 - Required? Recommended? (Any state or local rules?)
 - Employer provided?
 - Not required, but employee wants to wear
 - Expectations: color, quality, graphics, etc.
 - Training on proper donning/ doffing, and cleaning
- Social distancing in work spaces
 - Desk/ work station placements
 - Six feet of separation
 - Dividers/ barriers
- Bathrooms
 - Single user for small bathrooms, cleaning after use
- Shared spaces
 - break rooms, meeting rooms, waiting rooms
 - smoking areas
 - hallways: one way directional movement
 - managing workplace “bottlenecks” to avoid contacts
- Shared equipment protocols
 - Essential equipment: sanitation before and after each use of copiers, faxes, filing cabinets, common area workstations/ computers, etc.
 - Optional equipment: consider removal of coffee makers, microwaves, water coolers, etc., or sanitation before and after using
- Workers Compensation
 - Contact carrier to discuss coverage/ concerns
- Scheduling
 - Provide remote work option
 - Staggered shifts
 - Staggered start and end times
 - Staggered lunch and break periods

- Screening
 - If daily employee screening protocols will be put into place:
 - Draft policies and procedures
 - Identify location for screening to occur in privacy
 - What questions will be asked
 - Who will handle
 - Train them
 - Provide PPE
 - Will temperature screening occur?
 - Best to use thermometers that do not have contact with skin, or minimal contact
 - Documentation
 - Privacy of retained records
 - How to handle:
 - Employee refusal/ resistance to screening
 - Employee screening suggests infection
 - Identify any local health orders to consider and be in compliance
 - Preparation for future waves or outbreaks
 - Have a quick response plan for rolling city or state business closures or stay-at-home orders
 - Plan for continued or rolling school and daycare closures for employees who are parents

- PROCEDURE IN THE CASE AN EMPLOYEE IS EXPOSED
 - [Read this guidance article](#)
 - Notification of other employees
 - Contact tracking (see above)
 - Sending EE home, etc.
 - Sanitation of impacted workspace
 - Reassignment of work
 - Plan for possible spike of infection and possible return to stay at home

EMPLOYEES WHO REFUSE TO RETURN WHEN RECALLED

- Evaluate reasons
 - Seek documentation and review for red flag issues
 - ADA
 - FMLA
- Options to handle
 - EAP
 - Terminate
 - Unpaid leave
- Advise employee of UI implications
 - Loss of benefits
 - Understand how to interact with UI division.
- Employees who are pregnant or older who managers want to stay at home
 - Unlawful under ADA
- Rehire process
 - Follow new hire processes as per policy
 - Will background check, drug test, credential check be required
- Payroll for furloughed and laid off employees who are being called back
- Follow new hire payroll processes as per policy
- Deductions
 - Can they be automatically restarted (401k, etc.)?
 - Are new deduction authorizations needed?
 - Garnishments – evaluate for possible waivers
- Severance agreements
 - Did any employees receive/still receiving severance pay?
 - Identify employees being paid for working while still having severance pay.
 - Review any waivers for rehire statements.

- Review implications for special pay
 - Hazard pay
 - Sales commissions, bonuses
 - Shift differentials
- Determine if the break in service impacts timing of performance appraisals or merit increases
- Benefits for furloughed and laid off employees who are being called back
 - Pay attention to dates
 - Will employees lose health coverage if not recalled by the end of a month?
- Furloughed employees
 - Premium catchups
 - Benefits waiting period status is under ACA
 - Reinstatement of sick or vacation time
 - Determine employee gap in service for vacation accruals, longevity, etc.
- Laid-off (terminated) employees being called back
 - WARN notice responsibilities (if applies)
 - For those employees who accept offers to return to work
 - Premium catchups
 - Benefits waiting period status under ACA
 - Reinstatement of sick or vacation time
 - If vacation was paid out upon separation; what to do upon rehire
 - Determine employee gap in service for vacation accruals, longevity, etc.
 - Identify break in service permitted by other benefits (life, disability, etc.)
 - COBRA notices issued upon separation upon rehiring employee
- FFCRA reinstatement rights exist
 - EPSLA paid sick leave
- EFMLEA eligibility (retroactive?)

I-9

- Process for recalled employees
- Remote I-9 guidance

BUSINESS TRAVEL POLICY

- Evaluate for safety considerations

DOCUMENT

- Document all steps taken to ensure safety, review employee complaints and concerns.
- Document all FFCRA paid leaves for IRS Tax credits
 - FFCRA reasonable efforts to bring back employees for up to one year
- Document PPP funds used for loan forgiveness
- OSHA log
 - Read this guidance

Contact Employers Council for assistance 800-884-1328