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.
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
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☐ 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**