

Return to Work Toolkit

COVID-19, a novel virus colloquially known as Coronavirus, has completely changed the workplace—and workforce—around the world. Now, as states begin to loosen their Coronavirus social distancing restrictions and lift stay-at-home-orders, workplaces are beginning to discuss what going back to work will look like.

And there are many considerations that company leaders must take before officially re-opening an office—including various changes in the way the workplace looks as well as new practices and protocols.

To help you prepare for the new workplace reality, we've put together a toolkit for the return to work, including a checklist, a sample Welcome Back letter, a sample employee notice of face coverings, and some of your top compliance FAQs.



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POSTING & POLICIES

Post the Families First Coronavirus Response Act (FFCRA) poster in a visible place. Where employees will remain working from home, send by email or post to Company intranet or employee website.

Review and revise hiring practices and policies:

- Have staffing needs changed?
- Do you need to change benefits or pay to become more competitive?
- Use remote interviewing techniques as much as possible.
- Update onboarding practices.
- If you are recalling only some workers that were laid-off or furloughed, ensure your practices for determining who to recall do not discriminate against any group of employees.

Review and revise leave policies:

- Know how the FFCRA affects your previous policies and practices
- Consider implementing PTO/vacation rollovers, grace periods, and revise guidelines for usage if vacation is forfeited if not used by year end.
- Consider implementing or revising bereavement leave policies.
- Ensure that all employees have access to and an understanding of all leave policies that may apply to them.

Review and revise work from home and child care policies.

Update work travel policies in light of any new orders in your state and any new practices being implemented in the workplace to keep employees/customers safe.

Review rehire/reinstate provisions for your benefit policies (eligibility/waiting periods).

Distribute all new or revised policies to all employees.

HEALTH & SAFETY

Explain company policies and procedures related to illness, cleaning and disinfecting, and work meetings and travel.

Educate employees on how to reduce the spread of COVID-19 at home and at work (follow Centers for Disease Control and Prevention recommendations).

For employees returning to a worksite, make sure they understand what's expected of them in the workplace. For example, must they wear face masks or face coverings? Will protective items and hand sanitizer be provided? Are workplace hours different? Will you be taking employees' temperatures each day when they arrive? Is teleworking or staggered shift work allowed/encouraged?

Ensure that all employees who are currently ill or have contact with an ill family member stay home (follow CDC recommendations for length of time).

If an employee becomes sick at work, send them home.

Promote safe social distancing in the workplace by encouraging employees to:

- Remain at least 6 feet away from each other.
- Email, message, call, or video call rather than meeting face to face.
- Clean computer equipment, desktops, phones, and workstations often.

Provide hand sanitizer, cleaning supplies, and face masks or face coverings (where appropriate/necessary) and no-touch disposal receptacles.

Discourage handshaking.

Place posters throughout the business to encourage social distancing and hand hygiene.

BEST PRACTICES

Be aware of any local public health or other orders related to COVID-19 that may affect your business.

Ensure your workplace cleaning company is up to date on current methods of safely removing COVID-19 hazards.

Communicate frequently and as transparently as possible with employees:

- Provide expected timelines for recalling/rehiring employees.
- Provide returning employees with recall or offer letters.

Train managers on dealing with employees that may face increased personal challenges during this time, such as bereavement and loss, childcare and school-cancellation challenges, financial stress, and other dependent care and support needs.

Offer flexibility wherever possible and adjust workloads to be reasonable.

Be prepared to quickly investigate and stop discriminatory speech or acts in the workplace.

Consider contracting with an employee assistance program (EAP) if you do not currently have one.

Designate a workplace coordinator who will be responsible for COVID-19 issues and their impact at the workplace.

Develop a plan to operate if absenteeism spikes or if another shelter-in-place or stay at home order occurs in the future:

- Implement a plan to continue essential business functions.
- Implement flexible work schedules and leave policies.
- Cross-train employees on performing essential business functions.

Develop emergency communications plans, including a way to answer workers' concerns.

Communicate your appreciation and welcome employees back to work.

II. Sample Welcome Back Letter: COVID-19 RETURN TO WORK



Note to employers: Adjust language as necessary for your company/workplace. Be sure to check any state and local public health guidance as you formulate return to work plans.

To **[Company name]** employees:

Welcome back to work!

You'll notice various changes in the way our workplace looks as well as new practices and protocols. We understand these changes may be difficult and we are here to support you. Our goal is to collaboratively ensure you feel safe and secure so together we can navigate the complexities of our "new normal."

Here are some things we are implementing to help keep our workplace safe and to support you:

- More frequent cleaning and sanitizing.
- Access to hand sanitizer throughout the workplace.
- Access to our employee assistance program (EAP) and other mental health resources (contact HR or **[name and email of person to contact]**).
- Staggered shifts so fewer people are on-site at one time.
- More frequent communications on our business, projections, new policies and requirements, your health and safety, and measures we are taking to support you and our community.
- New limits on the number of people allowed to gather in rooms, conference rooms, and communal areas at one time (no more than **[x]** people).

Here are some things we expect you to implement to help keep our workplace safe:

- Go home if you feel sick.
- Wash your hands often, and for the recommended 20 seconds.
- Stay at least 6 feet apart when moving through the workplace.
- You may, but are not required to, wear a face mask or cloth face covering in the workplace.
- Be considerate of your co-workers (remember, we're all in this together).
- Call, email, message, or video conference as much as possible rather than meet face to face.
- Be conscious and understanding of your co-workers who may be dealing with child care issues, illness or loss of loved ones, financial insecurity, and other issues.
- Speak with your manager, HR, or **[name and email of person to contact]** if you have questions or concerns.

Thank you for your patience and cooperation, and welcome back to **[Company name]**.

[Name and signature]

III. Sample Employee Notice: FACE COVERINGS

Note to employers: State and local laws and orders may provide different or additional requirements for employers regarding masks or face coverings, including guidance on whether employers must provide and pay for them, who must maintain and clean them, and more. Review applicable mandates to ensure compliance.

Dear employees:

We continue to monitor our workplace and add safety measures based on guidance from the Centers for Disease Control and Prevention (CDC) and other government organizations. In line with those safety measures, we are providing this guidance regarding the use of face coverings to prevent the spread of COVID-19.

Unless otherwise notified by your direct supervisor, you are required to wear a **face covering** at work. A face covering is generally a cloth, bandana, or other type of material that covers an employee's mouth and nose. The CDC recommends that individuals wear cloth face coverings in public places or when it is impossible to practice social distancing.

Remember that wearing a face covering can help prevent the spread of the disease, but only in addition to other measures that you should be taking in the workplace and at home, such as frequent hand washing, cleaning and sanitizing frequently-touched surfaces, and practicing social distancing.

If you feel sick or if you are experiencing any symptoms of COVID-19 (fever, cough, difficulty breathing, chills, headache, muscle pain, sore throat, or new loss of taste or smell), let your supervisor know, go home immediately, and contact your healthcare provider for additional guidance.

To get the most benefits from a face covering:

- Make sure it completely covers your nose and mouth.
- Read the directions for use (if provided).
- Wash your hands before and after removing it.
- Try not to touch your face when you adjust it throughout the day.
- Keep cloth coverings clean by washing daily, or more often if contamination occurs.
- Don't let others wear your face covering.
- Keep it away from machinery that it could get caught in.
- If using disposable face coverings, do not reuse them, and throw them away in appropriate trash receptacles.
- Don't lay your face covering on any surface that may contaminate either the covering or the surface.
- Don't use it if it's damaged or has holes, unless it is the only face covering you have access to.

If you have any questions about the use of masks or face coverings in the workplace, contact Human Resources or a designated safety officer.

1. Can we screen employees returning to work for COVID-19?

Yes. Generally, inquiries about an employee's health or a medical exam (like a temperature check) would not be allowed, but the Equal Employment Opportunity Commission (EEOC) has stated that screening employees for symptoms of COVID-19 is allowed since it is a direct threat to others in the workplace. Because of that, you may inquire about symptoms related to the virus, require self-reporting by employees, and take employees' temperatures.

Known symptoms of COVID-19 include fever, cough, chills, shortness of breath or difficulty breathing, muscle pain, headache, sore throat, and sudden loss of taste or smell. As the medical community learns more about COVID-19, additional symptoms could be added to this list. Employers can check [this page](#) for currently recognized symptoms.

If you decide to do screenings, make sure you screen all employees; otherwise you may find yourself in the middle of a discrimination claim. And remember that all information about employees' health—including a lack of symptoms or temperature—must be kept confidential.

2. We are reopening after business closure due to COVID-19. Can we bring some employees back, but not others?

Yes. If you are recalling some positions, but not others, you should document the business reasons why only those positions were recalled. If you are recalling some employees in a certain position, but not everyone in that position, you should document the objective, job-related criteria you used to decide which employees to bring back. Seniority or previous job performance, for example, would be acceptable criteria and relatively easy to defend if you are ever challenged.

3. Some of our employees have said they don't feel safe returning to work. Can we just permanently replace them?

We recommend extreme caution when deciding to replace an employee who refuses to work because of concerns about COVID-19. Generally, employees do not have a right to refuse to work based only on a generalized fear of becoming ill if their fear is not based on objective evidence of possible exposure. However, under the current circumstances, where COVID-19 continues to be a threat across the country, we think it would be difficult to show that employees have no reason to fear coming in to work, particularly but not exclusively in a location with a shelter-in-place rule. Returning employees may also have certain rights under state and federal law.

Here are few things to keep in mind:

- Recalled employees may have a right to job protected leave under a city ordinance, state law, or the federal Families First Coronavirus Response Act (FFCRA). See our overview of the FFCRA on the HR Support Center.
- Employees who are in a high-risk category — either because they are immunocompromised or have an underlying condition that makes them more susceptible to the disease — may be entitled to a

reasonable accommodation under the Americans with Disabilities Act (ADA) or state law if their situation doesn't qualify them for leave under the FFCRA (or if they have run out of that leave). It would be a reasonable accommodation under the circumstances to allow the employee to work from home or take an unpaid leave, if working from home is not possible.

- Employees who live with someone who is high risk are not entitled to a reasonable accommodation under federal law, but we strongly recommend allowing them to work from home if possible or take an unpaid leave. Otherwise, they may decide to quit and collect unemployment insurance. If you want to keep them as an employee, being compassionate and flexible is your best bet.
- Under Occupational Safety and Health Administration (OSHA) rules, an employee's refusal to perform a task will be protected if all of the following conditions are met: Where possible, the employee asked the employer to eliminate the danger, and the employer failed to do so; the employee refused to work in "good faith," which means that the employee must genuinely believe that an imminent danger exists; a reasonable person would agree that there is a real danger of death or serious injury; and there isn't enough time, because of the urgency of the hazard, to get it corrected through regular enforcement channels, such as requesting an OSHA inspection.
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Check state and local law to see if additional protections may apply.

Instead of replacing employees who express fear at this time, we recommend that you consider methods to encourage employees to come to work and to help put their minds at ease. Consider emphasizing all of the safety methods you have put in place (such as scheduled handwashing, frequent disinfection of surfaces, social distancing rules, reduced customer capacity, staggered shifts, or more extreme measures if warranted by your industry). We recommend relying on the Centers for Disease Control and Prevention (CDC) and local health department guidance for establishing safe working conditions at this time. You might also consider offering premium pay (a.k.a. hazard pay) or additional paid time off for use in the future to employees who must come to work.

About Comply Advice & Action

The easiest way to stay up-to-date on federal and state requirements is to invest in a [robust compliance solution](#) that gives you access to the resources and services you need to stay compliant.

Namely's [Comply Advice and Action](#) has a comprehensive content library and powerful resources like checklists, state comparison guides, new law alerts, and more. Plus, you'll receive access to our expert team of HR advisors who are standing by to answer any of your compliance questions by phone or email. Comply Advice and Action also features a powerful learning management system (LMS) so you can assign and monitor crucial employee compliance trainings on topics like sexual harassment, cybersecurity, business ethics, customer service, and more.

Interested in learning more about Namely's Comply Advice and Action? [Click here](#) to sign up for a personalized product demo.