As companies return to work, they should establish a plan that ensures employees are protected from COVID-19 while on the job. This document is provided as a basic checklist to help companies establish a protocol to return their employees to work.

This list is not meant to be exhaustive—it is merely a starting point to brainstorm ideas and have fruitful discussions. Different companies and different industries may have varied concerns and work environments that require creative solutions to specific problems. Click here for Jaffe General Business and Industry Safety Protocols. Based on federal, state, and local resources, here are some of the things companies should consider doing as they return employees to work:

- ☐ <u>Become familiar with all state and local stay-at-home/shelter-in-place order(s)</u>
    - o Determine if your business is permitted to resume normal operations.
    - o Understand the state and local laws, executive orders, health orders and requirements governing the workplace.
    - o Understand any industry-specific requirements/considerations.
    - o Understand the Center for Disease Control ("CDC") and OSHA requirements.
    - o Avoid company-wide return to work policies if you have employees in different jurisdictions. Some states have more stringent requirements than other states.
    - o Continue to monitor state and local guidance for updates because responses to the COVID-19 pandemic are rapidly evolving and require flexibility.

- ☐ <u>Consider creating a COVID-19 team or committee</u>

- ☐ <u>Develop a plan for calling employees back to work</u>
    - o Consider all available options to reduce total number of employees in the workplace at any given time (e.g., staggered work shifts, transitioning certain departments before others, etc.).
    - o Transition senior level officers and managers back to the office first and consult with them regarding on-going remote work capabilities and business needs.
    - o Identify who will be brought back to work, using objective, non-discriminatory criteria.
    - o Determine whether company needs to change any operations (e.g., business hours, travel freezes, bonus and compensation changes, etc.).

- ☐ <u>Communicate return to work plan to employees</u>
    - o Consider whether an employee survey is necessary to solicit feedback about return to work.
    - o Advise employees of employer intent, expectations, and commitment to safety.
    - o Communicate plan for employee recall of all furloughed employees and when recalls begin.
    - o Communicate in writing clear expectations regarding when employees are expected to report to work, their duties and responsibilities, and any change in pay.
    - o Identify any laid of employees on FMLA or other leaves when laid off.
    - o Identify reasons for and response to an employee who refuses to work.

- ☐ <u>Develop a COVID-19 Return to Work Safety Plan</u>
    - o Draft any new policies for employees
        - ▫ Have employees acknowledge new safety protocols, hygiene responsibilities, and other obligations.
        - ▫ While the general checklist is below, businesses are required in Michigan to following the executive orders and local business health orders. Click here for further information. Failure to follow required safeguards can have serious consequences for the business.
    - o Establish daily screen protocols
        - ▫ Identify set of questions required and/or recommended by state and local authorities to enter jobsite.
        - ▫ Identify whether a temperature scan protocol is necessary that complies with applicable federal, state, and local law.

- Identify location for screening to occur in privacy.
- Employers should maintain all employee health information as confidential in compliance with ADA, applicable law, and other company policies.
- Establish obligations on employees to notify employer of symptoms, infection, and exposure.
- Determine whether and what kind of personal protective equipment (PPE) (e.g., masks, gloves, etc.) is required vs. recommended.
  - Determine whether employer must provide.
  - Training on proper donning/doffing and cleaning.
  - Determine enforcement of policies.
- Establish hygiene protocols and responsibilities.
  - Instruct employees to clean their hands often with an alcohol-based hand sanitizer that contains at least 60-95% alcohol or wash their hands with soap and water for at least 20 seconds.
  - Provide soap and water wash stations where possible. Or, hand sanitizer with at least 60% alcohol should be made available to workers.
- Establish sanitation protocols.
  - Provide cleaning products so workers can frequently clean and disinfect shared spaces and shared surfaces such as tables, desks, doorknobs, handrails, toilets, etc. as well as shared tools, machines, vehicles, and other equipment. Require workers to clean and disinfect equipment that is shared, both before and after use.
  - Review guidelines from the CDC and the OSHA, and implement all necessary housekeeping practices, including routine cleaning and disinfecting of surfaces, equipment, and other elements of the work environment, to help prevent the transmission of COVID-19.
  - Determine shared equipment protocols (copiers, faxes, common work areas).
- Implement policies that enforce social distancing
  - Require workers to maintain social distancing of 6 feet, and to wear masks whenever a distance of 6 feet cannot be maintained.
  - Examine workplace to identify choke points and area on the jobsite where workers congregate and make necessary adjustments and policies (e.g., cafeterias, elevators, stairwells, shared spaces, etc.).
  - Avoid ride sharing arrangements.
- Determine whether a site supervisor or COVID-19 supervisor is necessary or required to monitory employee actions and enforce the COVID-19 safety plan.
- Keep a daily log of all workers and visitors at each and every jobsite.
- Require subcontractors to provide certification of their COVID-19 Safety Protocols.
- Establish protocol if a positive case is reported.
  - Implement contact tracing protocols.
  - Draft notice to advise impacted employees.
  - 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.

- COVID-19 Safety Training
  - Employees should be trained on any new safety training protocols, notification, and hygiene responsibilities.
  - Determine the frequency with which training should be repeated or updated.
  - Keep a list of workers in attendance.
  - Determine whether training can be done virtually or via telephone before returning to work.
  - In person meetings should be limited to no more than 10 people and they should maintain social distancing (6 feet apart) during training.

- Revisit discrimination and harassment policies
  - Ensure employees do not suffer from any or experience any adverse action for making a complaint about safety.
  - Remind employees of the policies.
  - Encourage reporting.

- Worker's Compensation review
  - Contact carrier to discuss coverage/concerns.

- ☐ <u>Document (in addition to plans and protocols)</u>
  - o Document all steps taken to ensure safety, review employee complaints and concerns.
  - o Document all FFCRA paid leaves for IRS tax credits.
  - o Document PPP funds used for loan forgiveness.
  - o Document return to work offers and employee responses.
  - o Document all leaves of absences and basis for leave.
  - o Document training provided to employees.
  - o Document daily entry self-screening protocol.
  - o Document steps taken following a positive case of COVID-19.

Jaffe can answer all of your employment-related COVID-19 questions. Let us help you ensure a smooth return-to-work transition with policies and protocols that comply with federal, state, and local laws. Contact us to help you make sound and well-informed decisions about returning your employees to work and how to respond when an employee cannot return.

Call or email us to discuss your employment-related concerns:

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