Resources and Tip sheets from the May 8, 2020 W.I.N. Session:

COVID-19 Re-boarding Considerations

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Returning to Healthy Business Operations in the Age of COVID-19 Advance Planning Checklist and Considerations

Additional resources for returning to work and health and safety compliance are being issued and updated by the White House, DOL, OSHA, CDC, EEOC and state agencies like NCDHHS and SCDHEC

1. Planning and Communication

☐ Designate internal teams or assigned point person(s) in charge of reopening decision-making

☐ Designate a point person for employees to contact with questions and concerns (e.g., consider a point of contact per floor or per department who can handle employee inquiries and make decisions)

☐ Assign team member to regularly monitor legal and regulatory guidance changes and compliance updates related to the pandemic, including health, safety and leave issues

☐ Establish business continuity plans to address high absenteeism, supply chain disruption, etc.

☐ Update employee leave policies (e.g., interpret, modify, and/or suspend PTO policies)

☐ Create written protocol for suspected or confirmed on-site COVID-19 exposure (see below)

☐ Create and test emergency communication channels with employees

☐ Coach and train on nondiscriminatory application of all policies relating to COVID-19

☐ Develop draft sets of communications to managers and employees to convey key messages about reopening, point person, policies, protocols, business continuity and so forth

- Managers should receive communications first to prepare for employee inquiries and be provided responsive Q&A to either answer or redirect questions

☐ Prepare for external communication needs

- Draft a media holding statement in case a local journalist inquires about company plans; anticipate questions about how you have or will handle positive COVID-19 cases on site, what you are doing to keep employees safe
- Prepare top line messaging, including responsive Q&A, for external messaging with key stakeholders, the media, etc. Should align with internal messaging
- Notify key stakeholders (regulators, key elected officials) of your company plans as a courtesy

- Monitor the traditional media and social media for mentions of your company regarding reopening
- Remember all internal communications can be shared externally by employees
- Update company website with proactive messaging regarding protecting employees while also serving customers
- Consider engaging a third-party strategic communications/PR firm to assist with crisis communications response and/or planning

2. FFCRA and Other Leave

- ☐ Determine whether the FFCRA applies and if so:
  - Develop FFCRA-compliant policies
  - Post DOL FFCRA notice in conspicuous place, intranet, etc.
  - Train HR and other admin staff to appropriately handle FFCRA requests and documentation
- ☐ Develop leave forms and documentation (for FFCRA or other temporary COVID-19 leave)
  - Keep separate records and files for FFCRA leave requests and approvals
  - Keep medical-related information confidential and separate from personnel file
  - Maintain appropriate records for payroll tax reimbursement purposes
- ☐ Update policies, documentation, and training on leave or accommodations required under FMLA, ADA

3. Tax and Employee Benefit Considerations

- ☐ Develop process and procedure to administer, document, and track benefit plan eligibility provisions, particularly in light of insurers' temporary relaxation of enforcement of "actively at work" provisions
- ☐ Develop process and procedure to account for cost (to include cost of group medical plan expenses) for paid FFCRA leave in order to apply for available employer tax credits
- ☐ If an SBA Paycheck Protection Program (PPP) loan is received, develop procedures to track and document eligible payroll costs, retirement plan costs, and healthcare premium expenditures for loan forgiveness
  - Diligently document offers for work or return to work for employees previously on furlough for potential PPP forgiveness implications
- ☐ Determine eligibility for employer retention payroll tax credits and any deferral opportunities
- ☐ Consider adopting retirement plan amendments available under the CARES Act
  - COVID-19 hardship distributions
  - Increased plan loan maximums and repayment deferrals

- ▪ Suspension of 2020 required minimum distributions
☐ Take advantage of new income exclusion for employer payments of employee student loan obligations
☐ File for expanded extensions for Form 5500 filings if necessary
☐ Issue COBRA notices and other health continuation benefits for employees that are separated or that do not return from furlough

4. Risk Assessment

☐ Analyze local and state orders and legal authority to commence operations and limitations/requirements
☐ Review up-to-date OSHA and CDC guidance for preparing workplaces for COVID-19
☐ Consider potential recovery for past or future business interruption
  - ▪ Assess applicable insurance and property policies for coverage for loss of business income/business interruption
☐ Address any contractual issues with vendors or customers, including application of any force majeure provisions
☐ Monitor and test any whistleblower hotlines, ensure employees have access to and knowledge of anonymous reporting methods; prepare to address any whistleblower reports
☐ Establish and communicate protocols for elevating various crises, issues or potential crises

5. Workplace Preparation

☐ Remind employees of the protocols: employees are not to come to work when sick
  - ▪ Monitor CDC symptoms list: fever, cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, new loss of taste or smell
☐ Assess flexibility of leave policies (e.g., PTO) to discourage or prohibit symptomatic employees from working
☐ Develop and post specific worker hygiene protocols throughout workplace
  - ▪ Provide handwashing stations, hand sanitizer, sanitizing wipes for employees
  - ▪ Encourage use of sanitizing products in all shared spaces and equipment
☐ Provide or make accessible personal protective equipment and determine if mandatory or voluntary use
☐ Consult OSHA and other agency guidance on PPE and other recommended controls by job risk exposure level and by industry
☐ Assess whether to enhance ventilation (e.g., increase air exchange in building)
☐ Intensify janitorial cleaning: disinfect and clean workspaces routinely and effectively

- ☐ Enforce internal and external social distancing (see below for specific social distancing guidance)
- ☐ Develop and distribute a plan for distancing and hygiene in each physical workspace (e.g., appoint floor or facility-specific managers or points of contact for employees)
- ☐ Develop internal visual markings for queues or lines or places of inquiry (e.g., "stand here")
- ☐ Cancel, reschedule, or limit business travel

6. Social Distancing Practices

- ☐ Review and implement [CDC best practices for social distancing](#)
- ☐ Post signage to reinforce social distancing
- ☐ Stagger in-person work schedules and hours to reduce on-site physical presence
- ☐ Reorganize office and modify workspaces that discourage use of shared workspaces and equipment
- ☐ Close or limit use of common gathering areas (e.g., break rooms or shared kitchens) and eliminate or discourage use of spaces where employees may congregate (picnic tables, group tables in kitchen)
- ☐ Limit number of individuals permitted in elevators and bathrooms
- ☐ Place markings throughout shared spaces indicating "stand here" or 6 foot distance guidelines
- ☐ Reduce and/or eliminate "communal" activities (i.e., shared meals)
- ☐ Restructure meetings
    - ▪ Eliminate non-essential in-person meetings and limit number of individuals physically present
    - ▪ Reorganize conference rooms to encourage social distancing
    - ▪ If teleconference not possible, hold in open, well-ventilated space
    - ▪ Eliminate "communal" lunch meetings and other unnecessary "shared" handling of items
    - ▪ Encourage and expand virtual meetings, conferences, webinars whenever possible
    - ▪ Consider canceling or postponing large work-related in-person meetings/gatherings
- ☐ Where appropriate, reduce "open" floor space and create individual work stations
- ☐ Limit or reschedule non-essential in-person gatherings at client or third-party events
- ☐ Limit employee contact with third parties
    - ▪ Develop protocols to distance employees from customers, vendors, and visitors
    - ▪ Consider screening of all visitors to workplace

- Distribute effective communications with customers, vendors, and visitors, and consider privacy/confidentiality issues if such persons are screened prior to entry into the workplace

7. Returning Employees

☐ Build in flexibility with regard to returning to work and employee availability (e.g., stagger hours/shifts)
- Consistently apply flexible policies to minimize risk of discrimination or other potential claims

☐ Prepare to operate essential business functions with essential employees on-site
- Consider phased reentry, positions and tasks deemed critical, job-related criteria
- Determine employee ability to perform multiple functions and availability at times/shifts needed
- Hold off on operating non-essential operations and bringing in non-essential personnel

☐ Avoid potential bias (even if unintentional) in rehiring or bringing back employees
- Conduct potential disparate impact analysis on returning and non-returning employees

☐ Permit and encourage remote or teleworking to the extent possible

☐ Consider accommodating requests for high risk individuals and prepare request forms accordingly

☐ Consider Form I-9/E-Verify implications for returning employees
- Evaluate whether any returning workers need update/reverifications/new Form I-9s and E-Verify
- Determine whether returning employee was terminated, furloughed, or laid off
- If terminated employee returns within 3 years from date of previous Form I-9 completion, may use new Form version Section 3 Reverification, following these instructions, and E-Verify
- If furloughed employee returns, NO update or new Form I-9 and NO E-Verify needed
- Check Form I-9 for expired work authorization documents and reverify using Section 3 only if necessary
- Ensure use of latest version of Form I-9, required as of May 1, 2020

☐ Provide state compliant notice (e.g., SCPWA) of terms of employment if wages reduced or changes

☐ Communicate, if necessary, with applicable state unemployment insurance agency

- Consider notification to UI agency to notify end of furlough for employees getting UI benefits
- Individuals who have turned down offers of suitable work may not be eligible for UI benefits (e.g., offers of work that are refused can be reported to SCDEW)

8. Workplace Screening

- ☐ Limit all worksite access points
- ☐ Post visible external notices of no entry with COVID-19 symptoms
- ☐ Develop EEOC-compliant COVID-19 entry screening processes and protocols
  - Temperature screening
  - COVID-19 or antibody testing (note EEOC guidelines)
  - Inquiries regarding COVID-19-related employee health information (e.g., symptoms or exposure)
  - Inquiries regarding potential contact with infected or suspected infected persons
  - Inquiries regarding recent travel, both personal and business
- ☐ Train/hire workers to implement screenings
- ☐ If implementing access point screenings, promote social distancing during these procedures
- ☐ Develop strict confidentiality protocols for screening records (confidential medical records)
- ☐ Develop protocol and plan to isolate sick employees from workplace

9. COVID-19 Workplace Exposure Plan

- ☐ Establish a firm, written plan and procedure for potential COVID-19 infection in the workplace
- ☐ Develop advance "contact tracing" plan that identifies day-to-day "close contacts" amongst employees so that you can identify close contacts if a particular worker is infected or exposed
- ☐ Immediately isolate and remove employees that display COVID-19 symptoms
- ☐ Address and communicate with infected employee
  - Determine leave (e.g., FFCRA) rights for infected employee
  - Determine if infected employee had "close contacts" with other employees while symptomatic (e.g., SCDHEC defines "close contact" as within 6 feet for 10 minutes)
  - Consider getting permission to disclose identity or COVID-19 exposure to other employees
- ☐ Identify and communicate with "close contact" employees potentially exposed to infected employee

- Send non-essential "close contact" employees home for appropriate quarantine
- For essential "close contact" employees, follow [CDC guidelines](#) for continued operations: pre-screen, regular monitoring (temperature), masks, enhanced cleaning of workspaces and frequently touched surfaces and areas, social distancing in the workplace as duties permit

☐ Develop communication plan for notifying all employees of potential exposure
- Maintain confidentiality of infected or exposed employees
- Communicate enhanced safety protocols and emphasize health and safety of workers
- Prepare talking points for managers to respond to employee fears about exposure and infected workers that return to the workplace

☐ Perform [CDC recommended](#) enhanced environmental cleaning after COVID-19 exposure in workplace

☐ Implement plan for returning infected employees to the workplace
- Implement written procedures for safe return to work for infected/affected employees (including quarantine timeframe)
- Require certification/authorization from medical provider clearing employee to return to work
- Follow protocols consistently and fairly to prevent claims of discrimination

☐ Develop external communication plan or deploy an existing crisis communications plan including:
- Prepare media holding statement in the event there is an infection
- Prepare top-line messaging and responsive Q&A for key stakeholders, the media, etc. that aligns with internal messaging
- Have media contacts outlined in advance
- Predetermine who will contact the media, and how (avoid on-camera interviews)
- Monitor the media and social media for company mentions
- Determine how you will announce re-opening of facility post-cleaning, if that is required

Proactive Plan for Employee Re-boarding during COVID-19

Psychological challenges for employees
- Uncertainty over safety
- Overwhelmed and confused about what is best to do
- Sense of urgency about getting it right or back to normal
- Loss of routine, predictability, control
- Fear about the company's future or job loss
- Balancing work with child care and family needs
- Dealing with extra personal hardships brought by pandemic
- Experiencing grief and loss of loved ones or from disruption of customs and events
- Activated trauma from current or previous events

Potential negative workplace behaviors
- High reactivity to negative feedback
- Hypervigilance – constant checking or need for reassurance
- Xenophobia
- Blame and stigmatization
- Coworker conflict over how to deal with safety
- Discrimination and harassment
- Mistrust and challenges to leadership
- Rumors and conspiracy theories
- Non-adherence to new policies and procedures
- Low productivity due to emotional overload or challenge of adapting to new procedures

Aspects of a proactive Re-boarding Plan
- Create a plan for re-boarding that includes psychological safety and workplace safety
- Detail what is expected and how this will be managed to allow for best chance for success for employees and the organization
- Plan from a place of values. With uncertainty about what might happen next or how things will go, keep your organizational and personal values facing forward so employees can key off of that and build trust
- Put people first. This will shine through in what you do and create long-lasting goodwill for your organization
- Share your plan with management and employees before re-opening

- Make clear references to your sources - attorneys for policies and procedures, EAP for behavioral health, CDC for safety procedures, etc.
- Build in flexibility as possible to allow for attending to the needs of the employees and the business
- Establish a plan to revisit the plan periodically to assure it is still effective and make adjustments as appropriate
- Build in celebration of successes and safety adherence
- Factor in lack of control and areas where you will need to try to create influence or set up enforcement such as emotional triggers and employee/customer non compliance
- Plan to reassure employees, when reasonable about the financial health and strength of the organization to alleviate fear of job loss

Managing behavioral health issues as employees re-board
- Maintain old structures and add new ones as appropriate – structures and routines can be comforting
- When seeing things that look "off" – ask questions. Understand how emotional challenges look in the workplace
- Be observant and watch for issues that need professional attention
- Watch for employees struggling with anxiety and grief
- Watch for harassment, discrimination, stigmatization
- Address performance problems early
- Maintain trust – honest, clear communication, frequent, open for feedback
- Inspire adherence – focus more on opportunities brought by adherence than danger

Communication tips for managers
- Communicate in a personal way to share humanity and humility – nobody has all the answers now. Seek to cultivate community and honor all feelings
- Be repetitive and consistent
- Be transparent, give lots of detail
- Maintain a positive outlook – with a view toward a positive future
- Allow for two-way conversation for feedback so you can benefit from good ideas, address concerns and head rumors off at the pass
- Share helpful information – hygiene tips, coping methods, guidance on stress
- Encourage adherence to protocols – be clear about what that looks like
- Change up messaging styles emotional and analytical

First Sun EAP Consultants can help you facilitate a successful Re-boarding by offering:
- Assistance in crafting a re-boarding plan that underscores psychological wellbeing and outlines healthy behavioral expectations.
- Training for frontline leaders in how to prepare for re-boarding and handle the variety of emotional and behavioral responses they will experience from returning employees.
- Training for employees on how to understand and successfully navigate the personal and professional impact of COVID-19.