



COVID-19 Return to Work Checklist

PLANNING AND COMMUNICATION	
<input type="checkbox"/>	Identify a workplace coordinator who will be responsible for COVID-19 issues and their impact at the workplace
<input type="checkbox"/>	Be aware of any local public health or other orders related to COVID-19 that may affect your business
<input type="checkbox"/>	Decide the right time to reopen based on federal, state and local guidelines, industry practices, geographic location and business needs
<input type="checkbox"/>	Determine who should return to work first based on essential positions or functions, staffing level needs, cash flow and ability to maintain workplace safety
<input type="checkbox"/>	Consider structuring a phased reopening to limit the spread of the virus
<input type="checkbox"/>	Prepare communications to recall employees from furlough: <ul style="list-style-type: none"> ○ Send Furlough Recall Letter ○ Be prepared to address employees who do not want to come back due to fear or other concerns ○ Communicate your appreciation and provide a Welcome Back Letter
<input type="checkbox"/>	Prepare communications and documents to employees being recalled from layoff including, but not limited to: <ul style="list-style-type: none"> ○ Offer Letter ○ NYS Wage Theft Prevention Act Notice ○ Federal and State Tax Withholding Forms ○ Updated Form I-9 (if applicable). Refer to Form I-9 rehire requirements. ○ Benefit Enrollment Forms (if applicable) ○ Consider using a New Hire Checklist
<p>Note: * If you are recalling only <i>some</i> workers that were furloughed or laid-off, ensure your practices for determining who to recall do not discriminate against any group of employees. Employers returning some but not all employees from furlough or layoff should consult with their legal counsel.</p>	
<input type="checkbox"/>	Review and revise hiring practices and policies. Consider the following: <ul style="list-style-type: none"> ○ 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 ○ Train managers regarding “do’s” and “don’ts” of pre-employment inquiries concerning medical conditions
POLICY UPDATES	
<input type="checkbox"/>	Review and revise leave policies to include: <ul style="list-style-type: none"> ○ Developing and distributing a <i>Families First Coronavirus Act (FFCRA) Emergency Paid Sick Leave</i> policy and Expanded FMLA policy, (if applicable). The law generally applies to private employers with <i>fewer than 500</i> employees and <i>all</i> public employers ○ Developing and distributing a NY COVID-19 Paid Sick Leave policy ○ Consider implementing PTO/vacation rollovers, grace periods, and revise guidelines for usage if PTO/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
<input type="checkbox"/>	Review and revise work from home policies

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HEALTH AND SAFETY	
<input type="checkbox"/>	Monitor local and federal guidance for best practices and requirements for employers based on OSHA guidance and CDC guidance
<input type="checkbox"/>	Educate employees on how to reduce the spread of COVID-19 at home and at work (follow CDC recommendations)
<input type="checkbox"/>	Explain company policies and procedures related to illness, cleaning and disinfecting, and work meetings and travel
<input type="checkbox"/>	Provide hand sanitizer, gloves, cleaning supplies and face masks or face coverings and no-touch disposal receptacles (where appropriate/necessary). <ul style="list-style-type: none"> ○ Consider whether face masks, gloves, or other personal protective equipment are mandatory or optional. Provide Notice of Face Coverings.
<input type="checkbox"/>	Promote safe social distancing and routine cleaning in the workplace by encouraging employees to: <ul style="list-style-type: none"> ○ Remain at least 6 feet away from each other ○ Adjust desks or workstations to be at least 6 feet apart, <i>if possible</i> ○ Email, message, call or video conference rather than meeting face to face ○ Clean computer equipment, desktops, phones and workstations often
<input type="checkbox"/>	Discourage handshaking
<input type="checkbox"/>	Ensure your workplace cleaning company is up to date on current methods of safely removing COVID-19 hazards.
<input type="checkbox"/>	Develop a protocol for confirmed or suspected cases of COVID-19, including: <ul style="list-style-type: none"> ○ Sending an employee who becomes sick at work home ○ Ensuring that all employees who are currently ill or who have contact with an individual who has a confirmed or presumed positive COVID-19 diagnosis to stay home (following CDC recommendations for length of time). ○ Conducting appropriate tracing to determine if other employees need to be notified ○ Utilizing the Responding to a Positive or Presumed Positive COVID-19 Checklist. ○ Having employees complete a Return to Work Self-Certification Form
<input type="checkbox"/>	Consider health screening for employees and/or visitors. Ensure health questionnaires adhere to EEOC and CDC guidance and consult with your legal counsel before implementation. Consider the following: <ul style="list-style-type: none"> ○ Utilizing a Health Screening Form. Medical Inquiries and questions that employers may ask include: <ul style="list-style-type: none"> ● Whether they have been diagnosed with COVID-19 by a medical professional based on a test or symptoms; ● Whether they have COVID-19 symptoms (e.g., fever of 100.4° F or greater, shortness of breath, cough, chills); ● Whether they have had "close contact" (e.g., within six feet for 10 or more minutes) with someone who has been diagnosed with COVID-19 within the last 14 days; and ● Whether they have traveled or had a layover in a country with a CDC Level 3 travel notice ○ Alternative to a Health Screening Form, having employees complete a Self-Certification Prior to Shift Form ○ Considering whether screening time is compensable ○ Assessing the feasibility and advisability of conducting employer paid COVID-19 testing for employees ○ Consider adopting a COVID-19 Screening policy
<input type="checkbox"/>	Consider including temperature checks as part of your screening process for employees/visitors. Ensure temperature checks adhere to EEOC and CDC guidance and consult with your legal counsel before implementation. If employees' temperatures are taken, the following measures should be taken: <ul style="list-style-type: none"> ○ Refrain from taking an employee's temperature in a public setting; ○ Implement a consistent and safe process for temperature screenings, e.g., testing of all those who enter the workplace, not only employees; ○ Train and educate personnel on measuring body temperatures, including how to protect themselves and those being screened during the process; ○ Provide prior notice (e.g. COVID-19 Screening policy) to those who will be screened; ○ Urge employees to self-monitor for symptoms and not to come to the workplace if experiencing any; and ○ Prepare a plan for handling the results, e.g., documenting results using a Health Screening Form, sending ill employees home immediately, sharing results on a strict need-to-know basis ○ Prepare for employees who refuse to have temperature checked ○ Consider whether screening time is compensable
Note: Results of temperature checks and screening information are a medical record and (if recorded) must be treated with appropriate confidentiality and recordkeeping.	

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EMPLOYEE WELL-BEING AND MORALE

- Anticipate employee anxiety, rumors and misinformation; plan accordingly to ensure:
 - Leaders are visible
 - Frequent communication with employees
 - Timely responses to questions with the information currently available, even if the answer is “we do not know right now” in order to dispel myths and rumors
 - Employees are reminded of any existing Employee Assistance Program (EAP)
 - Employees are provided additional alternative resources (e.g. counseling, working parent discussion groups, etc.) to help manage stress and anxiety
 - Training of key management on protected concerted activity in a union and non-union setting
 - Health and safety concerns brought by employees are addressed promptly
 - Review of non-discrimination policies and recirculation, as needed
 - Training of managers on how to respond to offensive or discriminatory comments regarding the coronavirus and certain groups of individuals
 - Consider easing employees back into their full work routine during the first week or two and allow for as much social interaction as possible, in a manner that is safe, such as:
 - Permitting longer lunch breaks
 - Having more small talk in meetings versus all business-related conversations
 - Showing concern and interest in the employee’s personal experience
 - Giving employees time to catch up with co-workers
- Update work travel policies, considering any new orders in your state and any new practices being implemented in the workplace to keep employees/customers safe, such as:
 - Minimizing non-essential travel for work
 - Considering mandatory notification of personal travel
- Adopt and implement an **Infectious Disease** policy
- Distribute all new or revised policies to all employees and obtain acknowledge of receipt

LEAVES OF ABSENCE AND ACCOMMODATIONS

- Follow your Company’s policy on reasonable accommodation requests and train management team to ensure understanding of new leave options, eligibility and retaliation concerns.
- Consider whether remote work could be a reasonable accommodation under the ADA or employer policy for employees who express fear about returning to work. For example:
 - Is the fear based on a potential disability covered under the ADA (e.g., severe anxiety)?
 - Is the employee in a protected class or high-risk population because of age or underlying health condition?
 - Is the employee caring for an individual in a high-risk population?
- Prepare a response to requests for continued remote work based upon the essential functions of the job
 - Have a plan in place to protect data from cybersecurity breaches which meets requirements of applicable state law, such as the [NY SHIELD Act](#).
- Consider whether an employee’s situation makes them employee eligible for leave based on federal, state or local law, such as [FFCRA](#), [NY COVID-19 Paid Sick Leave](#), [NY Paid Family Leave](#) or [FMLA](#).
- Create a clear process for requesting leave and identifying the amount of leave, if any, available
 - Utilize an **FFCRA Leave Request Form**, where applicable
 - Provide the [NY COVID-19 Paid Sick Leave Employee Fact Sheet](#), where applicable
 - Request forms for state disability insurance or Paid Family Leave benefits from your carrier

POSTERS

- 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 self-service platform.
- Distribute and/or post the [NY COVID-19 Paid Sick Leave Employee Fact Sheet](#)
- Place posters throughout the business to encourage social distancing and hand hygiene
The CDC provides a [Stop the Spread of Germs](#) poster and other poster [resources](#).

BENEFITS	
<input type="checkbox"/>	<p>Review rehire/reinstatement provisions for your benefit policies, such as eligibility/waiting periods</p> <ul style="list-style-type: none"> ○ Determine whether employees returning to work will need to re-enroll or update prior plan elections ○ Determine whether any probationary periods apply during which a rehired employee will not be covered (for instance, union benefit programs)
<input type="checkbox"/>	<p>For cafeteria plans which may have offered individual spending accounts for a year, determine whether unused portions during an interim absence will be restored upon rehire</p>
<input type="checkbox"/>	<p>Determine if returning employees owe any portion of health care premiums</p> <ul style="list-style-type: none"> ○ Develop a reasonable plan for employees to pay back health care premiums, if necessary ○ Consider state and local laws regarding wage deductions
<input type="checkbox"/>	<p>Consider potential issues relating to retirement/pension plans, including:</p> <ul style="list-style-type: none"> ○ Determining whether employees returning to work will need to re-enroll or update prior plan pre-tax deferral elections ○ Reviewing retirement plans and determining whether there has been a break in service and, if so, what the implications might be (vesting, for instance) ○ Evaluating the potential need for plan amendments to modify conditions for annual benefit allocations (e.g. minimum hours requirements) ○ Managing administration of plan loan program for returning workers (e.g. restart wage deductions for loan repayments)
<input type="checkbox"/>	<p>Review employee compensation and bonus programs</p> <ul style="list-style-type: none"> ○ Determine if any changes to compensation must be made, and review applicable laws relating to notice of wage changes <ul style="list-style-type: none"> ● Provide NYS Wage Theft Prevention Act Notice, <i>if applicable</i>. Refer to FAQs on when notice is required. ○ Calculate the effect of closure on existing bonus or incentive plans
<input type="checkbox"/>	<p>Highlight and encourage use of any company provided benefits that will help maintain employee well-being and morale.</p> <ul style="list-style-type: none"> ○ Consider contracting with an employee assistance program (EAP) if you do not currently have one ○ Expanded coverage for COVID-19 testing and preventative services including availability of telemedicine, if offered under your plan ○ Changes to qualified reimbursement for cafeteria plans under the CARES Act ○ Changes to available retirement plan distributions under CARES Act ○ Suspension of student loan garnishment under CARES Act ○ Consider creating a Benefit Resources page on the Company's intranet or self-service platform.
BEST PRACTICES AND OTHER CONSIDERATIONS	
<input type="checkbox"/>	<p>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</p>
<input type="checkbox"/>	<p>Offer flexibility wherever possible and adjust workloads to be reasonable</p>
<input type="checkbox"/>	<p>Be prepared to quickly investigate and stop discriminatory speech or acts in the workplace</p>
<input type="checkbox"/>	<p>Develop a plan to operate if absenteeism spikes or if another shelter-in-place or stay at home order occurs in the future:</p> <ul style="list-style-type: none"> ○ Implement a business continuity plan (BCP) to continue essential business functions ○ Implement flexible work schedules and leave policies ○ Cross-train employees on performing essential business functions
<input type="checkbox"/>	<p>Review guidance issued by the CDC, OSHA and other appropriate agencies as it relates to employees returning to work on a daily basis as information and guidance is frequently changing</p> <ul style="list-style-type: none"> ○ CDC has separate guidance for exposures in healthcare settings, and U.S. communities and essential workers.

Items which are bolded and italicized are available upon request from Pinnacle Human Resources.