Dinsmôre

Return-to-Work Checklist
for Employers Reopening Their Businesses

In anticipation of federal and state restrictions lifting as COVID-19 cases and deaths decrease, employers should start planning their employees' return to work now. Employers must continue to follow the CDC, WHO, and state guidance to maintain a safe workplace while also complying with multiple employment laws.

The following are general considerations for employers who are strategizing their return to work. Note that each employer and industry is different and will need a specifically tailored plan. Please contact your Dinsmore attorney for more information and for help enacting that plan.

Who To Contact

Faith C. Whittaker
Partner
Cincinnati, OH | (513) 977-8491
faith.whittaker@dinsmore.com

Hayley Geiler
Associate
Cincinnati, OH | (513) 832-5366
hayley.geiler@dinsmore.com

SOCIAL DISTANCING

☐ **Consider staggering the times when employees return.**
- As an example, an employer could start with only first-shift employees returning for the first two weeks and then the second-shift employees returning for the next two weeks.

☐ **Maintain teleworking and/or flexibility with employees' schedules.**

☐ **Continue to hold meetings virtually.**

☐ **Rethink holding any in-person events with mass gatherings and consider hosting events virtually or rescheduling.**

☐ **Increase physical space between employees and visitors in the workplace.**
- As an example, have a maximum number of individuals who may enter a breakroom, conference area, or lobby.
- Place physical markers in high traffic areas to keep people six feet apart.
- Place physical barriers to the extent necessary.
- Rearrange work spaces to permit greater social distancing.
- Consider whether furniture and work equipment can be reconfigured to facilitate social distancing.
- Develop protocols for elevator use.

☐ **Limit the number of visitors by conducting business virtually.**

☐ **Stagger break and lunch times and plan for longer break times to accommodate the social distancing measures.**
- Permit employees to leave the facility during meals and breaks to increase social distancing.

☐ **Discourage social practices that violate social distancing rules, such as handshakes.**

☐ **Retailers should consider providing alternative points of sale and no-touch payment options.**

☐ **Implement clear shields/barriers for employees whose work prevents them from being physically distant from customers/clients, such as cashiers and bank tellers.**

Accomplish môre.

CLEANING, PROTECTION & HYGIENE

☐ **Place proper handwashing protocol posters in all common work areas and in restrooms.**
- Be flexible with employees' breaks to allow for frequent handwashing.

☐ **Include additional sanitation measures for the facility, especially in common areas and for frequently touched surfaces or shared equipment.**

☐ **Require employees to disinfect common surfaces following use as appropriate (for example, in microwaves).**

☐ **Provide hand sanitizer, disinfecting wipes, and proper disposal in all common areas and at work stations where employees cannot leave to wash their hands between interactions with the public.**

☐ **Encourage employees to use masks or approved facial coverings and gloves and provide them if able.**
- If employers permit employees to use their own, provide clear expectations on what is appropriate.
- In some jurisdictions, masks are required for employees returning to work.

☐ **Ensure employees are trained on proper use of PPE.**

☐ **Continue to encourage employees to observe infection-control practices, such as regular handwashing, coughing, and sneezing etiquette.**

☐ **Coordinate with facility maintenance to increase air exchanges in facilities.**

POLICIES

☐ **Review and update attendance, leave-of-absence, Family Medical Leave Act, and PTO policies to prepare for COVID-19 absences.**

☐ **Ensure that a policy and procedure is in place for processing Families First Coronavirus Response Act leave requests and recouping available tax credits.**

☐ **Create a policy or procedure for when employees diagnosed with COVID-19 or suspected of having COVID-19 can return to work.**

☐ **Review and update any teleworking and accommodation policies or procedures.**

☐ **Develop and implement procedures to track any positive cases to provide proper notification for those exposed and to prevent further spread.**

☐ **Update procedures for reporting any safety issues.**

☐ **Review time-keeping procedures to ensure they allow for social distancing and adequately recording working time.**

☐ **Ensure employees understand these updated policies.**

☐ **Review and update safety policies and clearly communicate new rules and procedures to employees in writing.**

☐ **Require training on updated safety procedures for employees.**

☐ **Train supervisors on how to monitor compliance with and enforce new rules and procedures.**

☐ **Have employees acknowledge receipt of training, rules, and procedures.**

Dinsmore

Return-to-Work Checklist

EMPLOYEE & VISITOR SCREENING

☐ **Institute safe screening practices for both employees and visitors prior to entrance into the facilities.**

- Place conspicuous messaging preventing entrance if sick and provide alternatives for the visually impaired.
- Ensure there is an option in Spanish and/or other languages.
- Create practices to ensure that hourly, non-exempt employees are compensated for health screening time if required under federal, state, or local law.

☐ **Mandate that employees with symptoms stay home from work and follow employer call-in procedures.**

☐ **Implement temperature checks upon entrance in a safe and confidential manner.**

☐ **For certain industries, such as health care, where specific guidelines are recommended, follow federal, state, and industry guidance for monitoring, including testing employees for COVID-19.**

☐ **Be mindful of privacy concerns and any necessary accommodations.**

☐ **Consider suspending or reconfiguring security practices that require touching frequently touched surfaces, such as PIN-entry devices, thumbprint scanners, time clock stations, and in sign-in books.**

OTHER CONSIDERATIONS

☐ **Stay aware of continuing restrictions from federal, state, and local public health organizations and remain compliant with public health orders.**

☐ **Develop a strategy for workers who decline to return to work or need additional time off.**

- There are implications under the National Labor Relations Act, the Americans with Disabilities Act, Occupational Health and Safety Act (and state equivalents), labor laws, and others employment laws.
- Employers should also be mindful of laws against unemployment fraud. In some circumstances, employees may decline to work because they are earning more benefits on unemployment than in their normal position. Employers must inform unemployment if work is available and the employee refuses to return for an unexcused reason.

☐ **Be mindful of responsibilities under the Payroll Protection Program and other support programs for returning employees to work.**

☐ **Prepare to follow the interactive process for accommodation requests under the Americans with Disabilities Act or state equivalent regarding returning to work and/or any of the safety measures.**

- Accommodations may include PPE, remote work, alternative scheduling, alternate work locations, alternate work assignments, increased social distancing, and leaves of absence.

☐ **Ensure the extra safety precautions do not violate wage and hour laws.**

☐ **Create a plan for when employees may resume business travel.**

☐ **Be mindful of anti-discrimination and anti-retaliation laws when returning employees and addressing safety issues.**

☐ **Prepare a contingency-operation plan to address an increased outbreak or spike in infections as restrictive measures are loosened.**

☐ **Be cognizant of rights and obligations under collective bargaining agreements.**

☐ **Encourage employees to raise questions or concerns and designate a task force member to engage in dialogue with employees.**