HR TOOLKIT

Returning to Work Post-COVID-19

Provided by: Sentinel Benefits & Financial Group

Sentinel Benefits
& FINANCIAL GROUP

Table of Contents

Introduction

The coronavirus (COVID-19) pandemic has fundamentally changed the world in only a few short months. COVID-19 has jeopardized the health of individuals and businesses alike, and the lingering effects aren't going anywhere. Additionally, despite states reopening after weeks of shelter-in-place orders and relaxing some restrictions, the coronavirus hasn't slowed. More to the point, employers must contend with this reality and begin reimagining what their organizations will look like after reopening—it will not be "business as usual" for a very long time, if ever again.

This isn't an alarmist perspective—it's pragmatic. Experts predict a resurgence of COVID-19 cases in the fall, much like the common flu. In other words, employers must plan for ways to limit the spread of the coronavirus right now or risk interrupted business operations in the near future.

Now is the time for employers to reshape their workplaces for the betterment of employees and their businesses altogether. This toolkit includes a variety of expert guidance aimed at helping employers design and implement a return-to-work program. It features an appendix full of printable resources to help employers get a jump-start.

As always, please contact Sentinel Benefits & Financial Group for more information or to request additional resources. Through us, you have access to countless presentations, videos, educational materials, posters, HR forms and much more. Contact us to learn more.

Return-to-Work Plans: An Overview

The coronavirus pandemic has interrupted many businesses across the country. While it's unclear how long COVID-19 will continue to affect organizations, many employers are looking to the future of employees returning to work.

A return to normalcy won't be like flipping a switch, but rather a gradual effort. In preparation for reopening their businesses and asking employees to come back to work, it's imperative that employers thoughtfully construct a return-to-work plan for their employees to keep everyone healthy and safe following the COVID-19 pandemic.

This section talks generally about return-to-work plans. Later sections go into more detail about the points discussed here.

Return-to-Work Plans: Introduction

A return-to-work plan is typically created to help reintegrate workers who have been injured or have been on leave. The plan includes details on how the worker will gradually return to work and any job-related specifics. Its purpose is to formalize steps for a safe and quick return to work.

There are many benefits of return-to-work plans for both the employer and the employee. Employers can enjoy increased employee engagement, proactive cost containment, reduced turnover, increased communication and improved morale with an established return-to-work plan. And it's been proven that employees who go through return-to-work plans are able to get back to work quicker than those who don't, meaning that employers will see increased productivity following an employee's return to work.

Employees also benefit from return-to-work plans, as they feel supported by their employer, which increases their engagement and loyalty to the company. Going through a return-to-work plan also helps them get back to work faster and increases the likelihood that they feel secure and stable in their role.

The benefits of return-to-work plans are undeniable. While these plans are typically customized on an individual basis, an employer can use the basics of a return-to-work plan to build their approach to asking employees to return to work following the COVID-19 pandemic.

COVID-19 Return-to-Work Plans at a Glance

COVID-19 has caused many businesses to shut down or transition their employees to work from home, disrupting daily work life for many. As stay-at-home regulations are scaled back and all businesses are allowed to resume as normal, employees will be asked to come back to work. While they may not be coming back from an injury or leave, employers need to have a plan in place for all employees to safely and successfully return to work.

While employers may need to tailor their organization's COVID-19 return-to-work plan to employees' specific needs (e.g., child care arrangements, caregiving responsibilities and health issues), having a generalized plan in place can help them safely reopen their business.

A COVID-19 return-to-work plan should include the following:

Anticipated return-to-work date—With the uncertainty that COVID-19 has brought, it's important to give clear information and dates when employees are to return to work whenever possible. Be sure to be flexible with dates, though, as local and state orders are frequently updated.

Disinfecting and cleaning measures—Because COVID-19 can remain on surfaces long after they've been touched, it's important that businesses frequently clean and disinfect the facility. Some best practices include:

- Cleaning and disinfecting all frequently touched surfaces in the workplace, such as workstations, keyboards, telephones, handrails and doorknobs.
- Discouraging workers from using other workers' phones, desks, offices, or other tools and equipment, when possible. If necessary, clean and disinfect them before and after use.
- Providing disposable wipes so that commonly used surfaces can be wiped down by employees before each use.

Social distancing protocol—Social distancing is the practice of deliberately increasing the physical space between people to avoid spreading illness. In terms of COVID-19, social distancing best practices for businesses can include:

- Avoiding gatherings of 10 or more people
- Instructing workers to maintain at least 6 feet of distance from other people
- Hosting meetings virtually when possible
- Limiting the number of people on the job site to essential personnel only
- Discouraging people from shaking hands

Employee screening procedures—To keep employees safe, consider conducting screening procedures to identify potentially ill employees before they enter the office. The Equal Employment Opportunity Commission (EEOC) permits employers to measure employees' body temperatures before allowing them to enter the worksite. Any employee screening should be implemented on a nondiscriminatory basis, and all information gleaned should be treated as confidential medical information under the Americans with Disabilities Act—specifically, the identity of workers exhibiting a fever or other COVID-19 symptoms should only be shared with members of company management with a true need to know. Be sure to notify employees of the screening process to avoid any surprises.

Employee safety training—A return-to-work plan should include detailed safety training guidance to ensure that all employees understand how they can prevent the spread of COVID-19. The plan should discuss the following safety training topics:

- o **Respiratory etiquette and hand hygiene**—Businesses should encourage good hygiene to prevent the spread of COVID-19. This can involve:

  - Providing tissues and no-touch disposal receptacles

  - Providing soap and water in the workplace

  - Placing hand sanitizers in multiple locations to encourage hand hygiene

  - Reminding employees to not touch their eyes, nose or mouth

- o **Personal protective equipment (PPE)**—PPE is equipment worn by individuals to reduce exposure to a hazard such as COVID-19. Businesses should focus on training workers on proper PPE best practices. Employees should understand how to properly put on, take off and care for PPE. Training material should be easy to understand and must be available in the appropriate language and literacy level for all workers.

- o **Staying home when sick**—Encourage employees to err on the side of caution if they're not feeling well and stay home when they're sick or are exhibiting common symptoms of COVID-19 (e.g., fever, cough or shortness of breath).

Mental health considerations—The COVID-19 pandemic has increased stress levels of employees across the country. It's important that an employer's return-to-work plan includes guidance for managing employee mental health concerns when employees return to work.

Process for individualized requests—Employees will be returning to work and facing different situations at home or with their health. An employer's return-to-work plan should include information about how employees can go about making individualized requests for changes to a return-to-work plan. Some may have underlying health conditions that put them at greater risk of severe illness with COVID-19, meaning they may not be able to fully return to work. Others may be facing unique child care arrangements due to schools and day cares being closed. Employers should be flexible and compassionate in response to individualized requests.

Return-to-Work Considerations

Returning to work after the COVID-19 pandemic is likely to bring challenges. Some of the most common challenges that employers will need to be prepared for include the following:

Changing worker priorities—If an organization asks its employees to work from home during the COVID-19 pandemic, employees may want to still enjoy work-from-home arrangements even after the office is reopened. Employers should be prepared for an increased demand in work-from-home requests, and may need to expand their pre-COVID-19 policies to meet this demand. In addition, prospective employees may ask about this benefit when they're searching for a job within the company.

Updating the office layout—Due to social distancing protocols, organizations may need to reconfigure office layouts. Employee workstations should be 6 feet apart to help prevent the spread of COVID-19.

Adapting to changing rules and regulations—Due to the nature of the COVID-19 pandemic, rules and regulations are constantly changing. Employers should be prepared to change their business practices if needed to maintain critical operations. This could involve identifying alternative suppliers, prioritizing existing customers or suspending portions of business operations.

Managing reputational effects—Given the scope of the COVID-19 pandemic and how much is still currently unknown about the situation, people may have strong opinions about an employer's decision to reopen their business. They'll need to be prepared for the reputational effects of reopening the business. By taking the steps to keep employees and customers safe and healthy, employers can manage reputational effects of opening after the pandemic.

Remember, reopening a business after the COVID-19 pandemic isn't as simple as opening the doors. Employers will need to carefully evaluate each step of the reopening and gradually ask employees to return to work.

The following sections go into more detail about what these steps entail. Note, return-to-work processes may vary depending on the organization. Employers should be ready to adapt these best practices to suit their unique needs.

Reopening Decisions and Risk Assessments

As the coronavirus pandemic continues to affect daily life, many business owners are looking forward to the future and a return to normalcy. However, even as stay-at-home orders are being lifted and nonessential businesses are being allowed to resume operations, there's a lot for organizations to consider before they reopen their doors. What's more, many of these considerations are workplace-specific and could be more involved depending on the industry employers operate in.

To protect their customers and employees alike, it's important for organizations to do their due diligence before opening their business back up to the public following the COVID-19 pandemic.

Determining When to Reopen

While many essential businesses (e.g., hospitals, pharmacies, grocery stores and gas stations) have remained open during the COVID-19 pandemic, other operations deemed nonessential have shut down temporarily or changed the nature of their operations. Not only has this led to significant business disruptions, but, for many, it has critically impacted their bottom line.

However, we may be nearing a time when stay-at-home regulations are scaled back and all businesses are allowed to resume as normal. The question then is: How will business owners know it is acceptable to reopen? The following are some best practices to keep in mind:

Review guidance from state and local governments—The COVID-19 pandemic impacts states and regions in different ways. Just because a business is allowed to reopen in one region of the country doesn't automatically mean operations will be allowed to resume everywhere. As such, it's critical to understand and review all relevant state and local orders to determine if and when a business is allowed to reopen.

Understand the risks—If and when the government allows all businesses to reopen, that doesn't necessarily mean COVID-19 is no longer a threat to operations. What's more, some businesses may have greater COVID-19 exposures than others, underscoring the importance of performing a thorough risk assessment before reopening. Prior to conducting a risk assessment, it's important to review guidance from the Occupational Safety and Health Administration (OSHA), state and local agencies, industry associations and local health departments. More information on conducting a risk assessment can be found below.

Again, before reopening, it's critical to seek the expertise of legal, insurance and other professionals.

Conducting a Risk Assessment

Even after the government allows businesses to reopen, firms still need to determine if it makes sense to resume operations. Safely restarting a business won't be as simple as unlocking the front door.

Before reopening, businesses should perform a risk assessment to determine what steps must be taken. While the complexity of risk assessments will differ from business to business, they typically involve the following steps:

Identifying the hazards—When it comes to COVID-19, businesses need to think critically about their exposures, particularly if an infected person entered their facilities. When identifying hazards, it's a good idea to perform a walk-through of the premises and consider high-risk areas (e.g., break rooms and other areas where people may congregate). It's also important to consider what tasks employees are performing and whether or not they are especially exposed to COVID-19 risks when performing their duties.

Deciding who may be harmed and how—Once hazards have been identified, employers need to determine what workforce populations are exposed to COVID-19 risks. When performing this evaluation, employers will need to make note of high-risk individuals (e.g., staff members who meet with customers or individuals with preexisting medical conditions).

Assessing risks—Next, employers must analyze them to determine their potential consequences. For each risk facing a business, employers will want to determine:

- o How likely is this particular risk to occur?
- o What are the ramifications should this risk occur?

When analyzing the risks, employers should consider potential financial losses, compliance requirements, employee safety, business disruptions, reputational harm and other consequences.

Controlling risks—With a sense of what the threats to the business are, employers can then consider ways to address them. There are a variety of methods businesses can use to manage their risks, including:

- o Risk avoidance—Risk avoidance is when a business eliminates certain hazards, activities and exposures from their operations altogether.
- o Risk control—Risk control involves preventive action.
- o Risk transfer—Risk transfer is when a business transfers their exposures to a third party.

For COVID-19, control measures could include cleaning protocols, work-from-home orders and mandated PPE usage. Additional workplace considerations can be found below.

Monitoring the results—Risk management is an evolving, continuous process. Once employers implement a risk management solution, they'll want to monitor its effectiveness and reassess. Remember, COVID-19 risks facing a business can change over time.

Maintaining Workplace Safety Using OSHA and CDC Guidance

Once employers conduct a risk assessment, they will need to act quickly to control COVID-19 risks. Again, risks and the corrective steps that organizations take to address those risks will vary by business and industry.

Thankfully, there are a number of OSHA and Centers for Disease Control and Prevention (CDC) workplace controls to consider if a risk assessment determines that COVID-19 poses a threat to employees or customers. For instance, employers should:

Implement administrative controls—Typically, administrative controls are changes in work policies or procedures that reduce or minimize an individual's exposure to a hazard. An example of an administrative control for COVID-19 is establishing alternating days or extra shifts that reduce the total number of employees in a facility at a given time.

Utilize personal protective equipment—PPE is equipment worn by individuals to reduce exposure to a hazard such as COVID-19. Businesses should focus on training workers on proper PPE best practices. Employees should understand how to properly put on, take off and care for PPE. Training material should be easy to understand and must be available in the appropriate language and literacy level for all workers.

Consider engineering controls—Engineering controls protect workers by removing hazardous conditions or by placing a barrier between the worker and the hazard. For COVID-19, engineering controls can include:

- o Installing high-efficiency air filters
- o Increasing ventilation rates in the work environment
- o Installing physical barriers, such as clear plastic sneeze guards

Be adaptable—Employers should be prepared to change their business practices if needed to maintain critical operations. This could involve identifying alternative suppliers, prioritizing existing customers or suspending portions of business operations.

Create a dialogue with vendors and partners—Employers should talk with business partners about response plans. Employers are encouraged to share best practices with other businesses in their communities, and especially with those in their supply chain.

Encourage social distancing—Social distancing is the practice of deliberately increasing the physical space between people to avoid spreading illness. In terms of COVID-19, social distancing best practices for businesses can include:

- o Avoiding gatherings of 10 or more people
- o Instructing workers to maintain at least 6 feet of distance from other people
- o Hosting meetings virtually when possible
- o Limiting the number of people on the jobs site to essential personnel only
- o Encouraging or requiring staff to work from home when possible
- o Discouraging people from shaking hands

Manage the different risk levels of their employees—It's important to be aware that some employees may be at higher risk for serious illness, such as older adults and those with chronic medical conditions. Consider minimizing face-to-face contact between these employees or assign work tasks that allow them to maintain a distance of 6 feet from other workers, customers and visitors.

Separate sick employees—Employees who appear to have symptoms (e.g., fever, cough or shortness of breath) upon arrival at work or who become sick during the day should immediately be separated from other employees, customers and visitors, and sent home. If an employee is confirmed to have COVID-19, employers should inform fellow employees of their possible exposure to COVID-19. The employer should instruct fellow employees on how to proceed based on the CDC Public Health Recommendations for Community-Related Exposure.

Support respiratory etiquette and hand hygiene—Businesses should encourage good hygiene to prevent the spread of COVID-19. This can involve:

- o Providing tissues and no-touch disposal receptacles
- o Providing soap and water in the workplace
- o Placing hand sanitizers in multiple locations to encourage hand hygiene

Perform routine environmental cleaning and disinfection—Businesses should regularly sanitize their facility to prevent the spread of COVID-19. Some best practices include:

- o Cleaning and disinfecting all frequently touched surfaces in the workplace, such as workstations, keyboards, telephones, handrails and doorknobs.
- o Discouraging workers from using other workers' phones, desks, offices, or other tools and equipment, when possible. If necessary, clean and disinfect them before and after use.
- o Providing disposable wipes so that commonly used surfaces can be wiped down by employees before each use.

Creating a Pandemic Response Team

To ensure that employees receive clear communications and the entire company is on the same page when it comes to a return-to-work action plan, it's essential that employers create a pandemic response team. A pandemic response team is a cross-functional team that recommends and oversees workplace protocols to control the spread of COVID-19. The scope and design of a team will vary depending on the specific business, but it should at least include the following roles:

- **Team lead(s)**—These individuals are responsible for the overall action plan. Team leads are responsible for working with company stakeholders and relevant health and safety bodies to manage this action plan.

- **COVID-19 prevention and protocols lead**—This person is responsible for recommending and developing protocols to ensure the wellness of all employees. They are also tasked with overseeing procedures for isolating employees should they become sick at work.

- **Sanitization and disinfection lead**—This person manages logistics related to daily and periodic sanitation and disinfection efforts. Their responsibilities include ensuring that routine cleanings are completed and that the necessary cleaning supplies are readily available.

- **Communication lead**—This person is tasked with managing any and all pandemic-related communications. They should work with HR and internal communication stakeholders to ensure COVID-19 training is completed and that employees and their managers understand their role in preventing the spread of the disease. The communication lead should provide COVID-19-related updates on a recurring basis and as needed.

By breaking up an organization's response efforts, it will be easier for employers to be thorough and ensure that no step is missed. After all, just one misstep can lead to the quick spread of COVID-19, jeopardizing the well-being of workers.

One of the first tasks the pandemic response team should address is outlining responsibilities for managers and supervisors, as well as employees. When it comes to ensuring a safe workplace during the COVID-19 outbreak, both managers and employees have their role to play.

- **Managers and supervisors**—Leadership, including managers and supervisors, should familiarize themselves with the details of the action plan. Above all, leadership must be prepared to answer questions from employees and set a good example by adhering to the guidance prescribed in the plan. This involves practicing social distancing and good personal hygiene.

- **Employees**—Employees play a critical role in 's COVID-19 prevention efforts. To protect everyone in the organization, outline a number of best practices that employees should follow:

o **Understand the signs and symptoms of COVID-19, and stay home if you are feeling sick**—Any employee who is experiencing symptoms of COVID-19 (e.g., fever, cough, shortness of breath, sore throat, runny nose, body aches, chills or fatigue) should stay home. Individuals experiencing such symptoms should also be instructed to consult guidance from the CDC on seeking medical care.

o **Practice good hygiene**—Employees should clean their hands often, either with an alcohol-based hand sanitizer, or soap and water. Hand sanitizers should contain at least 60%-95% alcohol, and employees should wash their hands with soap for at least 20 seconds. In addition, employees should avoid touching their face and cough into their arm.

o **Practice social distancing**—Social distancing is the practice of deliberately increasing the physical space between people to avoid spreading illness.

In addition to ensuring an organization's approach to reopening following the COVID-19 pandemic is a joint effort, establishing a pandemic response team will demonstrate to employees that the employer is committed to their safety and well-being.

Modifying the Workplace

To prevent the spread of COVID-19 after reopening, employers may need to make office modifications. These workplace modifications will most often be based on social distancing protocols, which may also be required by states or local orders as a condition of being permitted to reopen.

An organization's social distancing plan will be unique to their industry and nature of work, but public health experts point to three key factors to consider when creating a social distancing plan and making necessary workplace changes:

1. **Physical workspace modifications**—Because COVID-19 spreads through close contact, employers may need to make changes to employees' desks or workstations, and overall floor plans. Some suggested changes include the following:

   o Separating desks and workstations to ensure that there is a distance of 6 feet between each station
   o Adding partitions to open floor plans
   o Closing common spaces, including conference rooms, break rooms and cafeterias
   o Modifying high-touch surfaces (e.g., propping doors open) to avoid employees unnecessarily touching surfaces
   o Posting signage around the office to remind employees of social distancing protocols
   o Establishing contactless drop zones for all deliveries including mail, packages and food
   o Updating air-filtration systems
   o Installing automatic doors
   o Installing UV lighting systems
   o Installing no-touch soap dispensers and sinks in bathrooms
   o Making hand sanitizer and cleaning products readily available

2. **Workplace protocols**—To keep employees safe, a business will need to change protocols for in-person interactions and physical contact. Some suggested changes include the following:

   o Establishing and enforcing a crowd control plan to ensure that only a few employees are in the building at once
   o Prohibiting in-person meetings whenever possible and encouraging the use of virtual meetings instead

15

- o Limiting the size of in-person gatherings and meetings to less than 10 people
- o Encouraging employees to avoid sharing workstations or equipment
- o Staggering meal times and breaks to avoid having large groups of employees together at once
- o Banning all business travel until further notice
- o Banning all visitors and vendors
- o Enforcing hand-washing protocols and expectations
- o Increasing cleaning routines among employees

3. **Employee scheduling**—To minimize the number of employees at work at any given time, changes to employee scheduling may need to be made and enforced. Some suggested changes include the following:

   - o Permitting only essential employees in the office and encouraging all other employees to work remotely, if possible
   - o Staggering shifts
   - o Creating groups of employees that are to work together in shifts throughout the pandemic response

Employee Telecommuting Considerations

Many employers intend to allow at least some employees to continue working remotely after the coronavirus pandemic eases. This can be an excellent way of maintaining productivity without risking the health of employees, but that's not the only benefit.

According to a survey of U.S. employers by the Computing Technology Industry Association conducted in 2019, more than two-thirds of respondents across a range of different industries and professions reported increased productivity when workers telecommuted full- or part-time. While the feasibility of remote work varies depending on an employee's job responsibilities, expanding remote work options offers other benefits as well.

These additional benefits can include:

Increased flexibility

Increased retention

Reduced greenhouse emissions

The ability to tap into a broader talent pool

Fewer opportunities for diseases such as coronaviruses to spread

Again, by expanding remote opportunities post-coronavirus, employers can reduce the amount of human interaction that takes place at a physical location. Also, by allowing remote work, employees who are sick are less likely to physically attend the office. Best practices for expanding remote work include creating outlined companywide remote practices, rather than leaving remote work approval requests up to the subjective opinion of a manager.

Any remote working arrangement should also outline best practices for managers, not just employees. Furthermore, managers may require additional training to maintain their core job responsibilities while being physically away from their direct reports. Employers should consider what additional training may be necessary for managers before allowing employees to work remotely.

Effectively Leading Remote Teams

While many of the same principles of leading effective teams remain in place, organizations can take steps to ensure that remote teams are performing at a high level and employees are feeling engaged in their remote roles.

Challenges of Leading Remote Teams

Managers should be prepared to face a set of challenges that are unique to remote teams. According to the Harvard Business Review, challenges remote employees face include:

- Lack of face-to-face interaction
- Social isolation
- Limited or lack of access to necessary information
- Distractions within the employee's home

Managers should acknowledge these challenges and develop solutions to help employees overcome them and take advantage of the potential benefits of working remotely.

How to Effectively Lead Remote Teams

Effectively leading remote teams begins with defining objectives and creating clear plans to attain them. By outlining details of roles, responsibilities, timelines and expectations, employees will feel less stressed about what's expected of them. To best lead remote teams, leaders can consider the following practices:

- **Schedule daily check-ins**—This could be an individual or team check-in. Either way, employees will be comfortable consulting with managers if daily meetings are part of a scheduled routine. Daily check-ins also make sure that all team members are able to share their ideas and stay on the same page.

- **Utilize different communication channels**—Video calls can provide benefits when working remotely, such as minimizing isolation within teams. Consider how teams can use video, instant messaging, project management tools and more to both stay on track and build engagement.

- **Don't always keep it professional**—Creating virtual events for non-work conversations can help build team chemistry and replace water cooler or happy hour conversations.

Providing Support for Remote Employees

As employers consider how scheduled meetings, virtual events and new technologies can be introduced, managers can also think about how they can best support their teams as a resource. An effective management strategy should include offering emotional support and providing encouragement to both individuals and teams. Asking open-ended questions to employees will allow them to speak their minds, and managers should focus on being good listeners. While it may be easy for a manager to pick up on social queues in the office, even the most effective leaders remain more distant in the remote environment. Being intentional about providing support to employees can help remove any barriers.

Productivity Among Remote Teams

While, in some cases, remote work is being adopted out of necessity, many employees feel confident in their abilities to fulfill their roles remotely. The Harris Poll conducted a survey on behalf of Glassdoor among nearly 1,000 employed adults during the COVID-19 pandemic. Results indicated that 60% feel confident in doing their job efficiently from home, even if it means doing so indefinitely. The same survey also revealed that 50% believe they would be equally or more productive working remotely.

When utilized effectively, remote work can provide advantages for both employers and employees. These can often include:

Boosted productivity

Increased flexibility

Increased retention

Reduced greenhouse emissions

Broadened talent pool

Remote work presents advantages and challenges to the way companies do business. With increased utilization of telecommuting, employers can plan ahead for how they can best accommodate remote teams and increase productivity.

Disinfecting the Workplace

Before reopening the workplace, employers should clean and disinfect the office or building. Some professional cleaning services may be available to hire for a deep-clean and disinfection. However, if an employer needs to clean the office or building themselves before reopening, here are some tips to keep in mind:

Wear proper PPE—Don't risk exposure or contamination while cleaning. Be sure to wear PPE, including gloves and a mask, while cleaning the workspace. Avoid touching the eyes, face or mouth, or any personal electronic devices, while cleaning.

Clean first, then disinfect—Disinfectant works best on already clean surfaces. As such, do a general cleaning before disinfecting the office or building. Go beyond the standard cleaning routine, and make sure to pay close attention to the following areas:

- o   Entryways and exits
- o   High-touch common surfaces (e.g., light switches and plate covers, doors, cabinets, sinks, stair railings, countertops, beverage machines, refrigerators and elevator buttons, if applicable)
- o   Employee workstations
- o   Electronics
- o   Tables, chairs and desks, from the lobby to the conference room

Disinfect all spaces with an EPA-registered disinfectant—Double-check that the disinfectant being used is rated by the Environmental Protection Agency (EPA) and listed on EPA's List N: Disinfectants for Use Against SARS-CoV-2, the virus that causes COVID-19. Disinfect all possible spaces, focusing on high-traffic and commonly touched surfaces.

Replace air filters—Increasing the ventilation and changing out old air filters can help promote workplace health. Talk to the building owner to learn more about the filters used in the HVAC systems.

Once the office or building is clean, work with the pandemic response team to establish a plan for daily cleaning of the space and promoting employee cleanliness. One of the best defenses against the spread of COVID-19 is keeping the workplace clean and regularly disinfected.

Establishing Employee Screening, Exposure and Confirmed Illness Protocols

Employee Screening Protocols

To keep employees safe, consider conducting screening procedures to identify potentially ill employees before they enter the office. The EEOC permits employers to measure employees' body temperatures before allowing them to enter the worksite. Any employee screening should be implemented on a nondiscriminatory basis, and all information gleaned should be treated as confidential medical information under the Americans with Disabilities Act (ADA)—specifically, the identity of workers exhibiting a fever or other COVID-19 symptoms should only be shared with members of company management with a true need to know. Employers should notify employees ahead of time that they will be screened to avoid any surprises.

The questions and answers below offer some guidance, primarily from the EEOC, to help employers navigate potential concerns related to taking employee temperatures.

When may an ADA-covered employer take the body temperature of employees during the COVID-19 pandemic?

Generally, measuring an employee's body temperature is a medical examination. Because the CDC and state/local health authorities have acknowledged community spreading of COVID-19 and issued precautions, employers may measure employees' body temperature. However, employers should be aware that some people with COVID-19 do not have a fever.

May an employer take an applicant's temperature as part of a post-offer, pre-employment medical exam?

Yes. Any medical exams are permitted after an employer has made a conditional offer of employment.

May an employer store in existing medical files information it obtains related to COVID-19, including the results of taking an employee's temperature or the employee's self-identification as having this disease, or must the employer create a new medical file system solely for this information?

The ADA requires that all medical information about a particular employee be stored separately from the employee's personnel file, thus limiting access to this confidential information. An employer may store all medical information related to COVID-19 in existing medical files. This includes an employee's statement that they have the disease or suspect they have the disease, or the employer's notes or other documentation from questioning an employee about symptoms.

If an employer requires all employees to have a daily temperature check before entering the workplace, may the **employer** maintain a log of the results?

Yes. The employer needs to maintain the confidentiality of this information.

As government stay-at-home orders and other restrictions are modified or lifted in your area, how will employers know what steps they can take consistent with the ADA to screen employees for COVID-19 when entering the workplace?

The ADA permits employers to make disability-related inquiries and conduct medical exams if job-related and consistent with business necessity. Inquiries and reliable medical exams meet this standard if it is necessary to exclude employees with a medical condition that would pose a direct threat to health or safety.

Direct threat is to be determined based on the best available objective medical evidence. The guidance from the CDC or other public health authorities is such evidence. Therefore, employers will be acting consistently with the ADA as long as any screening implemented is consistent with advice from the CDC and public health authorities for that type of workplace at that time.

For example, this may include continuing to take temperatures of everyone entering the workplace and asking questions about symptoms (or requiring self-reporting). Similarly, the CDC recently posted information on return by certain types of critical workers.

Employers should make sure not to engage in unlawful disparate treatment based on protected characteristics in decisions related to screening and exclusion.

Best Practices for Implementing Temperature Testing

If an employer decides to conduct employee temperature testing, they should be sure to comply with all official rules including, but not limited to, the ADA and Title VII of the Civil Rights Act. Here are some other tips to keep in mind:

- Communicate the plan to take employee temperatures well in advance and explain why.

- Be sure employees understand the implications of such a test (i.e., a high temperature means being sent home).

- Have a set temperature threshold and stick to it. For instance, 100.4 F is the CDC's measurement of a fever. Employers should consider using that as the threshold for when to bar an employee from entering the workplace.

- Consider using no-touch thermometers to avoid spreading illness.

- Utilize properly trained medical staff or facilitators to administer the temperature checks.

- Make sure the temperature checking stations are far enough from the workplace entrance and have proper social distancing setups (e.g., a waiting area where individuals are no closer than 6 feet apart).

- Maintain proper disinfecting procedures at the testing station and within the workplace as a whole.

Contact Tracing in the Workplace

With America opening back up after weeks of workplace closures due to COVID-19, employers are considering every option for keeping their workers safe while still keeping their businesses afloat. "Contact tracing" is one of those options.

What Is Contact Tracing?

Contact tracing is a bit what it sounds like: It's the process of tracing an individual's whereabouts to identify whether they were in contact with someone infected with COVID-19.

How Does It Work?

There's no one single contact-tracing solution. Contact tracing can be very labor-intensive, depending on the scale of the population that's being traced. Traditionally, the process has involved extensive interviews with infected individuals to figure out where they've been recently and with whom they may have come into contact.

However, manually tracking individuals isn't the only option. Technology-based contact-tracing solutions have emerged recently, typically in the form of phone apps.

Employees download the app and manually enter some personal information, then allow the app to run in the background. The app will continuously use GPS data and Bluetooth to accomplish a number of tasks, including notifying users if they're standing too close to someone else as a violation of social distancing and alerting users if someone nearby reportedly has COVID-19.

Potential Pitfalls

Contact tracing doesn't have a perfect system. Sometimes employees won't remember every place they've been to recently or every person they came into contact with. What's more, the individual will have to know and report to HR that they contracted COVID-19 before any mitigation can be done.

Even with technology solutions, accurately tracking infections hinges on users manually reporting their COVID-19 infections. If only some people use the app or decide not to report an infection, the entire system loses value.

Beyond ease of use, there are important legal considerations surrounding contact tracing. These include:

- What data is being collected and stored
- How long the data is stored
- Whether the data is personally identifiable
- How protected the data is

Employers will also have to consider whether a contact tracing app will be mandatory, how often it must be active and who within the workplace will have access to the data collected. Employers should also be prepared to handle potential employee pushback and consider what consequences there may be for noncompliance.

For instance, some employees may be concerned about what personal information is being collected. If they elect not to install the mandatory app, what will happen to them? Will they be fired, or will there be an alternative tracing method to use? Employers should be ready with answers to these types of questions before rolling out a contact-tracing program.

Employer Takeaway

Having some form of contact-tracing policy is important for any business reopening amid the coronavirus pandemic. If an employer elects to have a manual process, every step should be documented so everyone knows exactly how they intend to track infected employees. If opting for a digital solution, employers must consider how to enforce that all workers use it, since that's the key to its success.

In any case, it's good practice to have employment law counsel review any policy before implementation.

Exposure and Confirmed Illness Protocol

Employees who test positive for COVID-19 or believe they have been infected will be instructed to follow the advice of a qualified medical professional and self-isolate. When self-isolating, employees should:

Stay away from other people in their home as much as possible, staying in a separate room and using a separate bathroom if available.

Not allow visitors.

Wear a face mask if they have to be around people.

Avoid sharing household items, including drinking cups, eating utensils, towels and bedding.

Clean high-touch surfaces daily.

Continue monitoring their symptoms, calling their health care provider if their condition worsens.

Notably, employees who are symptomatic or who have tested positive should not return to work until the conditions outlined in the table below are met:

Return-to-Work Considerations	
Employee was tested for COVID-19 and is symptomatic, or has had COVID-19 symptoms.	**Employee was tested for COVID-19 but has no symptoms.**
The employee may return to work if: • At least 10* days have passed since symptoms first appeared. • At least 24 hours have passed with no fever, without using fever-reducing medication. • Symptoms have improved. A test-based strategy is now only recommended by the CDC in certain situations, though recommendations from a local health care provider may vary. *In limited cases, persons with severe symptoms are recommended to extend their duration of isolation longer than 10 days.	The employee may return to work if: • At least 10 days have passed since symptoms first appeared. A test-based strategy is now only recommended by the CDC in certain situations, though recommendations from a local health care provider may vary.

When an employee tests positive for COVID-19, deep-cleaning procedures should be triggered. Furthermore, employees who have been in close contact with an individual who has tested positive for COVID-19 will be instructed to self-quarantine.

Creating Employee Safety Training Materials

The success of a return-to-work action plan, no matter how well-thought-out and comprehensive it may be, is largely contingent upon how well employees follow the health and safety guidance. Employee safety training materials should cover the following topics:

Social Distancing Guidelines

Ask employees to follow social distancing best practices throughout all facilities, including but not limited to cafeterias, common areas and office spaces. Specifically, encourage employees to:

- Stay 6 feet away from others when working or on breaks. Where a minimum distance cannot be maintained, engineering or administrative controls will be in place.

- Avoid job tasks that require face-to-face work with others when possible. If this is unavoidable, employees will be provided with face masks, face shields, physical barriers and other workplace controls to ensure their safety.

- Avoid contact with others whenever possible (e.g., handshakes).

- Avoid touching surfaces that may have been touched by others when possible.

- Distance themselves from anyone who appears to be sick.

- Avoid gathering when entering and exiting the facility. Employees should also only enter and exit designated areas.

- Follow any posted signage regarding COVID-19 social distancing practices.

- Disinfect their workspace often.

- Avoid touching their face.

- Avoid nonessential gatherings.

Use of PPE

If an employer determines that employees should use PPE while at work, they should be sure to explain best practices for its use. For example:

- **Gloves**—Employees may contract COVID-19 by touching contaminated surfaces and then touching their face. Gloves are an effective way to prevent COVID-19 from getting on an employee's skin. They are also a good reminder for employees not to touch their face.

- **Face shields, face masks and eye protection**—Viruses can be transmitted through the eyes and mouth via tiny viral particles known as aerosols. Face shields, face masks and eye protection can help protect employees from these particles.

27

At a minimum, a return-to-work action plan should include guidance for employees to understand how to put on, take off and care for any PPE provided to them.

Personal Hygiene and Etiquette

Employee safety training materials should include guidance for employees as it pertains to personal hygiene and etiquette to prevent the spread of COVID-19. Specifically, the materials should include guidance for the following:

- **Respiratory etiquette and hand hygiene**—Encourage good hygiene to prevent the spread of COVID-19. This can involve:

    o   Providing tissues and no-touch disposal receptacles

    o   Providing soap and water in the workplace

    o   Placing hand sanitizers in multiple locations to encourage hand hygiene

    o   Reminding employees to not touch their eyes, nose or mouth

- **Staying home when sick**—Encourage employees to err on the side of caution if they're not feeling well and stay home when they're sick or are exhibiting common symptoms of COVID-19 (e.g., fever, cough or shortness of breath).

Cleaning Responsibilities

Because COVID-19 can remain on surfaces long after they've been touched, it's important that a business frequently cleans and disinfects its facilities. Employees should be responsible for ensuring that they do their part in workplace cleanliness. Some best practices to promote cleanliness include:

- Discouraging workers from using other workers' phones, desks, offices, or other tools and equipment, when possible (or cleaning and disinfecting them before and after each use)
- Providing disposable wipes so that commonly used surfaces can be wiped down by employees before each use

Industry- and Business-specific Safety Considerations

Be sure to also include any industry- or business-specific safety training materials in a return-to-work action plan. Please refer to OSHA for more detailed information regarding this guidance.

Reviewing Workplace Policies

The COVID-19 pandemic has resulted in employers across the country needing to change their workplace policies to adhere to new legislation and to better represent their newfound situation. As such, employers should review their workplace policies to ensure that they're in line with their return-to-work action plans and in compliance with any applicable laws.

Reopening a Business

When a business is ready to reopen, it should do so in a manner that balances its needs and the health and safety of employees. As such, consider reopening in phases, and be sure to provide ample employee communications throughout the entire process. Depending on the business and location, this phased-in approach to reopening will vary.

Employers will need to keep state and local guidance related to social distancing in mind when reopening their business. For example, if local guidance prohibits gatherings of more than 10 people, it may not be advised or permitted for all employees to return to work. Consider asking only essential employees to return to work. As regulations begin to permit allowing larger gatherings, incrementally increase the number of employees permitted within the office or building. Whenever possible, leverage telecommuting and rotating schedules to keep employees safe.

Employers should be sure to implement any screening or workplace protocols that were created during the shutdown, prior to reopening the business. In addition, employers should make sure to provide any necessary managerial or employee training to ensure that every employee understands how they can do their part in preventing the spread of COVID-19 once their business reopens. Consider distributing an employee version of a return-to-work action plan to be as transparent as possible. The COVID-19 pandemic has created stress and uncertainty for many employees, and the prospect of returning to work in the midst of the pandemic can cause uneasiness among employees. By being transparent, employees will know what to expect and are able to see the steps their employer is taking to protect them while they're at work.

In addition, it's important to remain flexible and adaptive throughout the reopening process. Due to the nature of the COVID-19 pandemic, rules and regulations are constantly changing. Employers should be prepared to change their business practices if needed to maintain critical operations. Depending on how the pandemic progresses, employers may need to make changes to their return-to-work action plan, suspend operations again or add additional safety measures.

Managing a Post-COVID-19 Reputation

There's no denying that the COVID-19 pandemic has been disrupting businesses, both small and large, across the globe. Businesses have had to drastically adjust their operations.

Once the threat of the coronavirus declines, your business may be ready to open up and return to normal operations. Whether your business had to close its doors or you had to set up your employees to work remotely, it's important to recognize the global pandemic and continue protecting your company's reputation.

Why Is Your Reputation Important?

Many companies focus on handling reputation threats that have already happened. That is not reputation management. That is crisis management, a reactive approach to limit the damage that's already been done. It's important to focus on a proactive approach to mitigate reputational risks before they become a problem.

Simply put, your brand reputation is how the general public—including customers and employees—sees you, thinks of you and talks about you. It's word of mouth.

How your business has previously responded to the coronavirus and how you move forward can play a big role in public perception and employee recruitment. As much as a good reputation is vital in driving business, it can also reinforce employees' commitment to the company. That commitment leads to confidence and trust in the company. Employees are the face of the company, and engaged employees can be your best promoters.

How Can Your Reputation Be Affected?

There's no denying that this global pandemic is changing how people think, behave and consume information. Since we live in a digital age, customers and prospective employees have many channels available to them as they search for and discover information about companies. A good reputation means that a business is more credible than their competitors. Reputation is all about public perception—even if it's not factual.

There's a need to be proactive, as reputational risk often strikes without warning. Here are some common online channels to monitor:

- Business review websites
- Social media
- News releases and articles

- Blog posts
- Forums
- Competitor websites

People will talk about your company regardless of whether you have an online presence. But, if you're not online or monitoring channels, there's no way for you to discover what's being said, and you may risk even bigger reputation problems.

Best Practices

As everyone is coming out of lockdown and business slowly returns to normal, consider the following best practices to keep staff motivated and your reputation unharmed:

Put your employees first—First and foremost, keep in mind the health, safety and well-being of employees when making business decisions. The coronavirus pandemic has led to a collective loss of normalcy. Returning to work may be part of the normal that people are longing for, so continue supporting them and checking in to see how things are going. As you protect your company brand from COVID-19 implications, current employees can be the main drivers of your reputation.

Follow government advice—If your team has been working remotely due to shelter-at-home orders, the first topic your company needs to address is when to reopen the office. Employers should be looking to their local health departments and government for guidance on when to return to the office.

Prioritize safety—Along with ethical reasons, employers have a duty under the Occupational Safety and Health Act to make sure they provide a safe workplace. Considerations include testing, social distancing, personal protective equipment, sick leave policies and business travel guidelines.

Keep communication open and honest—Internal communications can help keep employees calm and reduce stress levels. Everyone's been dealing with much uncertainty. There's a need to communicate with employees openly, honestly and frequently. The same goes for external audiences like customers and partners. Go with what's authentic for your company, whether that's regular updates, or tips and tricks to stay safe. This is a good time to reinforce transparency. Keep communication accurate by leaning on credible sources.

Ask for feedback and answer questions—People may be scared and have a lot of questions. Create an open channel or a way for stakeholders to submit questions. Answer them as soon as you can, and provide the responses to everyone. If one person asked it, there are probably more who are wondering the same thing. An open line of communication is key to establishing trust.

Reach out to industry partners—Chances are your industry partners are in similar situations. Share information and work together with your industry regulators and influencers to move forward. Consider partnerships that could help your customers or employees.

Be a thought leader—While reputation may be defined by what others say about you, it is also defined by what a brand says. If it's appropriate and authentic for your company, identify a business leader who can publicly address the impacts of COVID-19 on your industry or customers.

Give back—On a similar note, give back to your community if you're able to. A little bit of kindness can go a long way during these times.

Be Prepared

As everyone moves into life on the other side of the coronavirus pandemic, it's important for companies to come out of it with their positive reputation intact and be known for being caring. Businesses seen responding positively to the COVID-19 pandemic are more likely to survive and thrive.

If an issue or crisis does arise, the quicker you respond to and fix any problems within your control, the better off you'll be.

HR TOOLKIT