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EMPLOYEE RELATIONS  
HUMAN RESOURCES  
WORKPLACE SAFETY

## **RECOMMENDED COVID-19 RETURN TO WORK PLANNING**

**ACG CONSULTING SERVICES** continues to provide guidance and support for our clients on the rapidly developing business issues that continue to arise as a result of the COVID-19. Additionally, we have developed the following list of recommended *Return to Work Planning* issues that we believe businesses should consider in order to develop sound plans for each business to return employees back into the workplace as safely and efficiently as possible.

The following list of return to work protocols includes issues specific to Workplace Health & Safety, HR and Employment. We also feel that it is highly probable a number of the issues listed within this piece will probably be mandated soon by individual state Governor offices (or other governmental agencies) as requirements for employers to safely return employees back to work.

**Note:** In California, employers must remember that much of your **return to work program** to bring employees back into the workplace falls under your **Injury & Illness Prevention Program (IIPP)**. All California employers therefore **MUST PERFORM A HAZARD ASSESSMENT** to ensure a healthy and safe workplace **UNDER THEIR IIPP**.

**STEP #1-A** Review your Company IIPP (if in California) to ensure it complies with California state's General Industry Standards and start your return to work **HAZARD ASSESSMENT**.

### **All businesses:**

#### **1. Development and Implementation of Social Distancing Plan**

Such a plan will need to be specifically tailored to the employer and to the industry in which it operates with also consideration to any federal, state, and local requirements. Features of a Social Distancing Plan may include some or all of the following:

- A. Changes to open workspace configuration. (6 feet apart)
- B. Repurposing of conference rooms, lunch rooms, and other communal spaces to allow for more distance.
- C. Installation of physical barriers in common areas (e.g., Plexiglass dividers between cubicles, in lunch room areas, etc.).

- D. Redesign of production lines to allow for more space between employees.
- E. Reconfiguration of work schedules and/or shifts to limit the number of employees physically present in a specific office, facility, plant, or other work location at any one time.
- F. Implementation of full-time and/or part-time work-from-home arrangements for positions where it is feasible for employees to work from home, either full-time or a number of days each week.
- G. Vendors and Visitors in the workplace considerations for distancing.

## **2. COMPANY COMMUNICATIONS:**

- A. Employee Questionnaire- Specific question regarding returning employees coming into contact with the COVID-19, travel to foreign countries and other questions related to assessing risk of potential infection.
- B. Managerial oversight of email, phone, other platforms for notification of changes to policies, administration of leaves of absences, updates for employees as events and policies may change. This includes designated person and/or legal support to maintain knowledge of any current local, state or federal laws changed relative to COVID-19.
- C. Determining when to return employees and whether to implement a phased return. How will employees be notified, and with how much notice?
- D. Develop a Media/PR strategy
- E. Company Policy development for all employees specific to contact with the Media.

## **3. Employee & Visitor Temperature Screening:**

- A. Designated person, manager training for temperature, confidentiality of data or health information, plan for protecting persons tasked with conducting screenings.
- B. Daily temperature checks and other screening protocols.
- C. Periodic (e.g., weekly, biweekly, monthly, etc.) employer-provided COVID-19 testing (when such testing is more widely available for all employees or certain employees in more high-risk positions e.g., public facing positions, positions involving close contact with other employees or other third parties).

## **4. Contingency Planning:**

- A. What if COVID-19 demands a “second” shutdown?
- B. What happens if business slows down?
- C. How to handle requests for Telework.

## **5. Manager Training:**

- A. How to respond to an OSHA onsite inspection or other OSHA related inquiry?
- B. Which person is responsible in the company Injury & Illness Prevention Program
- C. For the REQUIRED hazard assessment administration?

## **6. Telework / Telecommuting Agreements**

- A. Need to be developed and distributed for employees continuing or being placed on assignment for telecommuting work. Implementation of agreements as well as any extensions of these agreements.

## **7. Personal Protective Equipment (PPE)**

- A. Who is responsible for decisions as to use and type of masks or respirators (N95 type)?
- B. What is company's policy for PPE? Gloves? Masks? Who is in charge of PPE?
- C. Does the company's choice of PPE require OSHA guidelines and consequent policies?
- D. Other PPE e.g. gloves, disposable desk blotters etc.
- E. Respiratory etiquette, including covering coughs and sneezes.

## **8. Wage and Hour Compliance**

- A. PPE, or time spent temperature testing can be compensable time and also subject to overtime.

## **9. Hygiene and Hand Washing Protocol**

- A. Clorox (or comparable sanitizing wipes) for wiping down equipment or work stations.
- B. Additional Janitorial, extended cleaning services and housekeeping practices for workplace
- C. Promote frequent and thorough hand washing
- D. Encourage workers to stay home if sick.
- E. Discourage employees from using other employees work stations or equipment.

## **10. Leaves of Absence Administration**

- A. Already existing LOAs, California paid sick, FMLA/CFRA, Paid Family Leave, Vacation/PTO time off.
- B. Centralized request and approval of all requested time off;
- C. Administration of FFCRA EFMLA and EPSL  
What about employees currently out for EFMLA and Childcare issues?
- D. Manager and HR support for needs such as interplay between leaves, employee rights, FEHA, EEOC, NLRA and ADA considerations for leaves and approved time off.
- E. Confirm accuracy of sick, vacation and PTO banks and ensure compliance with COVID-19 related leave laws.

## **11. Company Response to Confirmed, or Suspected but Unconfirmed COVID-19 Exposure**

- 1. Identify point person responsible to oversee company response;
- 2. Protocol for temporary shutdown and deep cleaning of the workplace.
- 3. Informing co-workers or customers about possible exposures who may have been in contact.
- 4. Require employee who think they have been potentially exposed or have tested positive to COVID-19.

## 12. Worker's Compensation Management with COVID-19

## 13. OTHER CONSIDERATIONS

- A. **STAFFING-** Selection of employees to return to work. Decisions regarding furloughed and recently laid off employees.
- B. What will the job look like when employees return (i.e., full-time, part-time, in-person, remote, reduced schedules or wages, changes in duties).
- C. Protocols to address employee logistical challenges, such as lack of child/senior care, limited public transportation, and employees who may fear returning to work.

## SUMMARY:

1. **First, review your company IIPP (California employers)**
2. **Perform a hazard assessment of your workplace**
3. **Prepare a Preparedness and Response Plan for the business**
4. **Develop your Return to Work Plan**
5. **Implement your company's return to work plan  
(subject to any new regulations that may be required from State or other agencies)**

Please feel free to contact **ACG CONSULTING SERVICES, INC.** with questions specific to development of media contact policies, telework agreements, IIPP and employee handbook review or other questions related to return to work strategies.

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### **Legal Disclaimer**

The information contained in this list of recommendations should not be considered as providing any legal opinion or legal advice. It is intended to provide a concise summary about safely returning employees back to work and other issues related to the COVID-19. ACG Consulting Services, Inc. is not a law firm and does not provide legal advice.