

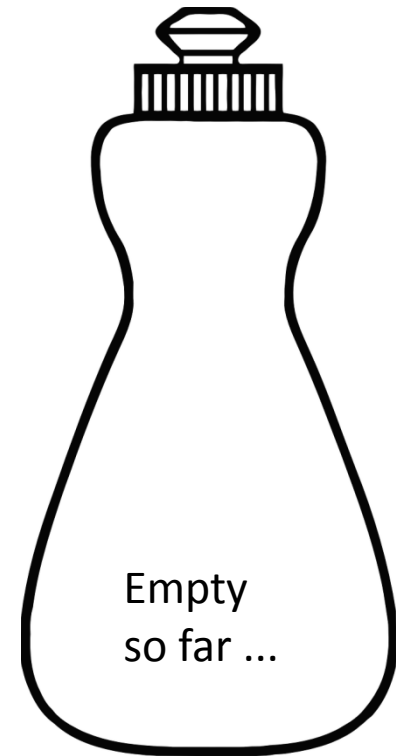
RETURN TO WORK

**Critical Information for
Employers as
Employees Come Back to the
Workplace**

 GREENSFELDER

 125 YEARS

How Prepared Are You?



Today's Panelists



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Overview

- ❑ Return to work after stay-at-home orders are lifted
- ❑ The new normal: workplace reintegration plans
- ❑ Medical testing of employees and other screening
- ❑ Managing COVID in the workplace
- ❑ OSHA considerations
- ❑ Visitors, customers, clients, vendors
- ❑ Ongoing remote work, wage and hour reminders

Return to work after orders are lifted

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When Can You Require?

Step 1 –
State and local
return to work
orders

Step 2 -
Guidance from
CDC, OSHA,
DOL, EEOC

Step 3 -
Individual job
needs.

When Can't You Require?



FFCRA Leave
EPSL / EFMLEA (< 500)



FMLA

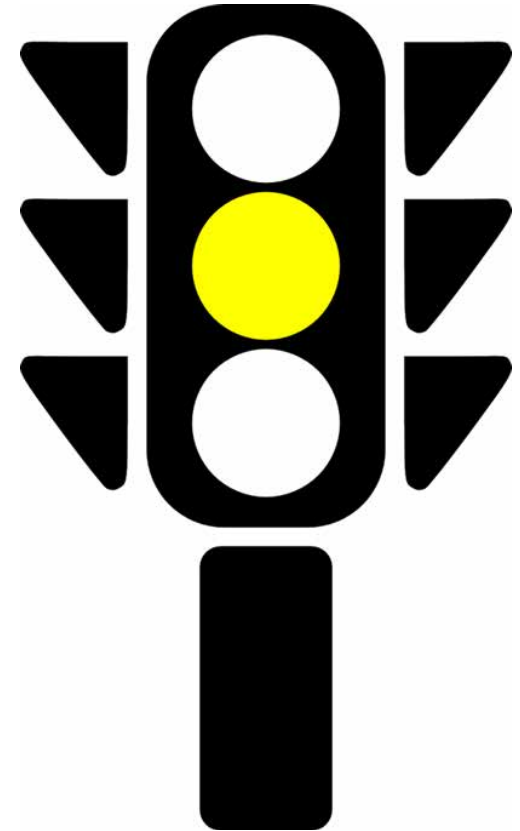


Need Accommodation
(ADA/PDA/State Law)

Is YOUR Business Ready?

A Marathon, Not a Sprint

- Workplace safety
- Voluntary callbacks
- Shifts, Shortened workweeks
- Flexible work arrangements, telework
- Non-discriminatory, objective criteria



I can't return because ...

- I am high risk.
- I fear getting sick.
- my spouse is high risk.
- school/daycare is closed.
- I will make more on unemployment.



Consider Policies

- ✓ Leave policies
- ✓ Temporary policies
- ✓ Train managers
- ✓ Monitor often to keep consistent with CDC guidelines

- Return to work after stay-at-home orders are lifted

The new normal: workplace reintegration plan

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Implement Workspace Controls



Infection Prevention Measures

- Develop daily sanitization regimen
- Provide disinfecting wipes or spray / paper towels
- Hand sanitizer and tissues
- Document what you are doing



Reorganize Workspace as Necessary

- Revamp crowded seating areas
- Eliminate shared workstations

- Mark 6-foot distances



Maximum Occupancy: 1 person



- Limit number of employees in common areas
- Stagger break times and lunch schedules
- Establish protocols for using bathrooms, stairwells and elevators

Sharing is not caring

1. Discourage shared use of lunchroom appliances

2. Prohibit food sharing



3. Reconsider file and document sharing and handouts

Monitor Employee Movement

- Personal travel
- Business travel
- Employees entering and leaving the office
- Movement between departments



Encourage Safety on the Commute to Work

- Prohibit ride-sharing and carpooling
- Incentivize employees to avoid public transportation
- Require precautionary measure if public transportation must be used



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Medical testing of employees and other screening

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Legal Framework

- ADA requires medical tests be:
 1. Job-related and
 2. Consistent with business necessity
- EEOC says COVID-19 is direct threat
- GINA considerations

What is Medical Test/Inquiry?

- Temperature checks
- COVID-19 testing
- Screening questionnaire before each work shift
- Fitness for duty
- Anti-body testing



Protecting Medical Information

Separate from personnel file

Limit access

COVID-19 can be in existing medical file

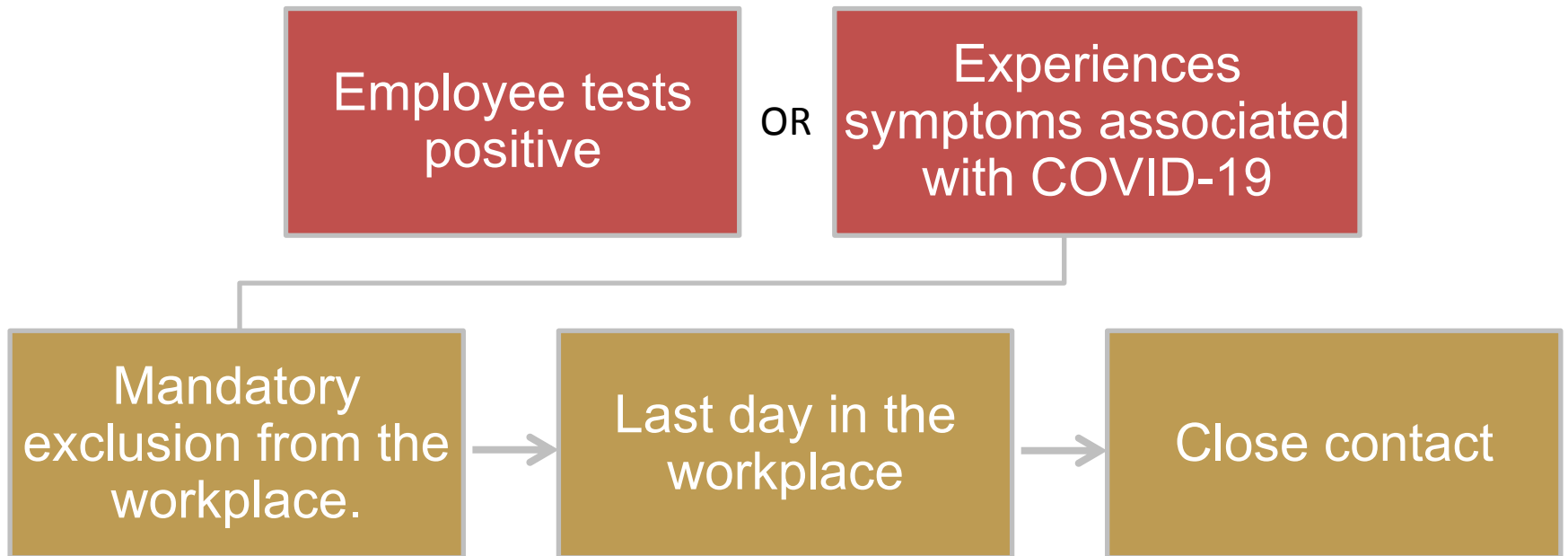
Includes employee statements/questionnaires

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- OSHA considerations
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Employer Checklist



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OSHA considerations

- Visitors, customers, clients, vendors
- Ongoing remote work, wage and hour reminders

OSHA Worker Exposure Risk

Very high or high exposure risk

Medium exposure risk

Low exposure risk

Personal Protective Equipment (“PPE”)



- Very high or high exposure risk
 - Gloves, gown, face shield, goggles, face mask, respirator
- Medium exposure risk
 - Some combination of gloves, gown, face mask and/or face shield and goggles
- Low exposure risk

If an employee is diagnosed with COVID-19, must an employer treat it as an OSHA recordable incident?

 It depends.

- OSHA “Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19” April 10, 2020. <https://www.osha.gov/memos/2020-04-10/enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19#ftn2>
- Health care industry, emergency response organizations, and correctional institutions
- Other employers
- Focus on good hygiene practices and mitigating the effect of the virus

If an employee is diagnosed with COVID-19, must an employer treat it as a worker's compensation injury or illness?

 **It depends on state law**

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Visitors, customers, clients, vendors

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It's Not Just Employees ...

Limit face-to-face interaction



Set appointments

Require screening

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 **Ongoing remote work, wage and hour reminders**

Recognize the Wage and Hour Risks of Remote Work

- Capture all the time worked
- Document the expectation
- Ensure timekeeping policies are clear



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More Resources

For updates, visit:

- **Greensfelder COVID-19 Resources**

page:

[https://www.greensfelder.com/
covid-19-resources.html](https://www.greensfelder.com/covid-19-resources.html)

- **SimplyHR Blog:**

[https://www.greensfelder.com/
employment-and-labor-blog](https://www.greensfelder.com/employment-and-labor-blog)

THANK YOU!

Legal Disclaimer: This document is not intended to give legal advice. It is comprised of general information. Employers facing specific issues should seek the assistance of an attorney.

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125 YEARS