

RETURN TO WORK CHECKLIST

MAKE A PLAN

- Form “return to work” or pandemic response committee comprised of management, HR, and legal counsel
- Prepare a written site-specific COVID-19 assessment and control plan, or revise business continuity plan to account for COVID-19 considerations
- Establish plan for communicating with employees
- Monitor federal, state and local closure orders and re-opening guidance, geographic considerations and industry practices

RECALLING EMPLOYEES

- Document recall selection criteria (non-discriminatory and not based on protected characteristics) in written plan
- Identify essential business functions and essential employees
- Determine whether employees can return in phases to reduce density
- Consider deadlines for return to work
- Unemployment criteria should require employees to return if work is available; consider reporting recall refusals
- Determine how to handle employees who are unable or unwilling to return



WORKPLACE HEALTH AND SAFETY

- Review OSHA, CDC, industry, and state and local requirements and guidance
- Perform risk assessment for each specific site
- Prepare COVID-19 assessment and control plan
- Consider whether masks and other PPE (gloves, face shields, etc.) are required or recommended based on industry, state/local requirements or site-specific needs (if mandatory, employer must provide)
- Enforce safety requirements (self-reporting of diagnosis and symptoms)
- Prepare employee code of conduct, including hygiene practices and stay at home requirements
- Reconfigure workspaces and implement other controls to create safe distance between employees, including physical barriers and one-way traffic patterns in facility
- Educate employees regarding best hygiene practices and make available hand washing and sanitizing stations
- Address promptly any health or safety concern raised by an employee

SCREENING

- Instruct employees to self-monitor and stay home if experiencing COVID-19 symptoms
- If requiring on-site temperature checks, train temperature taker, provide any necessary PPE, clean instruments between uses, and maintain confidentiality of records (or discard)
- Consider utility of COVID-19 testing and antibody testing (legality uncertain) and aforementioned safety and confidentiality concerns
- Assess whether screening and waiting time is compensable

COMMUNICATION

- Designate person to field COVID-19 related questions and concerns.
- Consider surveying employees prior to return (but ensure ADA compliance; no disability-related inquiries)
- Communicate new policies, such as employee code of conduct, to employees prior to or at return
- Prepare and post signage
- Consider suggestion box or anonymous reporting



CONFIRMED CASE OF COVID-19

- Establish uniform protocol for responding to confirmed cases
- Determine contact employee may have had with others, based on CDC guidance
- Determine whether to recommend self-isolation for an employee who had contact with the employee infected with COVID-19
- Assess whether site or space must be closed
- Clean any affected areas based on CDC guidance
- Provide leave for affected employee
- Follow CDC guidance on employee's return to work (2 negative tests or cessation of symptoms)
- Determine whether confirmed case must be recorded on OSHA 300 log and/or reported to workers' compensation carrier

COMPLIANCE WITH LEAVE LAWS

- Update policies to reflect Families First Coronavirus Response Act ("FFCRA") leave
- Provide leave for COVID-19 qualifying reasons (e.g. school closure, care of self or other for COVID-19 related reason)
- Remember state and local leave laws (leave *in addition to* FFCRA)

ACCOMODATIONS

- Consider whether teleworking continues to be feasible for certain positions
- Consider revising job descriptions if teleworking is not feasible
- Consider COVID-19 era accommodation requests: fear of returning to work; fear of taking public transportation; extended leave; PPE

TRAINING

- Train managers on new laws, responding to leave requests, and implementing new policies
- Train employees on hygiene practices, respiratory etiquette, use of masks and PPE
- Consider COVID-19 manual

TRAVEL

- Determine whether business travel will be restricted to essential travel or prohibited
- Determine whether personal travel must be reported
- Follow guidance to ease restrictions over time

VISITORS / CUSTOMERS

- Consider directing customer traffic, requiring PPE and masks, and/or limiting number of customers
- Consider no-contact pickup and delivery
- Consider visitor code of conduct and waiver
- Require affirmation visitor does not have COVID-19 and is not experiencing symptoms
- Require visitor hygiene practices and respiratory etiquette

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ATTORNEYS AT LAW

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