**Re-Opening After COVID-19: A Small Business Guide**

Reopening and returning employees to the workplace during and after the COVID-19 pandemic can be a stressful as well as a rewarding time. Returning to the workplace will not be as simple as announcing the reopening or requesting employees to return. Workplaces and processes will need to be altered. Employers and organizations also need to be ready to respect and evolve to fit the needs of these returning team members.

The Guide provides general details on how to start and maintain short-term and long-term processes. This is not an exhaustive list of all best practices and requirements. HR Partners has many additional and supplemental packets available. Please contact us or visit our website for more resources. Please be aware, some employees will not be at ease until after a vaccine has been released. In the interim, employers can provide structure and safety.

**Section I: Workplace Safety.**

❏ 1. Implement employee health screening procedures.

❏ a. Require employees experiencing COVID-19 related symptoms to leave work, seek testing, and report results, or self-quarantine for those not eligible or unable to test.

 ❏ b. Implement screening protocols, which must be enforced consistently across all similarly situated employees.

 ❏ c. Take employees’ temperatures as allowed by the EEOC, if necessary.

 ❏ d. Request a doctor’s clearance before an employee may return to work.

❏ 2. Develop an exposure-response plan.

❏ a. Define tracking, isolation and containment procedures.

 ❏ b. Compose stay-at-home requirements (enforce them - regardless of title, position or rank).

❏ c. Communication procedures about exposure if a staff member is diagnosed.

❏ 3. Provide personal protective gear (PPE).

 ❏ a. Establish a policy on masks, gloves, face shields, hand sanitizer, etc.

❏ b. Develop a procedure if employees request additional items, or are not able to wear/use these items.

❏ 4. Implement comprehensive cleaning procedures and procure supplies.

❏ a. Have wipes available for employee use.

❏ b. Have a cleaning schedule, stations, and procedures defined and posted.

❏ c. Ensure workplace common areas and client facing areas receive additional cleaning on a regular basis.

❏ d. Communicate and enforce cleaning procedures.

❏ e. Be flexible and available to discuss employee concerns.

❏ 5. Establish physical (social) distancing measures within the workplace.

❏ a. Consider staggering shifts and breaks.

❏ b. Consider continuing, or implementing, digital conference calls (even when in the workplace).

❏ c. Consider rotating weeks in the office and weeks of remote teleworking.

❏ d. Move workstations and implement one-way traffic throughout the workplace.

❏ 6. Restrict business travel.

❏ a. Clearly define what is considered ‘essential’ work travel.

❏ b. Follow all [CDC guidelines](https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-in-the-us.html) and best practices.

 ❏ c. Implement a travel policy (see Health and Travel Declaration Form).

❏ 7. Understand and comply with OSHA (Occupational Safety and Health Administration) guidelines.

❏ a. Identify positions which have a greater potential to exposure to COVID-19.

❏ b. Review [OSHA regulation 29 CFR § 1904](https://www.osha.gov/laws-regs/regulations/standardnumber/1904) to determine work-relatedness illnesses.

**Section II: Re-opening Procedure.**

❏ 1. Phase-in employees returning to work, to not overwhelm the team, and maintain safety.

❏ a. Use seniority or other nondiscriminatory factors to proceed with a “soft” reopening of the organization.

❏ b. Consider a “work share” or bring employees back on reduced schedule.

 ❏ c. Consider telecommuting (see Telecommuting Policy and Agreement).

❏ d. Plan ahead on how to deal with clients, customers and/or vendor relations.

❏ 2. Create a plan for “high-risk” employees.

❏ a. Consider allowing employees, with a high risk of infection, to work from home or telecommute.

❏ b. Determine if additional safety measures can be implemented to isolate or work with this group.

❏ 3. Notify the state unemployment agency of employees who have been recalled to work.

❏ a. Many states, including Kansas, have a downloadable form or online filing, for returning workers (see KDOL’s form).

❏ b. Report employees who have chosen not to return to work and identify cause prior to reporting these employees:

1. Fearful of returning to work.
2. Employees who have family obligations (may need to be on Extended FMLA).
3. Employees who may need to remain in quarantine.

❏ 4. Employee Fears of Returning to Work.

❏ a. Under OSHA, employees may refuse to work if they “reasonably believe they are in imminent danger.”

❏ b. The fear typically includes a threat of death or serious physical harm.

❏ c. Generalized fear about COVID-19, not based on fact, would not be sufficient to refuse to work.

 ❏ d. However, if an employee has a diagnosed mental health disability, such as severe anxiety, and COVID-19 is exacerbating that disability, the employee may ask to work from home as a reasonable accommodation under the ADA.

**Section III: Additional Review and Response.**

❏ 1. Employee Benefits: verify and communicate changes, additions or subtractions to employee benefits.

❏ a. Group Health Insurance: ensure coverage, eligibility, and if premiums need to be recovered or paid.

❏ b. FSA [Flexible Spending Accounts]: address any changes, review dependent care and communicate medical product coverage.

❏ c. 401(k) or other pensions: review eligibility, consider breaks in service, communicate any in-service employee loans and their pay back procedures.

❏ d. Paid Leave: review any policy leave (i.e., FFCRA, FMLA, etc.), determine PTO amounts and changes, and any additional leave benefits.

❏ 2. Compensation: review polices and changes in compensation.

❏ a. Communicate if pay cuts will be reversed, if bonuses will continue, or impact on yearly salary raises.

❏ b. Consider a full pay-equity audit for all returning workers.

❏ 3. New Hire Paperwork: typically, employees returning to work within thirteen (13) weeks will have minimal paperwork, but audit each returning employee for compliance.

❏ a. Determine eligibility for applicable and benefit enrollment.

❏ b. Submit new-hire report for new and rehired workers with the Kansas Department of Labor.

1. Address I-9 issues (update expired information and determine if employees need to compete section 3 of their original I-9).
2. Refile W-4; if employee is coming back after 13 weeks and/or had changes affecting withholdings.
3. Refile State Tax From; if employee is coming back after 13 weeks and/or had changes affecting withholdings.

❏ 4. Business Continuity Plans: review and revise preparedness plans including absenteeism, supply chain disruptions, or overall changes in business operations.

❏ a. Implement an Infectious Disease Policy (see attached policy).

❏ b. Update all policies which have been affected by changes in workplace interaction and procedures.

❏ c. Establish an emergency communications plan. Identify backups, cross-training opportunities and processes for communicating employee status.