



REOPENING 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 and 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 these returning team members' needs.

The Guide provides general details on starting and maintaining short-term and long-term processes; it is not an exhaustive list of all the best practices and requirements. 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, 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 cannot 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 common work areas and client-facing areas receive additional cleaning regularly.
 - 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](#) and best practices.
 - c. Implement a travel policy
- 7. Understand and comply with OSHA (Occupational Safety and Health Administration) guidelines.
 - a. Identify positions that have a greater potential for exposure to COVID-19.
 - b. Review [OSHA regulation 29 CFR § 1904](#) to determine work-relatedness illnesses.

Section II: Reopening 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 a reduced schedule.
 - c. Consider telecommuting
 - d. Plan 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
 - b. Report employees who have chosen not to return to work and identify the cause before reporting these employees:
 - i. Fearful of returning to work.
 - ii. Employees who have family obligations (may need to be on Extended FMLA).
 - iii. 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 payback 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 policies and changes in compensation.
 - a. Communicate if pay cuts will be reversed if bonuses will continue, or impact 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 a new-hire report for new and rehired workers with the Kansas Department of Labor.
 - i. Address I-9 issues (update expired information and determine if employees need to complete section 3 of their original I-9).
 - ii. Refile W-4; if the employee is coming back after 13 weeks and/or had changes affecting withholdings.
 - iii. Refile State Tax Form; if the 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.

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