

# Return to Work (RTW) Framework

## Introduction

As your human resources partner, this document is meant to provide you key information with tips and best practices to reopen businesses as safely as possible and handle associated challenges.

Throughout this document, there will be references to “physical distancing” rather than “social distancing.” This shift in language is important because it reminds us all that even when we are physically distant, we are still social. This is an important distinction because employees should be encouraged to socialize with others. By changing the verbiage used, the focus shifts from not socializing with others to socializing safely with others by keeping physical distance.

## Key Guiding Assumptions

This information is expected to change as government and health authority guidance, as well as helpful practices shared by other companies continues to change.

Final decisions to open businesses will be made by **business leader**, with timeline to re-enter businesses also determined by **business leader**. This will be based on federal, state, and local laws.

All employers are highly encouraged to check state and local ordinances before beginning the return to work process.

Best practices and guidance from governmental agencies agree office re-opening should be gradual and follow best practices for physical distancing and other risk mitigation measures.

- As such, employees should be encouraged, for now, to continue working from home unless they prefer to work in the office after they have performed a thorough personal risk assessment, checked their health, and considered if they have a safe way to work in the office while protecting themselves and others.
- The goal should be to make it as safe and practical for all employees to be able to continue their work.

There will be a variety of different needs and beliefs/comfort levels among employees, varying on factors such as the following:

- Strongly held personal beliefs regarding COVID-19 (vaccines, herd-immunity, risk of transmission) and how it affects their personal safety and mental well-being.
- Experience of ease of working from home (ex. children - either needing to stay home to care for them or wanting to come to the office in some cases to work free from distraction, ergonomic set-up, roommates).
- Differences in commutes to the office (ex. walking or biking distance vs. need for public transportation).

Employers should work to accommodate employees' needs and comfort levels while finding ways to hold them accountable to business goals.

Employees who exhibit symptoms or test positive should not be allowed in the businesses for 14 days per CDC guidelines, for the safety of others.

A point person should be designated to oversee the return to work process, and handle all questions related to staff returning to work, or questions about policies and procedures. This will help to ensure the same message is communicated to all employees.

All employees considering coming to the office should consult with medical professionals regarding personal medical conditions they have, understanding they may greatly increase the risks associated with them personally contracting COVID-19. Employees with medical conditions that increase their risk should self-isolate and NOT come to the office. If an employee requests an accommodation or leave, the employee needs to be encouraged to contact the designated employer representative as soon as practicable. Each leave and accommodation request should be reviewed and the interactive process followed for all such requests.

Do not target individuals that you think are immunocompromised, pregnant, or elderly. The employees should bring up the questions to management directly, and management should not seek out these individuals. Employers may choose to share the process to request a leave or accommodation with employees as a part of the return to work communication process.

# Key Points of Recent Government Announcements

Recently announced 2020 dates to possibly commence relaxation measures of lockdown:

- Alabama – April 30
- Alaska – May 4
- Arizona – April 30
- Arkansas – May 4
- California - TBD
- Colorado – April 26
- Connecticut – May 20
- Delaware – May 15
- District of Columbia – May 15
- Florida – April 30
- Georgia – April 30
- Hawaii – April 30
- Idaho – April 30
- Illinois – April 30
- Indiana – April 30
- Iowa – April 30
- Kansas – May 3
- Kentucky – TBD
- Louisiana – April 30
- Maine – April 30
- Maryland – TBD
- Massachusetts – May 4
- Michigan – May 15
- Minnesota – May 4
- Mississippi – April 27
- Missouri – May 3
- Montana – April 26
- Nebraska – April 30
- Nevada – April 30
- New Hampshire – May 4
- New Jersey - TBD
- New Mexico – April 30
- New York – May 15
- North Carolina – April 29
- North Dakota – April 30
- Ohio – May 1
- Oklahoma – May 6
- Oregon – TBD
- Pennsylvania – May 8
- Rhode Island – May 8
- South Carolina – April 27
- South Dakota – N/A
- Tennessee – April 30
- Texas – April 30
- Utah – May 1
- Vermont – May 15
- Virginia – June 10
- Washington – May 4
- West Virginia – April 30
- Wisconsin – May 26
- Wyoming – April 30

## List of Current Top Tactical Challenges to Address

While physical distancing is encouraged, some employers may have a space limitation in some businesses.

Sanitary products (hand sanitizers, etc.) are out of stock or difficult to obtain.

- Depending on the state, employers may be required to provide face masks, gloves, or other personal protective equipment. Check local and state laws for guidance.

- Certain staff may need additional personal protective equipment.

#### Work Schedules

- Determine when staff should be scheduled to report to work to encourage physical distancing.
- See if the company can stagger start and end times, as well as rest breaks and meal breaks, to encourage staff to maintain physical distancing.
- Be open to alternative work schedules, including having staff work later at night or earlier in the morning to cut down on the number of staff on-site at one time.

## Proposed Transition Plan for Input

Commencing Phase I and moving from one Phase to the next must be approved by **business leader**. *(Note: Different businesses may be expected to move through the phases at different times.)*

## Phase 1: Before Office Re-opens

In this phase, businesses are not yet open but are preparing for a partial opening. All the following measures and procedures should be in place and communicated as needed before moving to Phase 2 of the Transition Plan.

### Determine which staff are essential employees

Essential employees should be brought back first, and then phase in the other staff. Communicate with staff and look to current policies to determine how recalls from furlough and layoffs should occur. Any union or other agreements should also be reviewed when asking which staff members to return. Be aware that staff members who refuse to work may be protected under certain laws and regulations.

Some questions to ask include the following:

- Has the industry shifted post vs. pre-COVID? If so, how does that impact my business?
- Have physical requirements shifted (is on-site attendance an essential function of the job?)?
- Are there responsibilities that can, or should, be re-allocated?
- Has this time eliminated previously essential job duties?

### Disinfection measures will be taken

- All businesses should go through deep cleaning and be disinfected as thoroughly as possible before opening.
  - This includes sanitizing and disinfecting all areas of the office such as:
    - Kitchen and pantry

- Bathrooms
  - Walls and glass
  - Employee desks
  - Floors
  - Common surface areas
- To also be considered:
  - Any cleaning services on top of the regular cleaning schedule
  - Checking on the air quality/filtering systems and the cadence of maintaining/replacement of filters
  - Consider if designated doors at the organization can be fully open or remain cracked to encourage additional airflow. Windows should also be opened if possible.
- All businesses must have enough hand sanitizers, soap, and other sanitary products in stock.

### **Plan to enable the following physical distancing measures**

All businesses should provide enough space for employees to be able to distance themselves from each other and share the following instructions with employees:

- Employees should always be staying six feet away from others, taking care if using meeting rooms, etc.
- Employees should eliminate contact with others, such as handshakes or embracing coworkers, etc.
- Employees should avoid touching surfaces touched by others, to the extent feasible.
- Employees should avoid being in proximity to anyone who appears to be sick, or who is coughing or sneezing - if an employee is showing any such symptoms, they should refrain from coming to the office. See more under “Health Screening Procedures.”

### **All businesses should determine the maximum number of individuals allowed at the office at once for each phase listed below:**

- When deciding on the number, the quantity of available sanitary and other supplies should be taken into consideration.
- Based on that number, the seating arrangements should be planned to allow enough space between employees. In addition:
  - No employees should be seated at workstations that are face-to-face.
  - There should be at least a six-foot distance between occupied workstations.

- Based on the seating plan that will allow for additional space, all personal belongings that are currently on desks should be placed in a container/box that will be marked down. Otherwise, employees can pick them up if they wish at a specifically arranged time.
- For businesses with ongoing construction, the number of individuals that would be at the office during business hours, apart from employees, should be taken into consideration.
- There should be a weekly sign-up plan in place to understand how many employees will want to come to the office.
  - If more employees sign up than the number allowed, there should be several factors to take into consideration to determine who has priority (ex. someone lives alone in a very small space and feels they are under a lot of anxiety, etc.).

**Kitchens and any common space area should be organized in a way to adhere to social distance measures, including but not limited to:**

- Only allowing one person in per time with a two-minute wait before the next person enters **unless** the space is large enough to maintain physical distancing the entire time with two-minute breaks.
- Expand and stagger breaks and mealtimes for employees to reduce the number of employees gathering in one area.
- Do not provide buffet style or shared foods. Only provide single-serve options or designate an employee to be responsible for serving staff. Consider what protective equipment may be required if determined to have an employee serve the food.
- Designate additional rooms as break room and meal areas to encourage physical distancing.
- All microwave handles, buttons, refrigerator handles, sinks, and kitchenette areas should be sanitized after each use.
- Limiting the number of chairs/seating areas.
- Providing at least a six-foot distance between chairs and seating areas (whenever possible).
- Providing signage to help with physical distancing - see "Signage Around the Office" section below.

**Food and beverage safety measures**

- All businesses should review food and beverage options and its handling to avoid cross-contamination.
  - Snacks such as nuts, fruits, and vegetables need to be individually packaged vs in bulk and not shared with anyone.

- There should be no bread, pastries, or cookies offered unless they're individually packed.
- No utensils should be reused by another person.
- Gloves should be worn for any food/beverage handling.

### **All non-essential gatherings should be avoided**

- Employees should minimize in-person meetings and use Zoom, GoToMeeting, or video equivalent instead.
- For any essential in-person meetings, employees should adhere to physical distancing measures.
- No events with external speakers or large gatherings should be planned until further notice.
- No group lunches, catering, happy hours, or other in-office group events should be planned until further notice.

### **Office Deliveries Procedures**

- Office deliveries should be kept at a minimum and focus on essential deliveries only.
  - Office Experience Teams should review all possible options to have designated days for deliveries, whenever feasible.
- Employees should not have anything delivered to the office unless approved otherwise by **business leader**, until further notice.
- All mail/packages should be handled with gloves.

### **Signage Around the Office**

- All businesses should consider providing signage to help with physical distancing and sanitary measures.

### **Office/Clerical Work**

- One person should be designated to retrieve and scan documents – paper should be minimally used in the businesses.
- Consider providing masks or gloves for individuals who handle deliveries or mail.

### **Personal Items and Company Equipment**

- Cleaning protocols should be established before allowing staff to bring back company equipment.
  - Employers may want to have all phones, laptops, tablets, keys, etc. be returned to the office before reporting to work to allow all products to be thoroughly cleaned.

- Employees may still bring in personal items, but all items should be thoroughly cleaned before being placed on their desk
- Consider limiting types of items that employees can bring to the office, such as plants, pets, and other items that cannot be easily cleaned.
- All office supplies and items on the employee desk should be thoroughly cleaned on a regular basis.

## **Health Screening Procedures**

Federal law does not require temperature screening of employees before they return to work. However, state or local ordinances may require temperature screening for staff before they can enter the premises. If it is required, comply with the laws and regulations. If it is not required, the employer needs to determine if temperature screens will be required.

The employer also must decide whether to have an in-house employee take the temperature checks for employees before they enter the workplace. If in-house, all protective equipment should be provided at no cost to the employee, and the employee should be trained on how to take the temperatures accurately.

Please note that the individual who is assigned to take temperature of other staff may qualify as a reportable illness if they contract COVID-19 and could be covered under workers' compensation.

If an employee passes the temperature exam, employers may rely on CDC guidelines and ask employees if they are experiencing symptoms of COVID-19. If employees have any symptoms, they should be sent home. Please note that staff may need to be paid for report time. Check with your local and state ordinances to determine how much time staff should be paid who are sent home by the employer.

The waiting time for temperature checks may be compensable for non-exempt employees. It is best practice to review state and local law, but paying staff who are waiting to have their temperatures checked may be the best course of action to avoid legal claims later.

- All employees should be advised to perform a health self-screening each time prior to coming to the office, inclusive of:
  - Taking temperature to ensure it's not greater than 100.4 °F.
  - Observing any symptoms such as cough, shortness of breath, difficulty breathing.



- Employees should consult with medical professionals regarding personal medical conditions they have, understanding they may greatly increase the risks associated with them personally contracting COVID-19. Employees with medical conditions that increase their risk should self-isolate and NOT come to the office.
- Self-screening will cease when moving into Phase 5 or when 14 days have passed without a COVID-19 positive case in the city/community where **employer** has businesses or where the employee resides.
- Employees should not come to the office for 14 days if they have COVID-19 symptoms, have been directly exposed to COVID-19, or if a test shows positive results. Employees should avoid leaving their home if possible, but if necessary, should practice exceedingly good hygiene and physical distancing. Work from home is expected to continue where possible.

### **Visitors, Contractors, and Vendors**

- There should be no visitors to company businesses until further notice.
  - All interviews will be held over Zoom, GoToMeeting, or equivalent.
- Any service vendors or other non-**employer** employees or contractors entering the office must be approved by **business leader**.
  - Where business-critical, in-person visits do occur, such as to allow equipment or facilities to remain operational, they should adhere to measures and procedures displayed on this page.
  - There should be absolutely no visitors allowed to the premises who have had known exposure to someone with COVID-19 within the past 14 days, or who are exhibiting symptoms of illness consistent with COVID-19.

### **Training plan for employees**

- To ensure that all employees understand the transition plan, businesses should determine whether there should be a short training organized for each office to explain the measures and procedures to be taken prior to coming to the office.
- In addition, written resources with such measures, procedures, and expectations should be provided to all employees.

## **Phase 2: Businesses Re-open for Essential Employees**

During this phase, the office should be examined to ensure its readiness to be officially opened and the last preparations before the opening are completed. The key focus will be for the **employer** to take all reasonable measures to provide a clean and safe

working environment. All measures and procedures from Phase 1 above should remain in effect and reviewed for any adjustments on a weekly basis.

- Only essential employees and essential vendors or construction workers should come to the office at this time.
  - Essential employees will be determined by the designated site leader of each office.
- The cleanliness of the office is reviewed and any follow-up action determined.
- Food/beverages are being ordered and stocked in accordance with the food and beverage safety measures above.
  - Food/beverages at this phase might be limited to water, coffee, and tea, to be determined by the site leader of each office.
- Any packages/mail delivered during the lockdown should be organized and disposed of as needed.
- Plants should be reviewed and disposed of where needed.
- Sanitary products should be ordered, stocked, and placed in visible areas for employees to use when needed.
  - Hand sanitizers and wipes should be placed in common areas.
- Office equipment/furniture is re-organized based on the seating plan in accordance with the social distancing measures above.

### **Phase 3: Businesses Open with Limited Capacity**

During this phase, the office is open for a specific number of individuals as approved by **business leader**.

- Working from the office is discouraged but employees can apply for access and the sign-up sheet distributed electronically on a weekly basis.
  - The sign-up sheet should not go over the maximum number of individuals allowed per office at one time.
- Access will be reviewed and approved following local procedures in each office.
- Businesses areas frequently cleaned as determined in Phase 1.
- Town Hall setup should be adhering to physical distancing practices - ex. chairs should be placed at least six feet apart or employees should be joining via Zoom, GoToMeeting, or equivalent instead.
- All physical distancing and cleaning measures and procedures from the phases above are still in effect and reviewed for any adjustments on a weekly basis.

## Phase 4: Businesses Are Opened with Increased Capacity

During this phase, the office is open for an additional number of individuals (TBD by business location) on top of the number of individuals allowed from Phase 3.

- Working from the office is optional and the sign-up sheet is distributed on a weekly basis.
- The number of individuals allowed in the space is increased to a certain degree - this may be because additional space is added.
- All physical distancing and cleaning measures and procedures from the phases above are still in effect unless exceptions or changes are approved by **business leader**. All measures are reviewed for any adjustments on a weekly basis.

## Phase 5: Businesses Are Opened with Full Capacity

In this phase, there are no limitations to work from the office and only specifically communicated measures/procedures (as previously determined) are in effect.

- There are no government limitations or restrictions in place.
- The number of employees, contractors, visitors, and other individuals allowed in the office is no longer limited, exclusive of the regular legal limitations.
- Aim to make the office an enticing environment to attract those comfortable to work there but keep in mind personal needs may need to be accommodated.
- Only measures and procedures from above that are determined to be needed and are communicated are still in effect.

### Quick Tips and Things to Consider

- Post all required posters, including any federal, state, or local.
  - Federal – [FFCRA Poster](#) (If less than 500 employees) – Other Languages: [Posters](#)
- I-9 verification should be completed in-person if completed electronically before.
- Determine which workers to return and how to call back staff who were laid off, furloughed, placed on leave, or terminated.
- How to handle employees who say they are afraid to return to work.
- Unemployment compensation benefits and staff refusal to return to work.
- Correctly classifying workers as independent contractors or employees, as well as salaried or hourly staff in compliance with the Fair Labor Standards Act. Payroll laws are still in effect and compliance is required. Failure to properly

classify employees can result in expensive legal fees. Reach out to your designated HR representative to ensure your staff is paid and classified correctly.

- Review staff who were on approved leave of absences prior to businesses being closed and determine if leaves will need to continue. This includes if a staff member is eligible under the Families First Coronavirus Response Act.

## **Reference Materials** *(written benchmarking, resource guides, articles)*

1. [Crowd-sourced \(mostly the US\) based return to work considerations sent by Talent at BVP - April 17](#)
2. [A guide from law firm Morgan Lewis re resuming operations - April 16](#)
3. [Fast Company: Our businesses will never be the same after COVID-19. Here's what they might look like](#)
4. [Physical Distancing Recommendations \(Food Manufacturing Industry\)](#)
5. [CDC guidance for air filtration](#)