Return-to-Work Checklist for Employers Reopening Their Businesses
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In anticipation of federal and state restrictions lifting as COVID-19 cases and deaths decrease, employers should start planning their employees’ return to work now. Employers must continue to follow the CDC, WHO, and state guidance to maintain a safe workplace while also complying with multiple employment laws.

The following are general considerations for employers who are strategizing their return to work. Note that each employer and industry is different and will need a specifically tailored plan. Please contact your Dinsmore attorney for more information and for help enacting that plan.

Return-to-Work Checklist

for Employers Reopening Their Businesses
The guidelines for employers who reopen are contained in Executive Order 2020-77 (https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-528460--,00.html). Subject to change, but currently effective through May 28, 2020.

11. Businesses, operations, and government agencies that remain open for in-person work must, at a minimum:

- Develop a COVID-19 preparedness and response plan, consistent with recommendations in Guidance on Preparing Workplaces for COVID-19, developed by the Occupational Health and Safety Administration and available here. Such plan must be available at company headquarters or the worksite.

- Restrict the number of workers present on premises to no more than is strictly necessary to perform the in-person work permitted under this order.
• **Promote remote work** to the fullest extent possible.

• Keep workers and patrons who are on premises at least **six feet** from one another to the maximum extent possible.

• **Require masks to be worn when workers cannot consistently maintain six feet** of separation from other individuals in the workplace, and **consider face shields when workers cannot consistently maintain three feet of separation from other individuals in the workplace.**

• **Increase standards of facility cleaning and disinfection** to limit worker and patron exposure to COVID-19, as well as adopting protocols to clean and disinfect in the event of a positive COVID-19 case in the workplace.
Michigan Requirements Cont.

• Adopt policies to prevent workers from entering the premises if they display respiratory symptoms or have had contact with a person with a confirmed diagnosis of COVID-19.
• Adopt any other social distancing practices and mitigation measures recommended by the CDC.

In addition “All businesses and operations whose workers perform in-person work must, at a minimum, provide non-medical grade face coverings to their workers.”
Social Distancing
Social Distancing

- Consider staggering the times when employees return.
  - As an example, an employer could start with only first-shift employees returning for the first two weeks and then the second-shift employees returning for the next two weeks.

- Maintain teleworking and/or flexibility with employees’ schedules.

- Continue to hold meetings virtually.

- Rethink holding any in-person events with mass gatherings and consider hosting events virtually or rescheduling.
Social Distancing

- **Increase physical space between employees and visitors in the workplace.**
  - As an example, have a minimum number of individuals who may enter a breakroom, conference area, or lobby.
  - Place physical markers in heavily trafficked areas to keep people six feet apart.
  - Place physical barriers to the extent necessary.
  - Rearrange work spaces to permit greater social distancing.
  - Consider whether furniture and work equipment can be reconfigured to facilitate social distancing.
  - Develop protocols for elevator use.

- **Limit the number of visitors by conducting business virtually.**
Social Distancing

- Stagger break and lunch times and plan for longer break times to accommodate the social distancing measures.
  - Permit employees to leave the facility during meals and breaks to increase social distancing.

- Discourage social practices that violate social distancing rules, such as handshakes.

- Retailers should consider providing alternative points of sale and no-touch payment options.

- Implement clear shields/barriers for employees whose work prevents them from being physically distant from customers/clients, such as cashiers and bank tellers.
Cleaning, Protection & Hygiene
Place proper handwashing protocol posters in all common work areas and in restrooms.
   • Be flexible with employees’ breaks to allow for frequent handwashing.

Include additional sanitation measures for the facility, especially in common areas and for frequently touched surfaces or shared equipment.

Require employees to disinfect common surfaces following use as appropriate (for example, in microwaves).

Provide hand sanitizer, disinfecting wipes, and proper disposal in all common areas and at work stations where employees cannot leave to wash their hands between interactions with the public.
Cleaning, Protection & Hygiene

- Encourage employees to use masks or approved facial coverings and provide them if able.
  - If employers permit employees to use their own, provide clear expectations on what is appropriate.

- Ensure employees are trained on proper use of PPE.

- Continue to encourage employees to observe infection-control practices, such as regular handwashing, coughing, and sneezing etiquette.

- Coordinate with facility maintenance to increase air exchanges in facilities.
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Cleaning, Protection & Hygiene

- **Unique Issues for Banks - PPE**
  - How to identify clients with face coverings and masks.
  - Masks as a trigger for employees who have experienced a robbery or other trauma.
  - Ability to recognize security threats.
  - CBM is working with the Governor's Office on these issues.

- **Unique Issues for Banks - Sanitation**
  - Processes for handling cash and cards.
  - Sanitation between customers.
  - Screening clients/drive through options.
  - Notification of exposure.
Have PPE supplies on hand and maintain the recommended amount of supplies. Recommended supplies include:

- Infrared thermometer (1 per 100 employees per shift)
- Hands-free hand sanitizer dispenser floor stand (1 per work area per 50 employees)

30-day supply minimum of the following:
- Disposable surgical masks (1 per day)
- Nitrile gloves (for cleaners only)
- Disinfectant spray/wipes
- Hand sanitizer refills
- Paper towels
- Face shields (if working within 3 feet of another employee)
Employee & Visitor Screening
Employee & Visitor Screening

- **Institute safe screening practices for both employees and visitors prior to entrance into the facilities.**
  - Place conspicuous messaging preventing entrance if sick and provide alternatives for the visually impaired.
  - Ensure there is an option in Spanish and/or other languages.
  - Create practices to ensure that hourly, non-exempt employees are compensated for health screening time if required under federal, state, or local law.

- **Mandate that employees with symptoms stay home from work and follow employer call-in procedures.**
Employee & Visitor Screening

- Implement temperature checks upon entrance in a safe and confidential manner.

- Be mindful of privacy concerns and any necessary accommodations.

- Consider suspending or reconfiguring security practices that require touching frequently touched surfaces, such as PIN-entry devices, thumbprint scanners, time clock stations, and in sign-in books.
Employee & Visitor Screening

- Ask employees to self-screen in the morning before leaving for work. Have them take their temperatures daily. This is done to prevent employees who may be sick or show symptoms of COVID-19 from spreading the virus throughout the workplace.

- On-site daily screenings should be done for all employees, contractors, suppliers and visitors before accessing company facilities/offices. Examples of screening forms can be found at Ingham County Health Department, Ionia County Health Department and SHRM websites. You can also check your County’s Health Department website.
Employee & Visitor Screening

- Each employee, customer, etc. should have their temperature taken with an infrared thermometer and be asked if they have any of the following symptoms as published by the CDC:
  - Cough
  - Shortness of breath and or difficulty breathing
  - OR any two of the following symptoms:
    - Fever
    - Chills
    - Repeated shaking with chills
    - Muscle pain
    - Headache
    - Sore throat
    - New loss of taste or smell
    - Diarrhea
Employee & Visitor Screening

- Did the person have any close contact in the last 14 days with someone with a diagnosis of COVID-19?

- Did the person travel outside of Michigan in the last 14 days?

- If the person’s temperature is 100.4 degrees or higher or there are visible symptoms of illness consistent with COVID-19 the person should not be allowed at work and should seek medical testing/treatment.
If an employee self-screens and reports symptoms to the COVID-19 on-site coordinator, they should stay home for a minimum of 7 days or 48 hours after a fever resolves without medication. This should be documented.

If an employee meets any of the criteria on the worksite screening form they should immediately be sent home and follow the guidance above. This should be documented.
Employee & Visitor Screening

- If an employee has a positive COVID-19 test, the following steps should be taken:
  - Without revealing the infected employee’s identity, high risk and medium risk employees should be notified, in writing (letter or email) with a copy kept by the bank.
  - Any employee who had sustained close proximity (less than six feet for 10 minutes or more) should immediately be sent home and asked to monitor their symptoms and self-quarantine for a minimum of 7 days. The employees should notify HR if any symptoms develop. These employees should still continue to work remotely if possible.
  - Identify and notify any other employees who may have come into contact with the infected employee to self-screen daily and notify HR if symptoms develop.
  - Have the work area and any additional common areas the infected employee may have touched deep cleaned and disinfected.
Policies


- Ensure that a policy and procedure is in place for processing Families First Coronavirus Response Act leave requests and recouping available tax credits.

- Create a policy or procedure for when employees diagnosed with COVID-19 or suspected of having COVID-19 can return to work.

- Review and update any teleworking and accommodation policies or procedures.
Policies

- Develop and implement procedures to track any positive cases to provide proper notification for those exposed and to prevent further spread.

- Update procedures for reporting any safety issues.

- Review time-keeping procedures to ensure they allow for social distancing and adequately recording working time.

- Ensure employees understand these updated policies.
Policies

- Review and update safety policies and clearly communicate new rules and procedures to employees in writing.
- Require training on updated safety procedures for employees.
- Train supervisors on how to monitor compliance with and enforce new rules and procedures.
- Have employees acknowledge receipt of training, rules, and procedures.
COVID-19
Preparedness Plan

- Maintain a plan at headquarters.
- If an employee asks to see the plan, you should share a copy with them and have them sign an acknowledgement of receipt.
- Be sure to follow everything in the Plan to protect from workers comp claims, especially if you determine to share the plan with all employees.
- Designate one person at each location for each shift to be the contact person for COVID-19 issues. This person may also handle the pre-work screening.
- Should include considerations for both facilities and employees.
COVID-19 Preparedness Plan

- Describe enhanced cleaning measures to be taken by the employer, employees and contractors including what to do in case of a confirmed or suspected COVID-19 case in the workplace.
- Include procedures for screenings and what steps will be taken in the event of a suspected or confirmed COVID-19 case.
- Determine how to address employees who may refuse to return to work for reasons such as fear, illness, child care situation, underlying health conditions, sick family member they are caring for, vulnerable household member, etc.
- This is a fluid document and should be revised as often as necessary to remain current with updated guidance from the state and federal levels.
Other Considerations
Other Considerations

- Stay aware of continuing restrictions from federal, state, and local public health organizations and remain compliant with public health orders.

- Develop a strategy for workers who decline to return to work or need additional time off.
  - There are implications under the National Labor Relations Act, the Americans with Disabilities Act, Occupational Health and Safety Act (and state equivalents), labor laws, and others employment laws.
  - Employers should also be mindful of laws against unemployment fraud. In some circumstances, employees may decline to work because they are earning more benefits on unemployment than in their normal position. Employers must inform unemployment if work is available and the employee refuses to return for an unexcused reason.
Other Considerations

- Be mindful of responsibilities under the Payroll Protection Program and other support programs for returning employees to work.

- Prepare to follow the interactive process for accommodation requests under the Americans with Disabilities Act or state equivalent regarding returning to work and/or any of the safety measures.

- Accommodations may include PPE, remote work, alternative scheduling, alternate work locations, alternate work assignments, increased social distancing, and leaves of absence.

- Ensure the extra safety precautions do not violate wage and hour laws.
Other Considerations

- Create a plan for when employees may resume business travel.
- Be mindful of anti-discrimination and anti-retaliation laws when returning employees and addressing safety issues.
- Prepare a contingency-operation plan to address an increased outbreak or spike in infections as restrictive measures are loosened.
- Be cognizant of rights and obligations under collective bargaining agreements.
- Encourage employees to raise questions or concerns and designate a task force member to engage in dialogue with employees.
Employee Welfare

- Invest in your team’s mental health and be understanding of individual situations. Some employees may be grieving, caring for a love one, or struggling with childcare. Engage your employee benefits partner and provide EAP plan information and other support sources for additional employee assistance.

- Solicit feedback from employees before, during and after the plan has been implemented.

- Be visible to employees and check in regularly with them.

- Know what your employees want to hear from you - they want to know you intend to keep them safe.

- To best support your message to your employees, leverage data and examples from subject experts.
Questions?

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COVID-19 BUSINESS STRATEGIES HUB

In an ongoing effort to help business leaders sort through information regarding the COVID-19 pandemic, we have created a user-friendly hub with updates, insights, and best practices:

dinsmore.com/covid-19-business-strategies-hub/