Hirschfeld Kraemer

Practical Considerations For California Employers:
CHECKLIST
For Returning Employees To Work

On April 16, 2020, the White House issued guidelines for a three-step process to "reopen" the economy based on a variety of geographic, demographic, and economic factors. The response was mixed, especially in California, where Governor Gavin Newsom set forth different guidelines for reopening the state.

Despite the inconsistent messages, we are at a point where we must consider if, when, and how we will begin to reopen our workplaces. To that end, Hirschfeld Kraemer has created a checklist of advance planning measures you should consider for the eventual return to in-person workplace operations.

In our view, there are two keys to a successful reopening: **planning** and **communication**. Planning is essential because a haphazard approach will decrease employee morale, sow confusion among workers, and undermine any efforts to keep the workplace open. Clear and consistent communication will alleviate employee concerns and provide employers with some basic safeguards to decrease the chance of the virus spreading within the office.

On the following pages are **seven detailed steps** employers should follow in planning to reopen their workplaces:

1. Create a COVID-19 planning team
2. Implement safety protocols in the workplace
3. Impose travel restrictions
4. Consider remote work
5. Devise a clear employee communication policy
6. Prepare a robust employee reporting policy
7. Formulate a rapid response plan in case of infection arising in the workplace

You should also consult our **blog series** Planning for the Rebound for more information.

On the final page, we provide **links to various federal and California resources** that employers should consult on a regular basis.

STEP ONE: Create A COVID-19 Planning Team

☐ Create a team consisting of Human Resources, Finance, Legal, Communications, and Security/Risk Management.

☐ Determine if you need to retain a health and safety or environmental expert or crisis communications expert to address issues specific to your workplace.

☐ Schedule information sharing with your landlord, technology vendors, and other essential third parties.

☐ Routinely consult the CDC website for further guidance.

☐ Consult state and local safety resources (Cal-OSHA, Mayor's offices, and City Councils).

☐ Consult industry association guidelines.

STEP TWO: Safety Protocols For Your Workplace

☐ Create and use an effective employee questionnaire directed at common symptoms.

☐ Develop a temperature taking protocol for any person entering the office.

☐ Consider the possibility of COVID-19 tests for employees or any outside person entering the office. This will require there to be ample tests available to the public, and you may need to limit your tests to those who are exhibiting symptoms, or who have not recently been tested.

☐ Ensure that employees wear all necessary personal protective equipment (PPE) such as masks or gloves.

☐ Social distancing in the workplace: Create rules to ensure that employees maintain a distance of no less than 10 feet from one another at all times.

☐ Provide ample sanitary items (wipes, hand sanitizer, disinfectant) for employees.

☐ Encourage regular hand washing, either at hand washing stations or in restrooms. If possible, add additional hand washing stations in the office.

☐ Regularly clean all frequently used surfaces in the office, such as ledges, tables, workstations, doorknobs, copiers/printers.

☐ Place hand sanitizer throughout the office as much as possible.

☐ Limit traffic in commonly used areas such as kitchens, copiers, restrooms, fitness centers, and elevators. Consider closing kitchens and encouraging employees to bring lunch. Eliminate shared workspaces, if possible.

☐ If an employee refuses to follow employer restrictions after notice and education, bar him/her from the workplace.

STEP THREE: Travel Restrictions

- ☐ Limit travel to any "hot spots" or areas where there is an increased risk of exposure. Follow the CDC Guidance to determine if travel is essential.

- ☐ Instruct employees showing any symptoms of COVID-19, such as elevated temperatures or respiratory illness, not to travel and to inform Human Resources of any such condition.

- ☐ Require employees to inform you of any travel, business or personal, to any "hot spots" or areas of increased exposure. Consider requiring employees who have traveled to such places to work from home.

- ☐ Consider self-quarantine for traveling employees.

STEP FOUR: Consider Remote Work

- ☐ Decide under what circumstances remote work will be permitted, including possibility of exposure, signs of illness, need to interact face-to-face with other employees, employees working in "hot spots," increased need for child care or tending to an ill family member at home.

- ☐ Set and communicate a clear policy on remote work, both when it will be allowed and how to work safely from home. Be sure to reinforce company policies on overtime, meal and rest periods, timekeeping, attendance and punctuality, PTO, and sick leave.

- ☐ Assess the costs of working remotely. In California, for example, you will be responsible for reimbursement of "necessary and reasonable" expenses of employees, such as portions of mobile phone and internet bills.

- ☐ Consider staggered schedules or shifts of employees to reduce employee interaction.

- ☐ Consult with IT experts to ensure that remote work employees have sufficient resources to work effectively from home. Also ensure that IT professionals have accounted for security of digital information at home.

STEP FIVE: Create An Effective Communication Policy

- ☐ Create a COVID-19 policy that clearly addresses all of the issues described above, including sanitary expectations of employees, resources in the office for protection, travel, remote work, social distancing, and other issues.

- ☐ Create FAQ with regard to your policy which employees can consult for ready answers to common questions.

- ☐ Conduct online training for employees on workplace hygiene and reporting illness or a suspicion of illness to managers.

- ☐ Ensure that leave policies reflect new leaves available under the Families First Coronavirus Response Act (FFCRA) and other state laws and local ordinances.

- ☐ Routinely communicate with workforce as to developments, changes, or answers to common questions

- ☐ Identify Human Resources professionals who receive any concerns from employees about workplace safety, problems with cleanliness or employee hygiene, and employee illness. Be sure that Human Resources is prepared to respond to these concerns and, if necessary, to consult counsel or workplace safety consultants about them.

- ☐ Display posters about hand washing, masks, social distancing, touching face, covering sneezes and coughs with elbows, cleaning protocols.

- ☐ Communicate your policies to vendors, guests and suppliers.

STEP SIX: Create A Robust Reporting Policy

- ☐ Anticipate that employees returning to work will have many concerns about routine habits in the office, or employees with unsanitary practices.

- ☐ Create a policy allowing employees to make those concerns known anonymously to someone in management, likely in Human Resources.

- ☐ Rapid and thorough investigations of any concerns raised by employees.

- ☐ Include a robust anti-retaliation policy which encourages employees to make concerns known, and prohibits any retaliation.

STEP SEVEN: Create A Rapid Response Plan For Infected Employees

- ☐ Inform managers of responsibility to immediately report employee concerns to Human Resources.

- ☐ If you learn of an employee infection, notify others who came into contact with the infected employee that they may have been exposed to the virus and direct them to work from home, if possible. DO NOT identify the infected employee by name.

- ☐ Perform a thorough deep cleaning, with outside vendor if possible, of all workspaces visited by the infected employee, and of the workplace in general.

- ☐ Maintain daily testing of temperatures for employees and, if possible, COVID-19 testing.

- ☐ Communicate regularly with health and safety experts and legal counsel to ensure that you are complying with legal responsibilities.

- ☐ Consider increased remote work for a period of time.

- ☐ Notify appropriate state and local authorities of reported infections.

- ☐ Consult, as needed and as possible, with medical officers from local hospitals, or the governmental equivalent.

We're Here to Help

For help with these, or any other return-to-work questions, please contact the Hirschfeld Kraemer lawyer who normally provides your legal assistance. Or you can reach out to Dan Handman in the Los Angeles office, dhandman@hkemploymentlaw.com

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Federal and State Resources To Consult

[CDC Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19)](#)

[OSHA Guidance on Preparing Workplaces for COVID-19](#)

[Cal/OSHA Interim Guidelines for General Industry on 2019 Novel Coronavirus Disease (COVID-19)](#)

[CDC Coughing and Sneezing Etiquette](#)

[CDC When and How To Wash Your Hands](#)

[OSHA Injury and Illness Recordkeeping and Reporting Requirements](#)

[EEOC: What You Should Know About COVID-19](#)

[California Guidance: Reduced Work Hours, Potential Closure or Layoffs, and Tax Assistance](#)

[California Guidance: Work Sharing Program](#)

[California Guidance: Comparison of California and Federal Leave](#)

[California Guidance: FAQs on Laws Enforced by the California Labor Commissioner's Office](#)

[California Guidance: Conditional Suspension of California WARN Act Notice Requirements under Executive Order N-31-20](#)

[California Guidance: Financial and Technical Assistance for Small Business](#)