

# Do We Really Have to Get Dressed and Go Into Work?

## Guideposts for Re-Opening After COVID-19

Although the “new normal” will be different in every workplace, below are some things to consider as you develop policies and procedures to bring your employees back safely and effectively.



### New Policies to Consider

What new policies do you need to deal with when bringing employees back to work?

- A check in/check out system to track when employees are at the office (to help with social distancing and contact tracing if necessary)
- Update attendance and leave policies to include references addressing:
  - How employees request leave under the [Families First Coronavirus Response Act](#)
  - Employees accessing FMLA leave (if you have 50 or more employees) due to COVID-19
  - Teleworking and accommodation policies
- Update your policy for employees to report safety issues to include COVID-19 concerns
- A policy for how to handle an employee who has been diagnosed with COVID-19 or who is exhibiting symptoms
- A plan for how to track positive cases and notify those who have been exposed (contact tracing policy)



### Over-Communicate

Make sure that every employee receives training and information regarding new policies and protocols. Document everything.

- Have employees acknowledge receipt of new rules, trainings, and policies.
- Train managers and supervisors on compliance with new policies.
- Where it make sense, post signs and visible reminders of new policies.



### Protection and Hygiene

How do you plan to keep your employees safe on a day-to-day basis? Walk through a typical day in your office, and try to plan for every single step of the day.

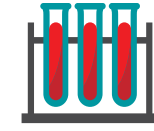
- Place proper hand-washing protocol posters in common areas and restrooms.
- Provide additional cleaning or sanitation measures for any equipment employees use. Require employees to sanitize this equipment after each use (i.e., clean the copier or microwave after each use).
- Provide supplies in all common areas: wipes, hand sanitizer, trash cans, etc.
- While you don't have to require people to wear masks, follow your local authority's lead. If your state or city is requiring masks in public, encourage your employees to wear masks in the office, especially in common areas or when working together.
- If you are encouraging masks, provide clear examples of how to wear masks, what proper masks look like, and/or provide masks if possible.
- Train employees on use of PPE, sanitization protocols, and require sign off on completed training.



### Social Distancing in the Office

Just because your employees are back in the office, doesn't mean social distancing isn't required. Below are a few best practices to consider:

- Staggered schedules. Do you need all of your employees there at the same time or can half of your employees come in Mondays and Wednesdays, and the other half Tuesdays and Thursdays? Can your first-shift employees come in one week, and second-shift employees the next week? Find what works for your workforce.
- Hold meetings virtually, even if everybody is in the office.
- Postpone gatherings and events, or hold them virtually.
- Create a policy for elevator use (i.e., only three people at a time, use the sanitizing wipe on the buttons as you leave, elevators will be cleaned X times a day).
- Rethink your break room. Should you close it entirely? Place physical barriers in every other seat or table to increase distancing? Reconfigure the tables or chairs?
- Create a visitor policy: who, how many, where, and when are visitors allowed?
- Request contactless deliveries from vendors to the extent possible.
- Stagger break and lunch times.
- Install clear shields for any staff that cannot avoid distancing from visitors/customers/clients (for example, those at the front desk)



### Testing, Screening, and Privacy

- Mandate that employees with symptoms stay home, and create a dedicated call-in procedure.
- Do you want to implement temperature checks? A few things to consider when making this decision:
  - Temperature checks are a medical procedure under the [EEOC's most recent guidance](#).
  - It's ok to take an employee's temperature, but be sure that you are keeping the results confidential (i.e., only available to those who need to know).
  - Any testing must be “job-related and consistent with business necessity.” As this crisis continues, whether taking employee temperatures or other tests meet this standard could change. Make sure your testing protocol is within the bounds of existing laws and guidance.
- If an employee tests positive, do not disclose that employee's identity to other employees, unless the positive employee gives his or her consent. If you have consent, get it in writing.
- Create a contact tracing policy that assumes you may not disclose the identity of an employee who tests positive, and plan to implement contact tracing in a manner that respects employee privacy.

### Tennessee Specific Policies

Tennessee Gov. Bill Lee has strongly recommended that, before bringing employees back to work, employers modify existing employee illness policies to include certain COVID-19 provisions or create a separate COVID-19 policy containing these provisions. Gov. Lee also recommended that employers post a copy of this policy and require all employees to sign an acknowledgment of their receipt of the policy. Other state and local officials may recommend similar steps as employees transition back to the workplace. Some of the provisions Gov. Lee suggested related to the employer's policy include:

- A description of COVID-19 symptoms
- A description of leave options available under the Families First Coronavirus Relief Act
- Screening questions for each employee to answer before returning to work



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For more information on COVID-19 Return to Work Guidance, please visit the Labor & Employment team blog at [www.EmploymentLawInsights.com](http://www.EmploymentLawInsights.com)

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