

# GETTING BACK TO WORK DURING THE PANDEMIC

NEXT CHALLENGE. NEXT LEVEL.

**NEXSEN** | **PRUET**

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# PLANNING AHEAD

## PLANNING AND COMMUNICATION

- ▶ Identify person or team responsible for reopening decision-making
- ▶ Identify point person for employees to contact with questions and concerns
- ▶ Monitor legal and regulatory guidance changes and updates
- ▶ Establish business continuity plans to address high absenteeism, supply chain disruption, etc.
- ▶ Update employee leave policies (e.g., interpret, modify, and/or suspend PTO policies)
- ▶ Create written protocol for suspected or confirmed on-site COVID-19 exposure (see below)
- ▶ Create and test emergency communication channels with employees
- ▶ Regularly consult local and federal guidance to ensure health and safety compliance
- ▶ Ensure, coach, and train on nondiscriminatory application of all policies relating to COVID-19



# PLANNING AHEAD

## WORKPLACE PREPARATION

- ▶ Develop and communicate specific worker hygiene and social distancing protocols
- ▶ Evaluate and distribute personal protective equipment if needed
- ▶ Intensify janitorial cleaning
- ▶ Enforce internal and external social distancing
- ▶ Enhance physical work space management
- ▶ Consider sneeze guards or Plexiglas separators or individual workspace modifications



# PLANNING AHEAD

## WHO SHOULD RETURN TO WORK AND WHEN?

- ▶ Identify and plan to operate essential business functions and essential employees
- ▶ Consider phased reentry, positions and tasks deemed critical, job-related criteria
- ▶ Evaluate employment agreements or union contracts
- ▶ Avoid potential bias (even if unintentional) in rehiring or bringing back as critical
- ▶ Delay returning non-essential personnel
- ▶ Consider continuing telework
- ▶ Stagger schedules and hours to reduce chance of COVID-19 spread and contacts



# PLANNING AHEAD

## WHO COMES BACK WHEN?

- ▶ Maximizing Paycheck Protection Program forgiveness
  - ▶ Permitted use of the proceeds in the 8 week period following disbursement
    - ▶ Reduced if there is a reduction in the number of FTE employees
    - ▶ Further reduced if there is a 25% or more reduction in wages paid to employees
  - ▶ UNLESS the deficits are cured by June 30, 2020.



# HYPOTHETICAL #1

SC Company is a manufacturer that has 100 employees. It has been shutdown for four weeks due to supply chain problems caused by the virus.

Today, SC Company is restarting. 70 of the 100 employees have reported for work.

- ▶ Should SC Company check the temperatures of the returning employees?
- ▶ 10 employees prefer to remain on layoff as they collect the extra \$600 unemployment payment. How to encourage them to return?
- ▶ 5 employees are ready to return to work, but are scared about the virus. What can be done?



# DAY ONE

## POSTINGS

- ▶ DOL FFCRA Notice
- ▶ Hygiene protocols
- ▶ Reinforcement of social distancing
- ▶ No entry with COVID-19 symptoms



# DAY ONE

## SCHEDULES AND TESTING

- ▶ Staggered start times
- ▶ Flex time
- ▶ Testing
  - ▶ Temperatures?
  - ▶ COVID-19?





# DAY ONE

## BENEFITS CONSIDERATIONS

- ▶ Layoffs
- ▶ Terminations
- ▶ Other considerations



# HYPOTHETICAL # 2

**“Jane” is the HR Manager at SC Company. What policies or procedures should Jane create, review, or revise?**

- ▶ Risk mitigation efforts
- ▶ Family and Medical Leave Act
- ▶ Americans with Disabilities Act
- ▶ Vacation, Paid Time Off, Sick Leave
- ▶ FFCRA leave requests
- ▶ OSHA reporting



# POLICIES AND PROTOCOLS

## SYMPTOMS AND EXPOSURE

- ▶ Government contacts and coordination
- ▶ COVID-19 symptom onset at work
- ▶ Positive tests
- ▶ Presumed positive
- ▶ Tracking contacts



# HYPOTHETICAL # 3

**“John” is the Benefits and Training Manager at SC Company. What benefits issues should he evaluate? What training plans could he implement?**

- ▶ CARES Act and Plan Amendments
- ▶ FFCRA training
- ▶ COVID-related safety training



# POLICIES AND PROTOCOLS

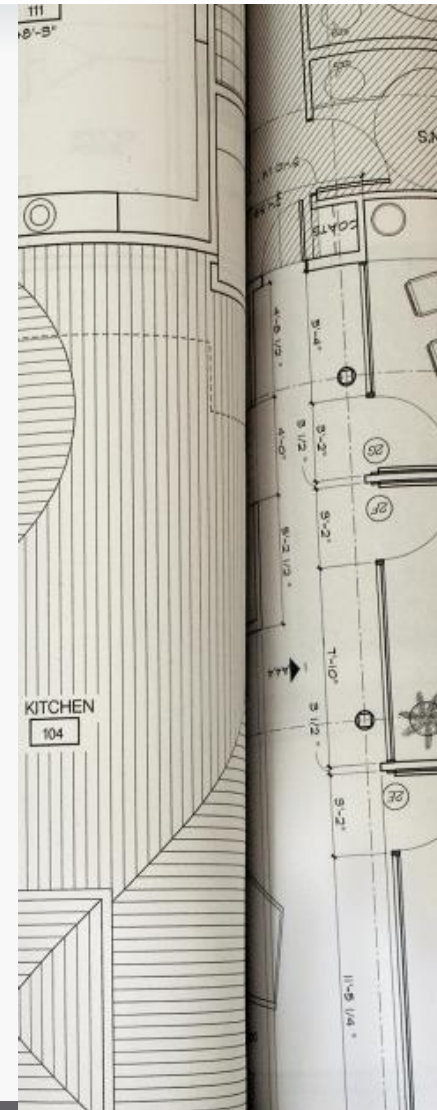
## CARES ACT AND PLAN AMENDMENTS

- ▶ Hardship distributions
- ▶ Defined contribution
  - ▶ Plan loans
  - ▶ Relaxed loan repayment
- ▶ Amending plans to incorporate changes
- ▶ Income exclusion for employer student loan payments



# TRAINING

- ▶ FFCRA requests and documentation
- ▶ FFCRA credit for paid leave
- ▶ Timing and mechanics for Payroll Tax Credits
- ▶ I-9 documentation
- ▶ Anti-discrimination training specific to COVID-19
- ▶ Physical space restrictions and uses



# SOME RESOURCES

- ▶ <https://www.nexsenpruet.com/insights/returning-to-healthy-business-operations-in-the-age-of-covid-19-advance-planning-checklist-and-considerations>
- ▶ <https://www.nexsenpruet.com/insights/osh-a-issues-industry-specific-guidance>
- ▶ <https://www.nexsenpruet.com/insights/stay-informed-about-covid-19-coronavirus>





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