

# Checklist: Reopening the Workplace in Light of the COVID-19 Pandemic

As employers begin preparations for reopening in-person workplace operations, there are a number of factors that warrant consideration. The following checklist provides employers with a guide for policies and procedures to consider implementing when preparing a comprehensive return to work plan. For more detailed information, refer to Ballard Spahr's Employer Guidelines: Reopening the Workplace [here](#).

**Note:** This area is rapidly changing as new guidance is frequently issued by federal, state, and local governmental bodies. Employers are encouraged to consult such guidance regularly to ensure continued compliance with all applicable laws.

- Create a Task Force to Plan Reopening** – Task forces can vary in structure depending on the size and needs of the employer. Possible responsibilities for the task force include creating and implementing COVID-19 policies as outlined below, and the handling of workplace issues relating to compliance with and adjustment of the policies as issues arise. The task force can also address employee concerns and act as a point of contact if employees have questions or believe that a co-worker has contracted COVID-19 or is experiencing COVID-19 symptoms. The task force should be responsible for regularly reviewing federal, state and local guidelines, as these are frequently updated and may require changes to internal policies and procedures.
- COVID-19 Risk/Hazard Assessment** – Take time to evaluate critically the business-specific health concerns that reopening will pose. Employers should consider which employees are most needed on-site and whether there are others who can continue to work remotely. Employers should also consider OSHA standards and assess engineering controls and administrative practices to reduce or mitigate risks of exposure (see Health and Safety Protocols below). There are a wide variety of controls and practices to consider, many of which are addressed in executive and public health orders, OSHA guidance, CDC guidelines and industry-specific publications. Some jurisdictions mandate health measures, especially when there are positive or probable COVID-19 cases in the workplace. These measures should be reviewed and updated as guidance evolves.
- Rehiring Plan** – Employers may not be able or willing to welcome back every employee laid off as a result of the pandemic. Deciding not to rehire an employee may constitute an adverse impact under the law, and employers should ensure these decisions are made for legitimate non-discriminatory reasons. Employers should develop a sound process with clear, objective selection criteria to determine which employees they are deciding to rehire.
- Return to Work Letter** – Employers should think carefully about any information they may wish to communicate to employees in advance of their return to the workplace. Return to work letters may include information about new policies or procedures employers will implement to address COVID-19 concerns, as well as revised employee leave policies or changes to scheduling or compensation. Employers may also wish to remind employees that unemployment benefits are contingent upon no work being available—therefore, failure to return to work, without a reason that is covered by state law, may result in termination of unemployment benefits.

**Health and Safety Protocols** – Employers should consider creating new workplace protocols implementing COVID-19 safety and prevention measures. Such measures may include:

- Social distancing procedures;
- Implementation of cleaning/sanitation plans (note that certain jurisdictions require employers to compensate employees and/or independent contractors for time spent complying with cleaning protocols);
- Protocols for the use of protective personal equipment (PPE), including gloves, masks and facial coverings, for employees as well as vendors, clients, and other workplace visitors;
- Additional breaks to allow time for disinfecting supplies/hand washing;
- Restrictions on gatherings in common areas or conference rooms;
- Removing chairs or reconfiguring workspace, including areas where people tend to congregate;
- Organizing staggered shifts;
- Installing and use of protective shields and/or reconfiguring the workplace to allow for single file movement;
- Protocols for employees to safely enter/exit the workplace.

Employers should also meet with their vendors, landlords, and others to ensure that the necessary protocols are in place, and ensure they are meeting appropriate sanitation standards.

**Testing/Screening Policy** – Employers considering COVID-19 testing or screening policies should work closely with legal counsel to develop and implement policies that comply with all applicable laws. Certain jurisdictions are mandating these policies, and may require that employees be compensated for the time spent completing any health assessment or waiting in line to complete newly required screenings. Employers should consider which tests to implement, who will conduct the tests, who will evaluate the tests and report results, and whether additional personnel may be needed to complete these tasks. All medical screening and information should be completed in accordance with ADA confidentiality requirements.

**COVID-19 Emergency Response Plan** – If an employee or another person who visits the workplace tests positive for COVID-19, this plan should address next steps. See our Employer Guidelines: Responding to a positive COVID-19 diagnosis in the workplace [here](#).

**Leave Policies** – A variety of leave policies may be at play when employees return to work. These may include the new federally mandated leave under the FFCRA for covered employers; state and local paid leave, including newly created or amended leave laws; and employer-provided time off policies. The interplay of these policies should be considered and communicated to the workforce. You can access our model FFCRA policy [here](#).

**Implications for Other Workplace Policies, Practices and Interactions** – Existing policies such as those about employee travel and event attendance should be reviewed and may need to be modified to comply with federal, state and local laws, and new COVID-19 policies may be needed. Care should be taken to ensure that employees do not receive conflicting information.

**Telework/Remote Work Policy** – Because the transition to a remote workforce happened so quickly, many employers may have skipped over this step. As the potential for remote work continues (or returns after reopening), employers

should develop an applicable policy that details work hours, describes how employee hours are recorded, addresses confidentiality and security measures, identifies the company equipment provided and explains how employees should submit requests for additional equipment if necessary.

- Communication Plan** – Develop a comprehensive communication plan around COVID-19. Employees, supervisors, and managers need to be educated about the workplace changes, policies, and protocols. Consider the creation of an “open door” policy to encourage employees to raise concerns about COVID-19 issues and to create a process to investigate, resolve, and remediate issues. Employers may wish to designate COVID-19 coordinators for each department or facility. Consider whether and how to make third parties who enter the workplace—customers, clients, vendors and visitors—aware of new policies.
- Requests for Accommodation** – Employers should anticipate that some employees may be fearful of reentering the worksite and that anxiety, as well as underlying health conditions, may lead to requests for accommodation. This could include continued remote work and/or a leave of absence. Where employees have a disability that places them at higher risk of severe illness if they contract COVID-19, employers should engage in the interactive process to determine what accommodations, if any, may be effective. However, employers are not required to grant accommodations to employees who are not disabled under the ADA.
- Public Relations Plan** – As part of the plan to reopen, employers should consider whether to prepare a PR strategy to address media inquiries that could impact both employee morale and public perception.
- Workplace Postings** – Employers may want to post reminders about new policies, including reminders for employees to wash hands, social distance, and wear PPE. Government-mandated postings may also be required. Both OSHA and CDC have made workplace postings available—see [OSHA Poster](#) and [CDC Postings](#).
- Plan for Renewed Closures** – The reopening plan should address how to implement an organized closure in the event that in-person operations are forced to retrench due to COVID-19.