

RETURN TO WORK CHECKLIST

Recommended actions for businesses as they prepare for reopening.

Posting and Policies

- Post the Families First Coronavirus Response Act (FFCRA) poster in a visible place. Where employees will remain working from home, make sure to send by email or post to company intranet. (Provided in English and Spanish at the end of this document)
- Review and revise hiring practices and policies:
 - > Have staffing needs changed?
 - > Do you need to change benefits or pay to become more competitive?
 - > Use remote interviewing techniques as much as possible.
 - > Update onboarding practices.
 - > If you are recalling only some workers that were laid-off or furloughed, ensure your practices for determining who to recall do not discriminate against any group of employees.
- Review and revise leave policies:
 - > Know how FFCRA affects your previous policies and practices.
 - > Consider implementing PTO/vacation rollovers, grace periods, and revise guidelines for usage if vacation is forfeited if not used by year-end.
 - > Consider implementing or revising bereavement leave policies.
 - > Ensure that all employees have access to and an understanding of all leave policies that may apply to them.
 - > Review any state or local paid sick leave laws and determine if you need to reinstate prior accruals.
 - > Review any company policies regarding seniority for employees rehired within a certain time period.
- Review and revise work from home and child care policies.





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- Update work travel policies in light of any new orders in your state and any new practices being implemented in the workplace to keep employees/customers safe.
- Review rehire/reinstate provisions for your benefits policies (eligibility/waiting periods).
- Distribute all new or revised policies to all employees.

Preparing for Rehire

- If seeking PPP loan forgiveness, make sure to work with your lender to fill out the appropriate form related to applying for forgiveness.
- Issue letters offering a return to work after determining if there will be any changes in positions, organizational structure, or compensation.
- Ensure you provide “new hire” documents to the proper employees.
- If applicable, familiarize yourself with PPP loan forgiveness requirements (ex. compensation, covered costs).
- Determine if the returning employee needs to update or fill out a new Form 1-9.
 - > Furloughed employees do not need to update.
 - > Terminated employees rehired within three years of original hire date only need to complete section 3 of the Form 1-9.
 - > A new Form 1-9 must be completed if the employee is being rehired three years or more after their original hire date.
- Prepare a new Form W-4 for any employee who wants to make any changes as they return to work.

Health and Safety

- Explain company policies and procedures related to illness, cleaning and disinfecting, and work meetings and travel.
- Educate employees on how to reduce the spread of COVID-19 at home and work (follow Centers for Disease Control and Prevention recommendations).
- For employees returning to a worksite, make sure they understand what’s expected of them in the workplace. For example, must they wear face masks or face coverings? Will protective items and hand sanitizer be provided? Are workplace hours different? Will you be taking employees’ temperatures each day when they arrive? Is teleworking or staggered shift work allowed/encouraged?
- Ensure that all employees who are currently ill or have contact with an ill family member stay home (follow CDC recommendations for length of time).
- If an employee becomes sick at work, send them home.



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- Promote safe social distancing in the workplace by encouraging employees to:
 - > Remain at least 6 feet away from each other.
 - > Email, message, call, or video call rather than meeting face to face.
 - > Clean computer equipment, desktops, phones, and workstations often.
- Provide hand sanitizer, cleaning supplies, and face masks or face coverings (where appropriate/necessary) and no-touch disposal receptacles.
- Discourage handshaking.
- Place posters throughout the business to encourage social distancing and hand hygiene.

Best Practices

- Be aware of any local public health or other orders related to COVID-19 that may affect your business.
- Ensure your workplace cleaning company is up to date on current methods of safely removing COVID-19 hazards.
- Communicate frequently and as transparently as possible with employees:
 - > Provide expected timelines for recalling/rehiring employees.
 - > Provide returning employees with recall or offer letters.
- Train managers on dealing with employees that may face increased personal challenges during this time, such as bereavement and loss, childcare and school - cancellation challenges, financial stress, and other dependent care and support needs.
- Offer flexibility wherever possible and adjust workloads to be reasonable.
- Be prepared to quickly investigate and stop discriminatory speech or acts in the workplace.
- Consider contracting with an employee assistance program (EAP) if you do not currently have one.
- Designate a workplace coordinator who will be responsible for COVID-19 issues and their impact at the workplace.
- Develop a plan to operate if absenteeism spikes or if another shelter-in-place or stay at home order occurs in the future:
 - > Implement a plan to continue essential business functions.
 - > Implement flexible work schedules and leave policies.
 - > Cross-train employees on performing essential business functions.



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- Develop emergency communications plans, including a way to answer workers' concerns.
- Communicate your appreciation and welcome employees back to work.

Marketing

- Communicate your opening date and ways in which you will follow COVID-19 safety guidelines to your customers.
- Update your website and include information about your increased cleaning measures and safety measures you are taking as a result of COVID-19. Outline the expectations you have of your customers, such as social distancing and required PPE. Proactive communication is key.
- Ensure that your days/hours are updated on all of your various sites, like Google pages, your social media sites, Yelp, etc.
- When posting photos or videos on social media, remember to be mindful of ensuring your employees are spaced apart and wearing required face coverings/gloves in photos. Don't post photos of customers clustering in large groups. People will be looking for things to scrutinize.

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

▶ PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- $\frac{2}{3}$ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at $\frac{2}{3}$ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

▶ ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days* prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

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| <ol style="list-style-type: none">1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;2. has been advised by a health care provider to self-quarantine related to COVID-19;3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); | <ol style="list-style-type: none">5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
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▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd



WH1422 REV 03/20

DERECHOS DEL EMPLEADO

LICENCIA POR ENFERMEDAD PAGADA Y EXPANSION DE LICENCIA FAMILIAR Y POR ENFERMEDAD BAJO LEY FAMILIAS PRIMERO DE RESPUESTA AL CORONAVIRUS

La **Ley Familias Primero de Respuesta al Coronavirus (FFCRA o Ley)** requiere que ciertos empleadores den a empleados licencias laboral pagadas o expansión de licencia familiar y por enfermedad por razones relativas al COVID-19. Estas provisiones aplicarán desde abril 1 hasta diciembre 31 del 2020.

► DERECHOS A LICENCIA LABORAL PAGADA

En general, los empleadores cubiertos bajo la Ley deben proveer a empleados:

Hasta 2 semanas (80 horas, o el equivalente de dos semanas de un empleado a tiempo parcial) de licencia por enfermedad pagada en base a su mayor tasa regular de pago, o el salario mínimo estatal o federal aplicable, de la siguiente manera:

- 100% para razones calificables #1-3 (ver abajo), hasta \$511 por día y \$5,110 total;
- $\frac{2}{3}$ para razones calificables #4 and 6, hasta \$200 por día y \$2,000 total; y
- Hasta 12 semanas de licencia por enfermedad pagada y expansión de licencia familiar y por enfermedad pagada a $\frac{2}{3}$ para razones calificables #5 de hasta \$200 por día y \$12,000 total.

Un empleado a tiempo parcial es elegible a licencia por las horas que trabajaría durante ese periodo.

► EMPLEADOS ELEGIBLES

En general, empleados de empleadores del sector privado con menos de 500 trabajadores, y de ciertos empleadores del sector público, son elegibles a hasta dos semanas de licencia pagada total o parcialmente por enfermedad por razones de COVID-19 (ver abajo). *Empleados que hayan estado en nómina al menos 30 días anteriores a su solicitud de licencia podrán ser elegibles a hasta 10 semanas adicionales de expansión pagada parcialmente de licencia familiar y por enfermedad por razón #5.*

► RAZONES CALIFICABLES A LICENCIA RELACIONADA A COVID-19

Un empleado tiene derecho a tomar licencia laboral relacionada a COVID-19 si no le es posible trabajar, incluyendo imposibilidad de hacer **teletrabajo**, porque el empleado:

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| <ol style="list-style-type: none">1. está sujeto a orden de cuarentena o aislamiento Federal, Estatal, o local relacionada al COVID-19;2. ha sido instruido por un proveedor de salud que se ponga en auto-cuarentena por COVID-19;3. está experimentando síntomas de COVID-19 y está solicitando diagnóstico médico;4. está cuidando a una persona sujeta a una orden descrita en (1) o en auto-cuarentena descrita en (2); | <ol style="list-style-type: none">5. está cuidando a un hijo cuya escuela o lugar de cuidados está cerrado (o cuidados infantiles no están disponibles) por razones de COVID-19; o6. está experimentando otras condiciones sustancialmente similares a las especificadas por el Secretario de Salud y Servicios Humanos. |
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► CUMPLIMIENTO

La División de Horas y Salarios (WHD) del Departamento de Trabajo de EE.UU. tiene la autoridad de investigar y hacer que se cumpla la FFCRA. Los empleadores no podrán expulsar, disciplinar, o discriminar de ningún modo a un empleado que legalmente hace uso de su derecho a licencia laboral pagada o a extensión de licencia familiar y por enfermedad bajo FFCRA, presenta una queja, o inicia un procedimiento bajo o relativo a esta Ley. Los empleadores que violen las provisiones de la FFCRA serán objeto de multas y medidas de cumplimiento por la WHD.



DIVISION DE HORAS Y SALARIOS
DEPARTAMENTO DE TRABAJO DE ESTADOS UNIDOS

Para información adicional
o para presentar una queja:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd

