

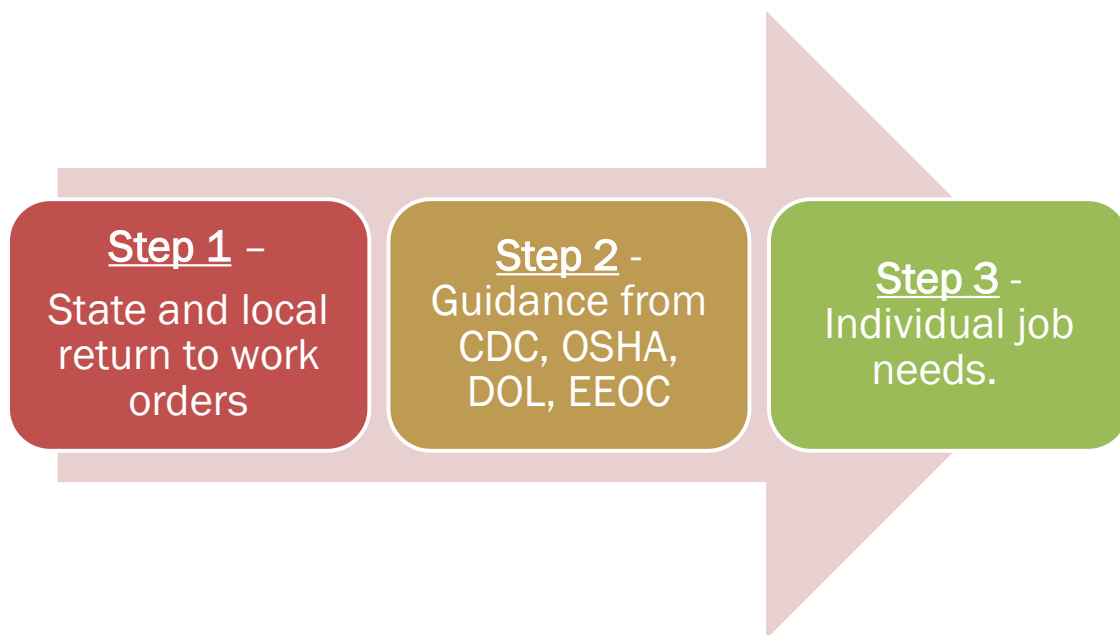
RETURN TO WORK

Critical Information for Employers as Employees Come Back to the Workplace

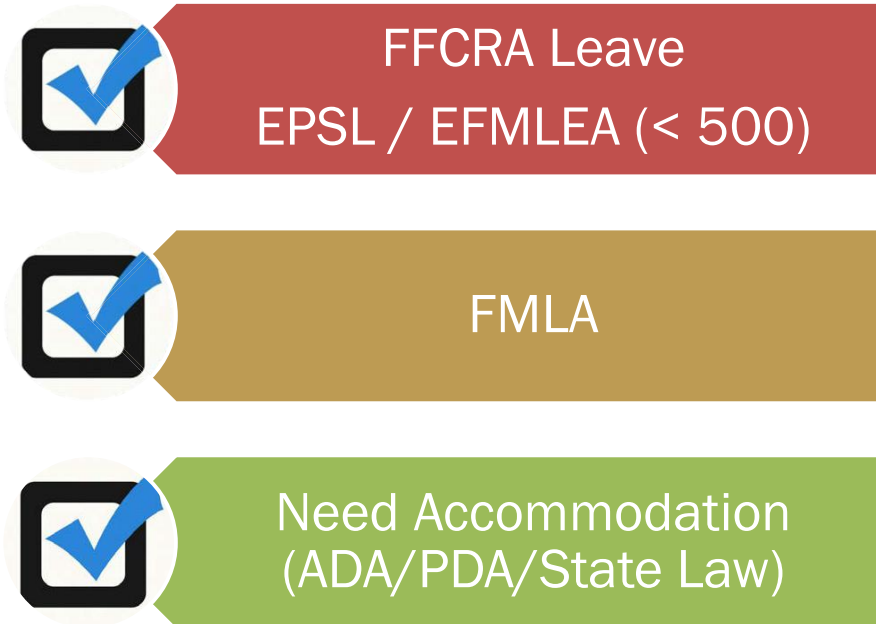
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When Can You Require?



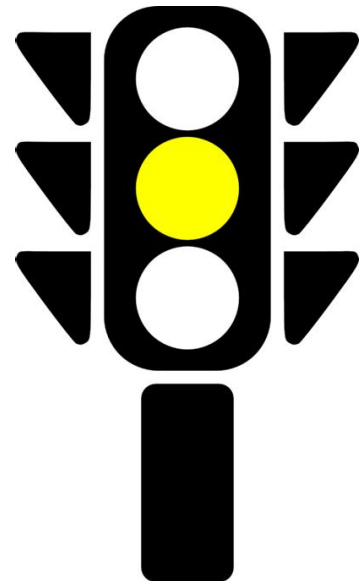
When Can't You Require?



Is YOUR Business Ready?

A Marathon, Not a Sprint

- Workplace safety
- Voluntary callbacks
- Shifts, Shortened workweeks
- Flexible work arrangements, telework
- Non-discriminatory, objective criteria



I can't return because ...

- I am high risk.
- I fear getting sick.
- my spouse is high risk.
- school/daycare is closed.
- I will make more on unemployment.



Consider Policies

- ✓ Leave policies
- ✓ Temporary policies
- ✓ Train managers
- ✓ Monitor often to keep consistent with CDC guidelines

Implement Workspace Controls



Infection Prevention Measures

- Develop daily sanitization regimen
- Provide disinfecting wipes or spray / paper towels
- Hand sanitizer and tissues
- Document what you are doing



Reorganize Workspace as Necessary

- Revamp crowded seating areas
- Eliminate shared workstations

- Mark 6-foot distances



Maximum Occupancy: 1 person



- Limit number of employees in common areas
- Stagger break times and lunch schedules
- Establish protocols for using bathrooms, stairwells and elevators

Sharing is not caring

1. Discourage shared use of
lunchroom appliances

2. Prohibit food sharing



3. Reconsider
file and
document
sharing and
handouts

Monitor Employee Movement

- Personal travel
- Business travel
- Employees entering and leaving the office
- Movement between departments



What is Medical Test/Inquiry?

- Temperature checks
- COVID-19 testing
- Screening questionnaire before each work shift
- Fitness for duty



Protecting Medical Information

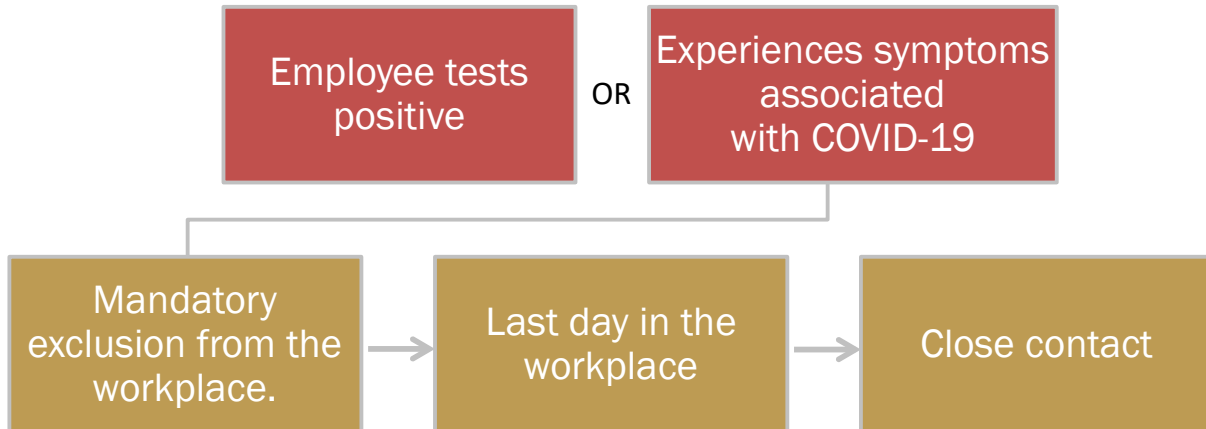
Separate from personnel file

Limit access

COVID-19 can be in existing medical file

Includes employee statements/questionnaires

Employer Checklist



OSHA Worker Exposure Risk

Very high or high exposure risk

Medium exposure risk

Low exposure risk

Personal Protective Equipment (“PPE”)



- Very high or high exposure risk
 - Gloves, gown, face shield, goggles, face mask, respirator
- Medium exposure risk
 - Some combination of gloves, gown, face mask and/or face shield and goggles
- Low exposure risk

If an employee is diagnosed with COVID-19, must an employer treat it as an OSHA recordable incident?

 Likely, Yes.

- OSHA “Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19” May 19, 2020).
- <https://www.osha.gov/memos/2020-05-19/revised-enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19>

If an employee is diagnosed with COVID-19, is it automatically presumed that it is a compensable workplace injury or illness?

➡ Not in IL – thanks to me 😊

But, now . . .

It's Not Just Employees ...

Limit face-to-face interaction

Set appointments

Require screening



Recognize the Wage and Hour Risks of Remote Work

- Capture all the time worked
- Document the expectation
- Ensure timekeeping policies are clear



Wage and Hour RTW Issues

- Loss of exempt status
- Reclassify to non-exempt
- Salary reduction, but keep exempt status
- Commissioned salesperson for retail and service establishments and outside sales employees.

Questions?



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More Resources

For updates, visit:

- **Greensfelder COVID-19 Resources page:**
<https://www.greensfelder.com/covid-19-resources.html>
- **SimplyHR Blog:**
<https://www.greensfelder.com/employment-and-labor-blog>

THANK YOU

Legal Disclaimer: This document is not intended to give legal advice. It is comprised of general information. Employers facing specific issues should seek the assistance of an attorney.