This document is subject to updates as more information becomes available and we recommend you check back often.

We've teamed up with Fisher Phillips, LLP to provide you with helpful information and items to consider as you return to the workplace.

1 Planning/Considerations for Returning to the Workplace

Company Policies

- ☐ Review your company's Paid Sick Leave, Paid Time Off, Vacation and Personal Time Off policies and adjust as needed. (These policies should only be adjusted prospectively, not retroactively, and with advance communication to affected worksite employees.)
  - Review leave policies to ensure they are flexible and non-punitive to allow sick worksite employees to stay home.
  - Leave policies should account for those worksite employees needing to stay home with children due to school or day care closures or to care for sick family members.
  - Review state and local leave requirements for compliance on TriNet (login.TriNet.com) COVID-19 Resources > Resource Library and FAQs > COVID-19 Resource Center. You will be redirected to the ComplianceHR tool, click COVID-19 Compliance References > Paid Sick and Safe Time Laws in Relation To COVID-19.
  - Develop a FFCRA emergency paid sick leave and emergency family and medical leave expansion act policy. For a sample policy, reach out to your TriNet Customer Experience contact.

- ☐ Develop an infectious disease policy. For a sample policy, reach out to your TriNet Customer Experience contact.

- ☐ Remind worksite employees of your paid time off programs and policies.

- ☐ Review teleworking policies to ensure it meets company objectives. Consider developing a teleworking policy if one is not in place. For a sample policy, reach out to your TriNet Customer Experience contact.

- ☐ Review your travel policy against the Centers for Disease Control and Prevention (CDC) guidelines and your company objectives. Explore alternatives to travel when available.

- ☐ If travel is required, prepare to address worksite employee concerns or fear over traveling.

- ☐ Review your company's accommodation policy and ensure compliance with the latest EEOC and state and local guidance on COVID-19 issues.

- ☐ Review worksite employee meal and break policies to ensure they are safe and compliant.
  - Some states and municipalities require that worksite employees be allowed to leave the premises during break periods.
  - Ensure non-exempt worksite employee break policies state they must refrain from working during their break if they choose to remain at their desk.

Posting Notices

☐ If applicable, post new notices in the workplace related to the Families First Coronavirus Response Act (FFCRA). Any applicable state and local notices, such as those for emergency paid sick leave, should be posted. Share notices electronically if your worksite employees are working remotely. Reach out to your TriNet Customer Experience contact for an electronic notice template.

Workplace Safety

Deciding the Right Time to Reopen the Workplace:

☐ Monitor federal, state and local re-opening guidance.

☐ Review Occupational Safety and Health Act (OSHA), Equal Employment Opportunity Commission (EEOC), CDC and relevant state and local guidance for best practices and requirements for employers. Be aware of potential negligence claims if worksite employees are brought back too soon or into unsafe work conditions.

- Refer to pages 49-52 of the CDC's Activities and Initiatives Supporting the COVID-19 Response for specific interim guidance for employers with workers at high risk.

☐ Consider whether some or all worksite employees should continue to telework or work remotely to lessen the impact of a sudden opening and to address safety concerns and consider whether worksite employees should ramp up their hours spent in the office.

Classify Worker Exposure and Develop Controls:

☐ Classify the risk of worker exposure based upon the OSHA classification pyramid.

☐ Review OSHA guidance for specific industries, as applicable to your business.

☐ Develop and implement engineering and administrative controls.

☐ Implement rules regarding spaces where worksite employees congregate in large numbers such as limiting the number of worksite employees that can be in such spaces at the same time (e.g., breakrooms, check-in area/time clocks, elevators, conference rooms).

Infected Worksite Employees:

☐ Develop protocol for dealing with worksite employees with known or suspected COVID-19 symptoms. Protocol should include considerations such as:

- A plan for how to handle worksite employees who may have encountered worksite employees or customers with known or suspected COVID-19 symptoms.
- A process for cleaning and disinfecting the workplace after a worksite employee notifies the company of a suspected or confirmed COVID-19 diagnosis.
- Ensure it includes a clear protocol for how failure to report illness will be handled (discipline, etc.) and communicate the protocol to worksite employees and management.
- A process to investigate if the worksite employee contracted COVID-19 while at the workplace.
- A communication plan for worksite employees.

- Have infected worksite employee complete a return to work certification when returning to work.
- Reach out to your TriNet Customer Experience contact to assist with creating a sample protocol or return to work certification.

☐ Determine whether the worksite employee qualifies for or is eligible to take paid sick leave under either company policy and/or federal, state or local law, or whether the worksite employee can and should work from home.

☐ Consider reporting obligations for worksite employees with known or suspected COVID-19 symptoms, while maintaining appropriate confidentiality, to:
- Co-workers
- Customers/vendors
- Government agencies

Cleaning and Disinfecting:

☐ Prepare protocol and process for general cleaning of facilities and in response to situation where company is notified of a worksite employee or customer who has been at a worksite has been diagnosed with COVID-19.

☐ Implement cleaning and sanitizing protocols.
- Develop protocol for routine cleaning and disinfection procedures using CDC guidance.
- Frequency of cleaning of workstations, common areas and high traffic areas, as well as frequently touched surfaces such as door handles, phones, etc.
- Increased sanitization stations and handwashing stations.
- Inventory and restocking requirements.
- Disposal of personal protective equipment (PPE) in accordance with WHO/CDC/OSHA guidelines.
- Consult cleaning providers to confirm practices and increase frequency.
- Make wipes, sanitizer and other cleaning products available in the workplace.
- Develop protocol to address deep cleaning and disinfection after a potential or confirmed exposure.
- Evaluate if the increased use of industrial cleaning products implicates OSHA's Hazard Communication standard (29 CFR 1910.1200) and distribution of the manufacturer's Safety Data Sheet (SDS).
- Provide written communication and notices regarding cleaning and sanitizing protocols to worksite employees and other visitors to the worksite via posters, checklists, emails, websites and letters.
- Provide training on proper cleaning and disinfecting protocols, as appropriate.

☐ Consider announcements at regular intervals reminding worksite employees to sanitize common touch points in work area.

Office Visitors:

☐ Determine whether third party access to the workplace will be limited.
- Will visitors be allowed in the workplace? Under what conditions?

- Are there new procedures for vendors that come into the workplace? How will you communicate those procedures or new requirements to vendors?
- How will you address clients and prospects that visit the workplace?
- If possible, arrange for pick up and drop off delivery of packages to be done outside.

☐ Consider implementing protocols for onsite visitors, including, as appropriate, temperature screenings or a visitor wellness pre-screening form. For a sample form, reach out to your TriNet Customer Experience contact.

☐ Ensure reception area allows for adequate social distancing for visitors and aim to decrease the amount of time any individual spends in waiting areas.

Masks and Face Coverings:

☐ Determine your mask or face covering protocol based on CDC and state and local public health department guidelines and determine if there are applicable state or local orders requiring worksite employees to wear face coverings in the workplace and/or when interacting with the public.
- Will you require worksite employees to wear masks or face coverings? It is recommended employers pay for masks or face coverings for worksite employees, and in some locations and in some industries, the employer is required to pay for such items.
- How will you address a worksite employee that refuses to wear a mask or face covering or wears one incorrectly? Work remotely? Worksite employee discipline?

☐ Identify PPE needed based upon worker classification of risk, secure appropriate PPE for workers and prepare training on the use, donning, doffing, limitations and disposal of PPE. Note: face coverings or surgical masks are not respirators and do not provide the same level of protection to workers as properly fitted respirators.
- Order and distribute PPE to worksite employees. Review state and local law to determine if any PPE, such as face/mask coverings, are required to be provided by employers.
- Review state law to determine whether worksite employees must be reimbursed for any such expense.

Office Equipment:

☐ Consider removing shared tools such as printers, paper cutters, microwaves, refrigerators, coffee makers, etc. or provide disinfecting products next to the shared tools for worksite employee use.

☐ Consider temporarily switching to disposable items where possible to limit exposure.

☐ Restrict sharing of headsets and other objects near mouth and nose.

☐ Install containers for "clean" and "dirty" writing utensils.

☐ Develop a process for returning company property and equipment by returning remote worksite employees or terminating worksite employees.

Handwashing:

☐ Post handwashing signs near sinks and throughout the workplace.

☐ Ensure paper towels and soap dispensers are regularly filled.

☐ Install hand sanitizer dispensaries across worksites.

☐ If possible, increase handwashing stations across worksites.

Workplace Space:

☐ Evaluate conference room configurations to ensure seats are six feet apart.

☐ Considering removing chairs or having partitions added between seats.

☐ Install proper signage or floor markings for social distancing.

☐ Consider having worksite employees work in alternating shifts at worksites.

☐ Close common areas where worksite employees or visitors are likely to congregate and interact or enforce strict social distancing protocols.

☐ If break rooms remain open, evaluate them to ensure:
- A cleaning procedure has been established.
- Configuration of the room meets CDC guidelines.
- Remove every other chair in break areas and lunchrooms.
- Consider setting occupancy limits and staggering breaks to limit exposure.
- Post appropriate signage.
- Communicate to worksite employees that heightened cleaning protocols are in place.

☐ Review cubicle configurations to ensure they meet the CDC guidelines.
- Consider adding plexiglass dividers.
- Consider establishing one-way hallways and walk paths.
- Alternate every other desk workstation.
- Separate worksite employees who work in adjacent cubicle spaces.
- Mark six-foot spacing on floor with tape or chalk for worksite employees working assembly lines or add plexiglass or other partitions.

☐ Consider increasing air circulation and improving air filtration.

☐ Review changes to occupancy requirements.

☐ If sharing workspace, discuss infection control management cleaning responsibilities, etc.

☐ Add foot-push openings for doors (to avoid touching knobs).

☐ Consult with landlords about converting communal restrooms to single-seat bathrooms to avoid close contact between users.

☐ Provide hand sanitizer stations outside each restroom and each door that is commonly touched or used.

☐ Implement limits on how many individuals can ride in elevators together and mark appropriate social distancing guidelines on the elevator floor.

Temperature Checking and Worksite Employee Screening:

☐ Develop procedures that encourage worksite employees to self-monitor for symptoms of COVID-19 and to report when they are sick or experiencing symptoms of COVID-19. For sample forms on the topic of workplace or onsite health and self- screening, reach out to your TriNet Customer Experience contact.

☐ Prepare protocol for taking temperature of worksite employees.
- Review state and local laws to determine if temperature or health assessments of worksite employees are required.
- Provide required state and local notices (if applicable) if temperature of worksite employees will be taken.
- Have all worksite employees sign and return consent form.
- Outline the process that must be followed when worksite employees do not pass the health screening

☐ Implement daily health/risk screenings to confirm the health and exposure of worksite employees and anyone entering the work site. This could include screening measures at home and at the workplace.
- Questionnaire
- Temperature checks
- Symptom checks
- COVID-19 testing
- Vaccine (when available)

☐ Reminder to obtain only necessary information (no underlying or unrelated illness information, etc.).

☐ Establish protocol for maintaining records of health/risk screening results.

☐ Provide worksite employees with any applicable required notice about screening protocols, retention of records, screening result records, etc. (such as the California Consumer Privacy Act notice).

☐ Wage and hour considerations (pay for screen time, reporting time pay).

☐ Establish training and PPE requirements and protocol for any employers conducting temperature or health screening.

☐ Determine logistically how temperature screening will be conducted.

☐ Determine how worksite employees will stand more than six feet apart during temperature screening and waiting lines related to same.

Management Coaching

☐ Establish the company's priorities and ensure managers lead with these priorities (e.g., workplace health and safety, customer focus, etc.).

☐ Educate managers on your company's updated paid time off processes and ensure they respond to requests with empathy and uniformity.

☐ Ensure managers can address worksite employee concerns related to returning to the workplace.

☐ Ensure managers are aligned with company policy and priorities to avoid inconsistent treatment of worksite employees to help prevent potential discrimination claims.

☐ Remind managers the importance of communication and setting expectations with worksite employees as there may have been changes since the onset of COVID-19.

Return to the Workplace

☐ Develop a plan to obtain equipment that was issued to worksite employees for remote work.

☐ Develop a process for responding to worksite employee concerns regarding COVID-19 exposure or requests to remain working remotely.

☐ Evaluate if there are any considerations that may prevent a worksite employee from returning to the workplace and provide any applicable leave they are entitled to under federal, state or local laws.
- Are childcare facilities open?
- Is the worksite employee under a shelter in place or other municipal restrictions?
- Is safe transportation available for the worksite employee to get to the workplace?

☐ Evaluate which roles should return to the workplace and which roles should remain remote.

☐ Upgrade teleconference equipment to allow for more teleconferences.

Communication

☐ Prepare and send worksite employees a communication which sets expectations on returning to the workplace. Reach out to your TriNet Customer Experience contact for assistance with drafting this.

☐ Develop a plan to communicate new policies and safety protocols prior to worksite employees returning to the workplace.
- Reach out to your TriNet Customer Experience contact to discuss how to communicate with furloughed worksite employees who may not have access to their work email.

☐ Determine any high-level changes to operations that will need to be communicated to worksite employees upon their return.
- Change in business hours
- Travel freeze or limitations
- Changes to bonus programs
- Across-the-board compensation reduction or freezes
- Amendments to vacation and fringe benefits

☐ Prepare reinstatement memorandum for worksite employees returning from furlough.

- [ ] Develop key messages and talking points to be utilized for different scenarios that may occur, including return to work, response to positive COVID-19 cases, reduced operations, temporary closure, accommodation requests, etc.

2 Worksite Employee Considerations

Hiring (including rehires) and Onboarding for New Worksite Employees

- [ ] Review recruitment processes.
  - How will interviews be conducted?
  - Do current job postings need to be adjusted due to changes in skill requirements or job duties?
    Tip: Consider expanding the recruitment area if remote work is available.

- [ ] For worksite employees hired during the workplace closing, remember to have them provide the required I-9 documentation within three days of opening the workplace.

- [ ] Review onboarding procedures. Do changes need to be made regarding equipment, network access, etc.?

- [ ] Review onboarding procedures for remote worksite employees.

- [ ] Consider any applicable predictive scheduling requirements.

- [ ] Follow all onboarding procedures for rehires, including Form I-9, Form W-4, benefits election, and acknowledgment of company policies.

- [ ] Evaluate whether any terminated or furloughed worksite employees are service members and, if so, determine whether the USERRA applies and they are entitled to reemployment.

- [ ] Federal contractors or subcontractors should retain documents for their rehiring process and include the rehires in the applicant flow log for later adverse impact analyses.

- [ ] Consider any reporting obligations under state and federal law:
  - Federal law requires employers to report newly hired worksite employees to the National Directory of New Hires, which includes rehired worksite employees who have been separated from employment for at least 60 days. State laws also have new hire and rehire reporting requirements.

Compensation

- [ ] Review any changes that were made to compensation and evaluate if prospective adjustments should be made.
  - Worksite employees moved from exempt to non-exempt or from salary to hourly.
  - Worksite employees changed from full time to part time or their work hours changed.

- Provide appropriate notification to any worksite employee you plan to return to their prior status, compensation, work hours, etc.

☐ Evaluate if any changes need to be made to bring worksite employees back to work.
- Do they need to return at a different (lower) compensation or fewer hours?
- Will worksite employees require higher compensation based on increased responsibilities?

☐ Review annual increase processes and bonus programs to if they need to be adjusted and communicated to worksite employees.

☐ Establish a compliant repayment process for any loans, advances, benefits made to or paid on behalf of worksite employees.

☐ If bonus programs or plans have been suspended, amended or resumed, provide a notice to worksite employees.

Return Worksite Employee to Pay

☐ Review paid time off accrual balances that were not paid out prior to furlough for accuracy. Communicate any changes to TriNet and to worksite employees.

☐ Re-issue equipment and update network status.

☐ Provide worksite employees returning from furlough or being rehired with required Wage Theft Prevention Act Notices, as applicable. To understand if you are required to provide a written notice, visit TriNet (login.TriNet.com) > Admin View > Compliance tab on the left-hand menu > Compliance HR Navigator Suite > Rapid Reference under Wage and Hour Section > Navigator Rate Change > select Specific State or All States.

☐ Change status in the TriNet (login.TriNet.com) platform.

☐ Unemployment considerations: A worksite employee's refusal to return to work may result in a loss of unemployment benefits eligibility and may trigger an employer's obligation to report the worksite employee's refusal to return to work.

☐ Review benefit action items for returning worksite employees.

☐ Review compensation compliance for returning exempt worksite employees back to work for those who were not working remotely. Exempt worksite employees returning to work in the middle or end of your established workweek are required to be compensated for the entire workweek. Consider having exempt worksite employees report to the workplace at the beginning of the workweek.

Worksite Employee Terminations

- ☐ Notify any worksite employees that are terminated or will not be brought back from furlough.

- ☐ Ensure all final wages that are owed to the terminating worksite employee are paid, such as accrued time off hours, bonuses, commissions etc.

- ☐ Consider offering severance and/or outplacement services in exchange for a release of claims and liability. Reach out to your TriNet Customer Experience contact for assistance with preparing a separation agreement or for outplacement options.

- ☐ Provide appropriate unemployment insurance documentation at the time of termination.

- ☐ Discuss termination protocol when terminating remotely versus an in-person termination.

- ☐ Determine how a worksite employee will obtain personal items previously left in the workplace.

- ☐ Develop a process to obtain office equipment issued to worksite employees for remote work.

Health and Wellness Benefits

- ☐ Remind worksite employees the Employee Assistance Plan (EAP) is available for confidential counseling, resources and learning opportunities.
  - Worksite employees can access the EAP program by logging on to TriNet (login.TriNet.com) and clicking Benefits > Health and Counseling.

3 Reopening the Workplace

Performance Management

- ☐ Establish and communicate new or updated company priorities to ensure leadership alignment.

- ☐ Review and update job descriptions as worksite employees' roles may have changed.

- ☐ Review goals and metrics.
  - Have goals or metrics changed based on remote work force?
  - Do adjustments need to be made?
  - Do expectations need to be reset?

- ☐ Evaluate performance review periods.
  - Do review periods need to be adjusted?
  - Will reviews be conducted remotely instead of in person?

Training

☐ Ensure managers and worksite employees receive compliance training preventing harassment and discrimination in the workplace.

☐ Review the onboarding process and trainings for new worksite employees to address any new processes, benefits or policies.

☐ Review information technology security protocols to support a remote work environment and ensure worksite employees receive applicable training.

☐ Train worksite employees on new workplace policies and procedures:
- Safety measures
- Social distancing mandates
- Cleaning mandates
- Symptom monitoring
- Privacy Issues
- Remote work
- Travel protocol
- Visitor protocol

☐ Develop procedures to reevaluate the work environment and monitor CDC, EEOC, state and local guidelines for workplace reopening.
- Be prepared for changes (expansion or contraction of workplace occupancy).
- Evaluate building leases, office equipment, etc.

☐ Determine who will communicate changes to worksite employees after they have returned to the workplace.

☐ Determine any impact on returning worksite employees to your federal, state or local government loan proceeds or assistance programs.

☐ Prepare protocol for identifying who will be brought back to work.
- Consider objective, non-discriminatory criteria such as skill set, education and/or tenure.
- Be aware of negligence claims if worksite employees are brought back too soon or into unsafe work conditions.
- Consider voluntary call-backs (worksite employee option to return during first round, etc.).

☐ Consider staggered return to work issues:
- Maintain remote work or intermittent remote work
- Encourage use of conference calls or video meetings
- Small, static groups
- Staggered schedules
- Swing shifts
- Consider predictive scheduling requirements
- Consider non-discrimination on basis of FFCRA and related leaves
- Consider non-discrimination and non-retaliation in return to work determinations
- Requests for accommodation

- ☐ Prepare memorandum for worksite employees confirming how to report if the worksite employee has: (1) tested positive for or been diagnosed with COVID-19; or (2) lives with someone who, in the past 14 days, has been diagnosed or tested positive for COVID-19 or displayed symptoms; or (3) has come into direct contact in the past 14 days with someone who has tested positive or been diagnosed with COVID-19.

- ☐ Designate a point person at each worksite/department to handle worksite employee concerns and ensure compliance.

- ☐ Create and implement decision-making matrices to address key decisions such as closure, travel, positive case response, who should be consulted and who is the final decision-maker.

- ☐ Evaluate the need for strategy and response committees with clear roles and responsibilities that include members from key functions and key locations.