



## ADMINISTRATION

### ***New Policies For Returning To Work Post-COVID-19***

As more states either re-open entirely or unveil multi-step plans to return to normalcy in the coming months, some businesses will have the opportunity to phase out remote operations and return to on-site working. But just like every other aspect of our lives when quarantine ends, the office is going to be a different place than it was before COVID-19.

With the safety and well-being of their employees still as their number one priority, human resources departments will need to implement new policies and adjust long-standing ones in order to protect their staff. While every office is different, here are a few common precautions that many companies will need to take in a post-quarantine workplace.

#### **Social Distancing**

Nearly every municipality that has already re-opened, or plans to, has advised its constituents to continue to practice social distancing. Offices that are working on-site should consider enforcing this same mandate wherever possible. For some, this could be to continue using video conferencing tools like Zoom or Skype in the office, instead of meeting in person. If that option isn't feasible for your workplace, consider putting a cap on the number of employees that can convene in conference rooms and other meeting areas. Some companies may even want to explore the idea of "office shifts," where only certain employees or departments are allowed to come into the office at certain times.

#### **Employee Health Monitoring**

Earlier in March, the Equal Employment Opportunity Commission (EEOC) [announced](#) that employers would be allowed to conduct temperature checks to mitigate the risk of infection in the office. If your office decides this is necessary, be sure to communicate to employees exactly how these tests are administered. While some may choose to conduct the test directly, others may enlist a third-party organization, and others still could simply ask employees to test themselves and self-report.



Regardless of whether your company implements temperature checks, it's important to demonstrate to the staff that you're prioritizing the office's health. Some businesses are requiring their employees to acknowledge and agree to abide by the organization's COVID-19 safety policies and do their best to take necessary precautions when outside of the office.

### **Remote Work Policy**

When quarantine began, countless businesses that didn't allow for remote work rushed to throw together a teleworking policy. As employees slowly begin to return to work, now is the time to update an ad-hoc policy into a more robust protocol.

For starters, just because your state or county has re-opened, doesn't mean your employees will want to return to the office. Many will opt to remain quarantined until they personally feel it's safe to go back to work. If you're going to require certain employees to come into the office, be sure to communicate the rationale and reasoning behind it.

Above all, remember that the transition back to our regular lifestyles won't be easy. Be kind and patient with your employees, and remember that adjusting to the "new normal" is going to present challenges for all of us.

## **OPERATIONS**

### ***How To Manage On-Site Employees During the Coronavirus Pandemic***

As we continue to self-isolate, executives and team leaders across the country are grappling with the challenges posed by COVID-19 and the toll it's taken on themselves and their workers—and have been handling all of this while in quarantine. But for many employees, working from home hasn't been an option. Deborah Alvord, a senior director analyst for Gartner, [told HRMorning](#) that "Many (employers) can't implement remote work for all of their employees due to the lack of available infrastructure, the physical nature of some ... roles or union contracts."

In some ways, managing on-site employees during a global pandemic is even more complex than overseeing quarantined workers. The safety and health of the employees is more at risk than in isolation, and office morale may be even lower. Here are a few tips to help your employees stay physically and mentally healthy while working on-site.

### **Enforce Social Distancing**

The CDC and other health authorities have continually recommended staying six feet apart when in public spaces. In the workplace, companies should strictly enforce a social distancing policy, and may want to mandate face coverings while on the premises at all times. Social



distancing can be easy to accidentally break, especially in an office where you're regularly interacting with coworkers. Remember to post signage in meeting rooms, lounges and other gathering places in the office to remind employees to maintain a safe distance.

### **Implement a No-Visitor Policy**

If your workforce is currently a combination of on-site and remote employees, be sure to make clear designations between the two. You can mitigate the risk of infection by only authorizing on-site employees in the office, and barring remote employees from coming in even to grab supplies or log a few hours in. Be sure to minimize interaction with visitors like delivery drivers or maintenance workers as well.

### **Redesign the Workspace**

Offices are often designed to encourage employee interaction and camaraderie, and usually include collaborative spaces where workers can tackle projects together. Unfortunately, these aren't ideal in the current climate. If necessary, label conference rooms and other communal areas off limits, and consider creating safe walkways and routes throughout the office so that workers can move around without intruding on each other's space. If your office has an open floor plan, consider erecting cubicles or other partitions between employee workstations.

### **Understand Productivity Won't Be as High**

As managers, it's part of the job to ensure our employees are performing at their best and remaining productive. But even with all of these new policies and precautions, it can't change the fact that these workers are operating in the midst of a global crisis, one that's adding untold amounts of stress and anxiety for all of us. It's natural to see a decrease in productivity. It's important to meet this with empathy and understanding, demonstrating to your employees their physical and mental health takes priority over their work.

## **LEADERSHIP**

### ***Tips For Effectively Leading During A Crisis***

The coronavirus crisis is, in a word, unprecedented. Business executives and department heads find themselves facing challenges that even a few months ago would have seemed unfathomable. As the world grapples with the anxiety and fear of a global pandemic, one recurring theme that has arisen is the uncertainty of it all. Every message we receive from businesses and organizations seems to start with "In these uncertain times...".

Searching for the comfort of certainty, employees turn to their leaders. But as leaders, how can we continue to guide and support our organizations through a seemingly impossible time? Here are a few tips to help you effectively navigate your role as a company leader during the COVID-19 crisis.



## **Maintain Transparency**

It's imperative for business leaders to be totally transparent with their staff about how COVID-19 is affecting their company and the organization's response to it—even if these updates are uncomfortable. It may be tempting to take an unflappably confident “everything will be fine” approach, but more often than not this comes off as tone-deaf and unrealistic. At worst, it may raise suspicions among employees that their leadership isn't being outwardly honest. A much better approach is to clearly communicate the information you do have, the decisions you're making with it, and openly acknowledging that you're ready to adjust and change course if necessary. Demonstrating that you recognize the reality of the crisis and are willing to address the issues head on shows your employees that your leadership has remained steadfast as ever.

## **Elevate Leaders**

The coronavirus has forced companies to reorganize and regroup as they shift to remote operations while in quarantine, especially human resource departments. As new responsibilities and challenges arise, so will new leaders, as employees take on different roles as the organization adjusts. It's important for senior level leaders to embrace and encourage this new group of leaders. That can mean formally granting them the authority to make decisions in their assumed roles, or solidifying their positions on the company's organizational chart to avoid confusion and promote accountability. Some companies' crisis-response plans actually include a dedicated COVID-19 task force, whose responsibilities range from boosting company morale to ensuring employees are following the most up-to-date health guidelines from the CDC.

## **Lead with Empathy**

Above all, leaders must understand and acknowledge the enormous impact COVID-19 is having on their employees' mental and physical health. Everyone is handling the coronavirus in different ways, but all of them must be led with an empathy-first approach, one that recognizes the individual's struggles and responds with support and reassurance. As department heads and team leads, this empathy extends to ourselves too. The past weeks have been filled with stress, tragedy and fear, and being an effective leader doesn't make you immune to the toll COVID-19 is taking. Be gentle with yourself and invest time in your own well-being, just as you are with your team members.



## COMPLIANCE

### ***Can Companies Require Their Employees To Pass A COVID-19 Test Before Returning To Work?***

As the country gradually begins to reopen, organizations loosen their teleworking mandates, and employees return to the office, it may be tempting for companies to pick up where they left off and consider COVID-19 a non-concern. But for HR teams, the workplace challenges presented by the coronavirus are just beginning. Health authorities have made it clear that the reopening of the country does *not* mean phasing out COVID-19 guidelines and protocols.

If anything, employees returning to on-site work means HR teams need to take more precautions than ever to ensure the safety and wellbeing of their staff. As human resource professionals grapple with this, many have wondered: can they require their employees to pass a COVID-19 test before they can return to the office?

#### **The Short Answer: Yes, But**

On April 23, the U.S. Equal Employment Opportunity Commission (EEOC) [updated](#) its guidelines to confirm that employers could institute mandatory COVID-19 tests for their employees, so long as it is "job related and consistent with business necessity." (It's also worth noting that the EEOC also recommends employers "still require — to the greatest extent possible — that employees observe infection control practices.")

But just because the EEOC has given the green light to this practice, doesn't mean your company should, or even can, realistically implement it. Accurate, reliable COVID-19 testing is still difficult to come by, and may not be realistic for organizations with a large staff.

#### **Alternative Methods**

While mandatory employee tests may not be feasible for most organizations, there are several other precautions employers can take to prevent the spread of COVID-19 in the workplace. One popular option is regular temperature checks. Like coronavirus tests, the EEOC has approved the use of mandatory temperature tests as a condition for returning to work. Temperature tests can be performed by the employer, by a third party, or by the employees themselves. The only guideline the Centers for Disease Control and Prevention (CDC) gives is the "100.4 degree threshold," where an employer can turn away an employee with that temperature or higher.

Employers can also enforce a waiting period before employees can return to work, in order to ensure they're not experiencing any symptoms of COVID. The CDC currently recommends two weeks, though some organizations may wish to wait longer.

#### **Avoiding Discriminatory Testing**

No matter what precautions or policies your organization implements as its employees return to work, it's important to remain compliant and ensure the testing is administered evenly, without



discriminating against age, gender, race, or ethnicity. The EEOC and CDC have emphasized that employers must remain especially alert to bias and discrimination in the workplace against Asian Americans or people of Asian descent during the coronavirus pandemic.

## EMPLOYER WEBINAR

### ***Leave Policies and Handling Health Plan Benefits When Employees Return from Leave Due to COVID-19***

**Tuesday, June 9, 2020 • 2:00 p.m. ET / 11:00 a.m. PT**

Join our June webinar for help with best practices for leave policies, handling group health plan benefits for employees that are taking leave, and handling group health plan benefits when employees return from leave.

This webinar will:

- Discuss best practices for leave policies (paid leave, unpaid leave, and FMLA leave) including what changes should be made regarding employees seeking leave due to COVID-19
- Discuss best practices for implementing telework policies for employees working from home
- Provide an overview of what documentation employers can require from employees when they are seeking leave due to COVID-19
- Discuss benefit considerations when an employee is going on paid leave or going on unpaid leave (FMLA and non-FMLA), such as whether coverage will continue, whether employer and employee contributions must continue, and whether contributions can be modified when an employee is going on leave
- Discuss benefit considerations when an employee is returning from paid leave or unpaid leave (FMLA and non-FMLA), such as whether contributions can be modified when an employee returns

This 60-minute intermediate level webinar will provide employers with leave policy best practices and help employers think through how group health plan benefits may be handled when employees are on leave and return from leave.

### **Registration**

[Register here for the webinar](#). The presentation will be posted on the [UBA website](#) the afternoon before the webinar.

### **About the Presenters**

**Jennifer Sandberg** is a partner in Fisher Phillips' Atlanta office. Employers, In-House Counsel, and Human Resource professionals view her as a trusted advisor providing solid business advice. She works to understand her clients' business and desired business outcomes in order



to provide creative and cost-effective advice and counsel. She assists clients in accomplishing business objectives in the most efficient manner possible. Her advice is custom-tailored for employers with tens of thousands of employees or those with a mere handful of employees.

**Lorie Maring** is a partner in the Atlanta office and a member of the Employee Benefits Practice Group. She has extensive experience in all areas of employee benefits, including health and welfare programs, qualified and non-qualified retirement plans and executive compensation. She routinely advises employers, including non-profit and government employers, trade associations and employee benefit insurance and risk management consultants on the complex compliance and day-to-day issues arising under ERISA and other state and federal laws governing employee benefit plans and programs.

### **Certification**

This webinar has been submitted to the [Human Resource Certification Institute](#) and the [Society for Human Resource Management](#) to qualify for 1 recertification credit hour.