



Back to Work: An HR Checklist

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Janet Giannetta is a Partner in Visions Human Resources Services, LLC, an affiliate of RBT CPAs, LLP. Visions offers a full spectrum of HR services. Janet most recently was Chief Human Resources Officer at RBT CPAs where she was responsible for all HR activities within the Firm and

Janet is a senior-level human resources professional who has served in a wide range of industries, including health care, finance and manufacturing. Over the course of her career, she has mastered the balance of employee advocacy and the business needs of organizations – the most challenging aspect of compliance and managing human resources.

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AGENDA

- ▶ Recall Procedures
- ▶ Workplace Safety
- ▶ Employee Benefits
- ▶ Compensation
- ▶ Remote Work
- ▶ Communications
- ▶ New-Hire Paperwork
- ▶ Policy Changes
- ▶ Business Continuity Plans
- ▶ Unions &
- ▶ Additional Compliance Issues



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RECALL PROCEDURES

- ▶ Phasing-in employees returning to work
- ▶ Have a written plan outlining the business reasons for who/why returns
- ▶ Send a recall letter with instructions
- ▶ Comply with State guidelines; in NY that includes a written affirmation and Work Safety Plan
- ▶ Creating a plan for employees in high-risk categories for infection to return to work

- ▶ Notifying the state unemployment agency of employees recalled to work. This is a state requirement and will help save on unemployment taxes for those who choose not to return to work.

- ▶ Determining how to handle employees who are unable or unwilling to return to work.



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WORKPLACE SAFETY

- ▶ Implementing employee health screening procedures.
- ▶ Developing an exposure-response plan that addresses:
 - ▶ Isolation, containment and contact tracking procedures
 - ▶ Stay-at-home requirements
 - ▶ Exposure communications to affected staff
- ▶ Providing personal protective equipment (PPE)
- ▶ Detailing cleaning procedures and procuring ongoing supplies.
- ▶ Establishing physical distancing measures within the workplace:
 - ▶ Staggered shifts and lunch/rest breaks.
 - ▶ Rotating weeks in the office and working remotely.
 - ▶ Moving workstations to increase separation distance.
 - ▶ Implementing one-way traffic patterns throughout workplace.



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WORKPLACE SAFETY

- ▶ Restricting business travel:
 - ▶ Start with essential travel only and define what that is
 - ▶ Follow government guidance to ease restrictions over time
- ▶ Defining customer and/or visitor contact protocols such as:
 - ▶ Directing customer traffic through workplace
 - ▶ Limiting the number of customers in any area at one time
 - ▶ No handshake greetings, remain 3-6 ft. apart
 - ▶ Using video or telephone conferencing instead of in-person client meetings
 - ▶ Providing contactless pickup and delivery of products
- ▶ Understanding and complying with Occupational Safety and Health Administration (OSHA) record-keeping and reporting obligations:
 - ▶ Identify positions, if any, with the potential for occupational exposure to the coronavirus
 - ▶ Review OSHA regulation 29 CFR 5 1904 to determine work-relatedness of illnesses



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EMPLOYEE BENEFITS

- ▶ Group Health Insurance
 - ▶ Eligibility—re-determine waiting-period issues due to leave or reinstatement
 - ▶ If employee premiums were paid during leave, determine how or if the employer will recover those costs from employees
 - ▶ COBRA changes
 - ▶ Mid Year Enrollment
- ▶ Flexible Spending Accounts
 - ▶ Review Dependent Care Assistance Program election changes with employees
 - ▶ Over-the-counter medical products are now allowed under flexible medical accounts on a permanent basis and should be included in plan documents and communications
 - ▶ Address new flexible spending account elections and allowable changes with employees
 - ▶ Rollover limits increased



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EMPLOYEE BENEFITS

- ▶ 401(k) or other pension plans
 - ▶ Review eligibility issues due to layoff or furlough.
 - ▶ Consider any break in service issues or counting years of service concerns.
 - ▶ Review any in-service loans employees may have or will want to take, including eligibility and pay back procedures
 - ▶ Communicate COVID Changes, i.e. withdrawals, etc.
- ▶ Paid leave
 - ▶ Review required leave under the Families First Coronavirus Response Act (FFCRA), ensure employees understand the eligibility requirements and provide them with a policy. Create a way to track time used and collect supporting documentation for tax credit purposes.
 - ▶ Determine if there will be company PTO policy changes, including increasing or decreasing paid leave benefits, or additional restrictions in using paid leave.
 - ▶ Understand the coordination of leave benefits and communicate these to employees as needed.
- ▶ SPD Amendments



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COMPENSATION

- ▶ How the employer will handle any missed annual pay increases and if those will be applied retroactively.
- ▶ Will any pay cuts be made or revoked? Understand how to reduce salaries for exempt employees if necessary. Remember your Pay Rate Notices!
- ▶ Determine if employee status changes—exempt to nonexempt or full- to part-time status—are needed to reopen or if those already made will continue.
- ▶ How will bonuses be affected, including eligibility for or continuation of, etc.
- ▶ Will hazard pay be offered or revoked?



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REMOTE WORK

- ▶ Continuing to allow remote work where possible to keep employees safe.
- ▶ Staggering weeks in office and at home among team members, or part-time remote work on alternate weekdays.
- ▶ Responding to employee requests to continue to work from home, including long-term arrangements.
- ▶ Updating technology to support virtual workers.
- ▶ Consider the long-term cost savings or impact of offering permanent remote work.



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COMMUNICATIONS

- ▶ How staying home if sick and physical distancing policies are being used to protect workers and customers.
- ▶ Detail what training on new workplace safety and disinfection protocols have been implemented.
- ▶ Have exposure-response communications ready to go to any affected employees and customers.
- ▶ Have media communications ready to release on topics such as return-to-work timetables, safety protections in place, and how else the company is supporting workers and customers. Prepare to respond to the media for workplace exposures.
- ▶ Make sure required postings are visible/apparent



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NEW HIRE PAPERWORK

- ▶ Determine employment application and benefits enrollment requirements for rehired workers.
- ▶ Decide whether full or adjusted orientation procedures will be utilized.
- ▶ Submit new-hire reports for new and rehired workers.
- ▶ Notify state unemployment agencies of recalled workers, whether rehired or not.
- ▶ Address I-9 issues



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POLICY CHANGES

- ▶ Paid-leave policies adjusted to reflect regulatory requirements and actual business needs.
- ▶ Attendance policies relaxed to encourage sick employees to stay home.
- ▶ Time-off request procedures clarified to indicate when time off can be required by the employer, should sick employees need to be sent home.
- ▶ Flexible scheduling options implemented allowing for compressed workweeks and flexible start and stop times.



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POLICY CHANGES

- ▶ Meal and rest break policies adjusted to stagger times and processes implemented to encourage physical distancing.
- ▶ Travel policies updated to reflect essential versus nonessential travel and the impact of domestic or global travel restrictions.
- ▶ Telecommuting policies detailed to reflect the type of work that is able to be done remotely and the procedures for requesting telework.
- ▶ Information technology policies revised to reflect remote work hardware, software and support.



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BUSINESS CONTINUITY PLANS

- ▶ Implement a business continuity plan, including infectious disease control, if a plan did not exist prior to the COVID-19 crisis.
- ▶ Amend existing plans to include the latest emergency information, such as updates on epidemics and workplace considerations or changes in protocols for responding to global disasters.
- ▶ Update plan resources and contact information to ensure accuracy.
- ▶ Establish a pandemic task force and implement appropriate protocols. Recognize the possibility of additional closings/stay at home as COVID-19 infections may rise and fall again



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UNIONS

- ▶ Determining obligations to bargain when implementing changes to mandatory bargaining subjects such as wages and benefits.
- ▶ Identifying the need to add a force majeure clause into a collective bargaining agreement to protect the employer from contractual obligations during an event that is beyond the employer's control.
- ▶ Reviewing existing no-strike clauses to ensure continued work during future infectious disease outbreaks.
- ▶ Determining obligations for hazard pay under Section 502 of the National Labor Relations Act (NLRA) during "abnormally dangerous conditions."



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ADDITIONAL COMPLIANCE ISSUES

- ▶ EEOC/AMERICANS WITH DISABILITIES ACT (ADA)
- ▶ NYS DIVISION OF HUMAN RIGHTS
- ▶ WHISTLE BLOWER PROTECTION
- ▶ WARN - STATE AND FEDERAL REQUIREMENTS
- ▶ PPP FORGIVENESS
- ▶ FFCRA CONTINUATION



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QUESTIONS??

THANK YOU!



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