



RETURNING TO WORK AFTER THE GREAT CORONAVIRUS SHUTDOWN

For the past several months, we have been talking about furloughs, layoffs, unemployment compensation, sick leave, extended FMLA, wage reduction, PPP loans, and generally managing ourselves and our employees through this unprecedented Winter of our Discontent. We have never seen anything like it in our lifetimes and, the Good Lord Willing, will never have this experience again. Now, it appears that we are on the downfield side of the virus and most states, but not all, are beginning to open up for business, on some kind of a graduated basis.

As we embark on this journey of re-opening business and calling our employees back to work, we realize that we're going to have to do some things differently, certainly for the short haul, perhaps for the long run. Here are some thoughts about bringing employees back to work after the Great Coronavirus Shutdown.

- 1. Communications.** Someone once said, "The most important part of employee relations is communications. Whenever there is a void in communications, most people tend to fill that void with negative thoughts, rather than positive thoughts." So, it is vital to tell employees what steps you're taking to make for a safe workplace. Examples include sanitizing the workplace on a regular basis, monitoring employee temperatures, teaching other employees how to sanitize their work areas and break rooms, practicing social distancing, wearing protective masks, etc. Speaking of which . . .
- 2. Protective Masks.** Many people have begun to wear a protective mask when going out in public for grocery visits and other activities. When employees come back to work, it may be a good idea for them to wear masks while at work. Some states, like New Mexico, are going to require masks while others, like Florida, may simply suggest that employees wear them. If masks are required by local or state regulation, the company must pay for them. If masks are voluntary, the company is not required to pay for them, although that might be a good idea in terms of employee morale.
- 3. Employee Temperatures.** During normal times, an employer is prohibited from taking an employee's temperature at work. However, the ADA regulations have declared an exception for COVID-19 which allows employers to take employee temperatures for COVID-19 monitoring purposes. You should clearly communicate this policy to employees and provide a person who is trained in this procedure.

For example, the person would need to know how to utilize the digital thermometer, what to tell an employee who has an elevated temperature and how to handle employees who refuse to comply. This time is compensable and employees should be on the clock.

- 4. Social Distancing.** Here is another term that has come into our language as a result of the COVID-19 pandemic. Employees at work should retain a distance of six feet from each other and employers must arrange the workplace so that this goal is achieved. If non-exempt employees stand in a line for checking in and out for work, they should remain six feet apart. And, employers should make some provision for the number of people allowed in the break room at one time.

5. **Touching Other Employees at Work.** Ever since the advent of the sexual harassment regulations, touching other employees at work has been problematic and has carried its own set of potential risk factors. Based on personality temperament as measured by the DISC profile and other tools, as well as other factors, some employees are “touchy people” who tend to touch or perhaps, on occasion, briefly hug another employee in a natural friendly greeting, with no sexual intent. Other employees may prefer a “personal space” of some measure and dislike the idea of anyone touching them at all. Some commenters are even calling the traditional friendly handshake into question, on the basis that it may provide a potential avenue for the transmission of the virus. On all of these counts, we recommend that you have a published policy that employees are to refrain from touching other employees at work. This will be more difficult for your High I, “people oriented” employees, like sales and customer service, but less difficult for your High C, “perfectionistic” employees, like IT, accounting and finance.
6. **Point of Contact for Questions and Concerns.** It is critical to have a defined point of contact for employees who have questions and concerns about the Coronavirus and how it is affecting the workplace. This point of contact can be a responsible and trusted manager or it could be an Employee Hotline, a service that our firm provides. It is much better for employees to come to you with their concerns, giving you an opportunity to listen and take action, rather than to an outside investigative agency or subjective third party who may not have your best interests at heart.
7. **Child Care Issues.** For the foreseeable future, which is to say for the next 4-6 months, child care is going to be an issue for employees who have children and whose school or day care is unavailable. These will be legitimate concerns and our recommendation is to do the best you can to work with them and make provision for accommodating them, to the greatest extent possible. This could include working from home, adjusting working schedules, job sharing and other ideas.
8. **Employees Who Refuse to Come to Work.** Most professional observers agree that the additional federal \$600 unemployment benefit was a mistake, because it allowed some employees to receive more money while on unemployment than if he or she were actually working.

It is important to know that employees who refuse to come to work on this basis, when you have work available for them, are no longer eligible to receive unemployment benefits and we recommend that you communicate this probability to them.
9. **Selecting Employees Who Will Return to Work.** Just like selecting employees for furlough, you are not required to bring employees back to work by seniority. Seniority considerations are sometimes a good idea, but are not required. You should bring back employees based on the employer’s need and on job related factors like performance, skill-set, special requirements, etc. For example, recalling only employees who have no children would raise discrimination issues and create a potential exposure for the employer. Recalling only younger workers would create the same kind of potential exposure.

We now arrive at match point. Employees are returning to work and management is preparing to receive them and get back to business. If we could leave you today with one key word, it would be – Communicate! A key principle of management is that if you don’t tell employees, they won’t know, or at least they won’t know for sure. So, with respect to each of the “Returning to Work” points above, our strongest recommendation is to communicate fully your position on these issues with your employees – communicate initially and then communicate over and over – masks, temperatures, social distancing, touching, point of contact. Fully communicating these challenges with your employees will make for a safer workplace and will enhance and enrich employee trust and confidence in your management team and in the goals and objectives of your organization.

Seay Management Consultants
Returning to Work After the Great Coronavirus Shutdown

In this extraordinary season of the Great Coronavirus Shutdown, our firm has been on the cutting edge of these novel employment regulations as well as tried and true Best HR Practices for you and your employees, and we will keep you continually up to date on the HR and employment implications that have beset us. Please contact your Seay Management Consultant if you have any questions about any of these issues. And . . . *"If you have an employment issue, and you need an answer right away, and no one else can help, you need to call . . . The Seay Team."* We appreciate having you as a friend and client of our firm.

The Seay Management Team – Sandy, Kylie, Jackie, and Sissy

It is our goal to:

1. Help ensure that your business is in compliance with all of the state and federal employment regulations and guidelines which affect your company and your employees;
2. Help eliminate your financial exposure in these areas; and
3. Develop the policies and systems which will help you employ and maintain a satisfied, happy and productive work force.

Seay Management provides Human Resources Management and Labor Relations consulting services. Seay Management does not provide legal advice and does not engage in the practice of law. If you need an attorney, we'll be glad to recommend one to you



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