ASK THE HR ADVISORS

How Do We Get "Back to Work"?

05.13.2020

Compass drives organizational performance with proven human resource and business strategies.

Our services through HR Advisors, a members-only benefit offered by the Greater Pittsburgh Arts Council with funding from RAD, encompass all aspects of the employee experience.

Today's Agenda

> Review the state and federal parameters for returning to work

> Explore the roadmap for returning safely to your workplace

> Consider how to prepare your team, workspace, procedures, and strategy

> Discuss the plan that is right for YOUR ORGANIZATION

Pennsylvania Phased Reopening

RED PHASE

WORK & CONGREGATE SETTING RESTRICTIONS

- Life Sustaining Businesses Only
- Congregate Care and Prison Restrictions in Place
- Schools (for in-person instruction) and Most Child Care Facilities Closed

SOCIAL RESTRICTIONS

- Stay at Home Orders in Place
- Large Gatherings Prohibited
- Restaurants and Bars Limited to Carry-Out and Delivery Only
- Only Travel for Life-Sustaining Purposes Encouraged

Phased Reopening - Unfazed Covid

YELLOW PHASE

WORK & CONGREGATE SETTING RESTRICTIONS

- Telework Must Continue Where Feasible
- Businesses with In-Person Operations Must Follow Business and Building Safety Orders
- Child Care Open Complying with Guidance
- Congregate Care and Prison Restrictions in Place
- Schools Remain Closed for In-Person Instruction

SOCIAL RESTRICTIONS

- Stay at Home Order Lifted for Aggressive Mitigation
- Large Gatherings of More Than 25 Prohibited
- In-Person Retail Allowable, Curbside and Delivery Preferable
- Indoor Recreation, Health and Wellness Facilities and Personal Care Services (such as gyms, spas, hair salons, nail salons and other entities that provide massage therapy), and all Entertainment (such as casinos, theaters) Remain Closed
- Restaurants and Bars Limited to Carry-Out and Delivery Only

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Your Organization is Unique

> Solutions are NOT one size fits all

> Consider the needs of your organization, employees, financial reality, safety factors, etc.

> Make it a conversation – this is unknown territory for everyone

> Be flexible

> Seek guidance from peers, experts, and advisors

Planning Your Roadmap

LEAD YOUR TEAM

Employee Wellness

Recall Procedures

Communication

PREPARE YOUR WORKPLACE

Safety

Working Remotely

Union Considerations

MANAGE YOUR PROCEDURES

Compensation

Benefits

New Hire Documentation

ADJUST YOUR STRATEGY

Policy Changes

Business Continuity

Legal Compliance

Lead Your Team

LEAD YOUR TEAM

Employee Wellness

Recall Procedures

Communication

> **Primary focus <u>must</u> be on your employees**

> Return to work will likely be a **blend of remote and onsite** employees with **new routines and rituals**

> Consider the **stress, anxiety, and challenges** of the team

> An **organized, controlled approach** is safer and more effective than a sudden influx

> **Communication is imperative** so all parties know what to expect, how to plan, and when to respond

> Leaders must **prioritize safety** before bringing anyone back into a workplace

Employee Wellness

Leaders have the responsibility to understand individual circumstances
- > Be open to personal health risk/illness or that of a family member
- > Respond to concerns around personal financial strains or economic impact
- > Explore options around childcare and eldercare concerns

Adjust to make it a successful environment for your team
- > Trust your team
- > Communicate … often!
- > Be open to discovery and change

Acknowledge individual needs and concerns
- > Encourage (and practice) self-care
- > Explore expanded EAP options and offerings

Appropriate Recall Procedures

Consider who and when to bring back into the workplace

> Utilize position, seniority, documented performance, or other neutral, non-discriminatory criteria to bring employees back to work
> Identify job share or flexible scheduling options

Understand compliance requirements

> Notify state unemployment agencies of return to work status
> Respond to employees who are unable or unwilling to return to work
> Make reasonable accommodations for those who cannot return to work

Maintain and communicate safety procedures

> Set policy for mandatory or voluntary PPE (e.g., masks, gloves, face shields)
> Reorganize communal areas (e.g., kitchens, breakrooms, conference rooms)
> Establish a policy around health screenings

Communication

Keep the team informed of the plan

> Create open dialog with employees throughout the planning process

> Share appropriate, factual information about illness and physical distancing

> Determine any "re-onboarding" needed for new and revised protocols

Establish clear expectations

> Identify call-off procedures if sick or exposed

> Define appropriate response plans for exposure, illness, inability to return to work, etc.

> Draft media communications to respond appropriately and purposefully

Maintain open dialog and respond to employee feedback

> Leverage phone, email, video platforms, intranet, written documents, etc. to optimize connection with ALL employees

Prepare Your Workplace

PREPARE YOUR WORKPLACE

Safety
Working Remotely
Union Considerations

> Communicating **safety protocols can reduce anxiety** around returning to work

> **OSHA** requires employers to provide a safe work environment

> **Planning NOW for supplies** will prepare the facility

> Balancing **remote and on-site work** supports social distancing and safety requirements

> Union communication should take place **before concerns arise**

> **Consider your routines and office layout** to prepare for safe practices

> **Post required documents**

Workplace Safety

Update appropriate office layout and necessary documentation

> Determine safe office layout, including desk, conference room, and reception

> Install necessary dividers or protective screens

> Post required notices (e.g., FFCRA, hygiene/handwashing, physical distancing protocols, state and local required postings, etc.)

Determine what PPE will be required while in the office

> Purchase and stock any provided PPE (e.g., masks, gloves, face shields, etc.)

> Train employees how to wear, remove, and dispose of PPE

> Install sufficient personal and communal hand sanitizer stations

Draft and plan for cleaning and sanitizing

> Communicate customer/visitor protocols (e.g., sanitizing, no handshake, etc.)

> Determine professional cleaning schedule and personal responsibility

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A Note on Health Screenings

Each organization must determine a policy and process on health screenings. If you choose to conduct screenings:

> Determine protocol (e.g., temperature log, waiver, self-reported, etc.)
> Ensure anyone responsible for facilitating screenings has proper training
> Must be conducted on all employees when an employee tests positive or has exposure to Covid-19
> Conduct at a designated area before starting the workday
> Establish a documentation process – ensuring compliance and confidentiality
> Be consistent

CDC Centers for Disease Control and Prevention

Working Remotely

Encourage remote working when appropriate to allow maximum social distancing

- > Consider alternating schedules and days – staggered scheduling
- > Update technology and access for remote employees
- > Consider long-term benefits and cost-savings for continuing remote working conditions

Manage remote workers with effective leadership skills

- > Communicate often and effectively with all employees
- > Individualize arrangements for successful outcomes
- > Maintain goal setting and accountability

Union Considerations

Take a pro-active approach in union planning to help everyone return to work

> Explore need to bargain regarding wage, benefit, safety, or protocol changes

> Identify changes/additions to CBA to address inability to meet any contractual obligations that are outside of employer's control

> Review any no-strike clauses as part of future business continuity plans

> Determine any hazard pay requirements under the NLRA

Manage Your Procedures

MANAGE YOUR PROCEDURES

Compensation

Benefits

New Hire Documentation

> Communicate changes made during closure or interim to **avoid errors and misunderstandings**

> Evaluate any **compensation and benefit changes** for your team

> If employees were furloughed, laid off, or hired during closure, **consider administrative requirements**

> Review benefits to **inform employees of coverage or eligibility changes and expansions**

Compensation/Payroll

Address and document any employee status changes

> Properly document all changes to pay, positions, adjustments to hours worked, etc. in appropriate personnel file

> Update any changes to FLSA status or full/part-time status

> Make adjustments to employee's pay and/or status for a justifiable business reason or risk claims of discrimination and unfair pay practices

Review tracking, FLSA, and equity factors for compliance

> Track any time worked remotely and pay for overtime

> Remind non-exempt employees to take appropriate meal and rest breaks while working remotely or on site

> Determine if any type of hazard pay is warranted

> Update recordkeeping for PPP and FFCRA expenditures (e.g., bonus)

> If you have not conducted a pay equity audit recently, now is the time!

Benefits

Understand changes to benefits due to Covid-19

> Maintain documentation and timelines for benefits provided under FFCRA

> Confirm new benefit options (e.g., telehealth, student loan paydown)

Adjust deductions and confirm eligibility requirements

> Ensure 401(k)/403(b) contributions and deductions are adjusted for employees returning to work or adjusting work hours

> Confirm any employee who took distributions and provide access to brokers/information

> Confirm healthcare benefits coverage for reduced hours or returning to work

> Update dependent care FSA's if childcare needs have changed due to Covid

> Review PTO policy and communicate any updates or utilization requirements

New Hire / Re-Hire Documentation

Provide a "return to work" letter all employees outlining specifics and expectations

> Utilize CDC guidelines to communicate health and safety protocols

> Provide details about logistics and expectations for return

> Include information about benefits, compensation and PTO

> If furlough/layoff was less than six (6) months, original documentation likely applies although you may need more for PPP

Employees who continued employment should not require new documentation in returning to the workplace

> Ensure any changes are documented and update any policy information

For any new hires, complete appropriate documentation

> Update/complete documentation such as physical I-9 form if it was complete remotely

Adjust Your Strategy

ADJUST YOUR STRATEGY

Policy Changes
Business Continuity
Legal Compliance

> Prepare your organization for **success and create routines**

> **Update policy and procedure** documents to reflect your changes

> Consider **lessons learned and prepare** for another change in return to work status

> **Monitor all compliance** needs and requirements

> Consider how you manage your team in a **new economic reality**

Policy Changes

Review and communicate policies to reflect new work practices

> Implement flexible scheduling policies for adjusted weeks and start times

> Update or implement teleworking policies and support

> Adjust meal and break policies to stagger times

> Revise performance evaluation policy to accommodate remote employees

> Update PTO policy

Update materials to incorporate Covid-19 guidelines and safety protocols

> Update travel policies to define essential versus non-essential travel

> Implement CDC recommendations to encourage physical distancing

> Document policies surrounding health screenings, reporting exposure, PPE requirements, sanitizing requirements, etc.

Business Continuity Plans

Reflect on gaps in Covid-19 response and document plan for future emergencies

> Implement a committee/task force to review process and plans

> Enhance emergency closure policy to address extended closures, communication procedures, and work expectations

> Review disaster or crisis plans for similar or other situations

Communicate appropriate information as Covid-19 changes/progresses

> Realize there may be another closure as cases spike and determine actions

> Share information from reputable sources about status globally and locally

> Cross-train team to cover all functions

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Legal Compliance

Consider federal, state, and local requirements for returning to work

> Monitor specifics in PA around returning to work and building requirements

> Understand FFCRA to determine leave eligibility under EPSL or FMLA+

Maintain appropriate employment law considerations

> Review OSHA laws for maintaining safety in the workplace

> Utilize CDC website for appropriate health monitoring processes to not violate ADA or HIPAA

> Update any required postings such as MSDS for cleaning products in workplace

Setting Your Response

> What is our protocol if an employee or customer fails a health screening?

> Have we considered the best layout for our workplace?

> What is our communication plan if a co-worker tests positive for the virus?

> Have we communicated and planned for PPE requirements?

> How will we handle individuals who are not willing to return to work?

> Will we terminate someone who refuses to wear PPE?

> How are we staying updated on state, local, and federal recommendations?

> Have we developed an appropriate staffing plan?

Supplementary Resources

White House Opening America Guidelines:
https://www.whitehouse.gov/openingamerica/#preparedness

CDC Covid-19 Information Site:
https://www.cdc.gov/coronavirus/2019-ncov/index.html

Department of Labor Covid-19 Site:
https://www.dol.gov/agencies/whd/pandemic

OSHA Covid Website:
https://www.osha.gov/SLTC/covid-19/

PA Covid Response Guide
https://www.pa.gov/guides/responding-to-covid-19/

CDC Cleaning and Disinfecting your Facility
https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html

USCIS Temporary Form I-9 Policies and Procedures
https://www.uscis.gov/i-9-central/temporary-policies-related-covid-19

Supplementary Resources: Arts Community

Updated List of COVID-19 Resources for the Arts Community:
http://www.pittsburghartscouncil.org/covid19

GPAC's Business and Legal Services:
http://www.pittsburghartscouncil.org/programs/consulting-services

Support the Emergency Fund for Artists with a Donation:
https://www.pittsburghartscouncil.org/support-effa

Sign up to Receive GPAC Updates:
https://pittsburghartscouncil.secure.force.com/signup/?cfid=a05F0000004qrs8IAA

HR Advisors:
http://www.pittsburghartscouncil.org/hradvisors

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