



As businesses look to resume, there are numerous things to consider. From a human resource standpoint, the biggest considerations are whether or not you will be **bringing all or just some** of your employees back and what is the best process to do that. Below are some of the **key considerations** and recommendations for a returning workforce.

Returning Furloughed or Laid Off Employees

Whether you furloughed your employees or chose to lay them off indefinitely, as you re-open, you will need to consider what staff you will be returning and when. Typically, employees who have been furloughed expect to return at some point. In making the decision of who to bring back and when, it is critical that you make those decisions based on the needs of the business. Most likely you will bring back employees in a phased approach. Key employees, and those that have a more visible role, may be the first to return. **For legal purposes and to avoid future claims of discrimination, you will want to make sure you clearly document both the why and when**, as you bring back your employees.

If you choose not to return an employee at all, you will also want to document those reasons as well.

Unemployment Benefits

Hopefully your employees were able to get their unemployment benefits while they were out of work. Because of the additional \$600 per week granted to laid off workers, many employers are **concerned employees will not want to return**.

It's important to note that unemployment is only available when there is no work available. If you offer an employee the opportunity to return to work, and they refuse, then they "may" be disqualified from any future unemployment benefits. It "may" disqualify them because depending on their reasons for refusing to return, the Employment Security Department may still award them benefits. For example, right now under the FFCRA, individuals who need to stay at home to care for children due to school and daycare closures, are entitled to compensation for 12 weeks. But what should happen when the 12 weeks is up and they still do not have childcare? Or, how about the individual who may be more susceptible to COVID-19 and is concerned about returning and being exposed more regularly to the public?

Which leads to the next consideration...

Health and Safety – Following the CDC Guidelines on COVID-19

The more you can show that as a business, you have done all that you can to protect your employees and thereby protect your customers, the better you will be able to **defend yourself in the event a claim** of some sort is filed.

As you begin to bring employees back to work, you may want to consider utilizing the OSHA health questionnaire for each employee on a daily basis for a while. The option to take your employees temperature as they arrive to work is also something to be considered. You may also need to consider whether you will be requiring masks or other facial coverings or making the option voluntary. If required, are you able to supply the masks/facial coverings? If voluntary, should you have your employee sign a waiver? Gloves may also need to be considered along the same lines as the facial covering. What about hand sanitizing? How often will you require employees to sanitize their hands, their desks, equipment, phones, and any other items that both employees and customers come into contact with?

Whatever you do, **document it** and **do not make exceptions**.