

Re-Opening Your Business - Playbook

(Note: if you have read this before and just looking for the latest update, please see Appendix C)

Getting back to work involves a 3-phase program.

1. Stay at Home
2. Re-opening Your Business – 90—day Tactical Plan
3. Redesigning your 2022 Strategic Plan – “Managing Through 2022”

Now that both the “Stay at Home” phase and “Re-opening Your Business” phase is complete, businesses can begin phase 3. The third phase is focused on how you modify your 2022 strategies and create a [change management plan](#). It is important to make observations of several things as part of this effort:

- A. The effectiveness of your organization during Phase 2. Look at how employees are working differently and identify areas where they are more efficient. In a crisis such as this, your employees will create their own methods and processes. Identify who is rising to the top during this crisis.
- B. Your competitors
- C. Your suppliers and the resiliency of your supply chain. Every business has a supply chain.
- D. Your customers and their needs

Utilize these observations in redefining your business on a go forward basis.

In this document we provide a summary of best practices from our clients and organizations such as SHRM and others. This checklist is not all inclusive and companies should review their approaches with their legal counsel and other outside subject matter experts to validate their assumptions and approaches.

Management

- Create a COVID-19 / Pandemic Task Force that is cross functional and includes people from all levels of the of the organization
- Generate a 90-day tactical plan for bringing people back and identify the phased approach to implementing various parts of your business
- Draft communications to employees
 - Welcome back letter (Appendix A)
 - Addendum to employee handbook describing new operating procedures and accountabilities (See Appendix B for recommendations from Hackler Flynn & Associates, APC). If you do not have a handbook, now is a good time to create one.
- Set-up a full training / re-onboarding program for all employees being brought back
- Daily and weekly updates to employees

Compliance

- Review official federal, state, and local laws, regulations and recommendations, including OSHA and the CDC
- Review paid leave policies and procedures based on federal, state, and local rules, such as the FMLA
- Prepare for potential employee concerns about safety that are protected under OSHA and [NLRA](#)
- Provide reasonable accommodations to individuals with disabilities as stated by the ADA
- Identify positions, if any, with the potential for occupational exposure to the coronavirus
 - Develop a protection plan for high-risk areas
- Review OSHA regulation [29 CFR § 1904](#) to determine work-relatedness of illnesses

Screening

- Create a program for screening employees and visitors when they arrive at your various places of business. Screen and evaluate workers who exhibit symptoms.
 - Consult with legal counsel before implementing screening protocol
- Consult with local health officials when assessing different screenings, including temperature checks, COVID-19 testing, and/or self-certifications
- Evaluate how screening will be administered and who will perform it
- Treat screening results as confidential medical records
- Make sure medical screening is permissible under the ADA
- Create a screening workflow that includes the company's response to people who don't pass the results. This is especially important because it will clearly lay out how the process is done and identifies protocols for result failures.

Social Distancing

- Establishing [physical distancing measures](#) within the workplace:
 - Create plans for employees, customers, vendors and other visitors
- Implement restrictions on business travel
 - Create a virtual meeting plan to replace previous in-person activities and observe effectiveness. May affect how you treat travel in the future.
- Restrict visitors in the workplace
- Implement teleworking as much as possible and observe effectiveness. This may affect how you do business in the future.
- Offer flexible work hours and staggered start-times and shifts
- Increase physical space between employees and customers to at least six feet
- Put up physical barriers between employees who work in close proximity
- Implement an isolation room for visitors with appropriate distancing/barriers
- Postpone non-essential meetings or events
- Prohibit group gatherings in the workplace
- Limit access to communal spaces i.e. One person per table, or barriers erected on tables
- Deliver products through curbside pick-up
- Discourage handshaking
- Discourage sharing tools and equipment

Workplace Safety

- Create a team responsible for workplace safety and compliance with federal and state policies in each facility
- Post signs throughout the facility reminding employees of the need to follow safety protocols. Check local printers such as [The Printery](#) for a full assortment of signage.
- Develop an exposure-response plan that addresses:
 - Isolation, containment and contact tracking procedures
 - Stay-at-home requirements
 - Exposure communications to affected staff
- Develop written protocols for symptomatic employees according to CDC guidelines
- Establish written protocols for returning to work after being symptomatic, following CDC guidelines and applicable laws
- Train employees on safety protocols based on CDC guidelines and require compliance
- Detail [cleaning procedures](#) and procure ongoing supplies.
 - Regularly disinfect and sanitize workplace, following CDC guidelines
 - Adjust HVAC systems, clean filters, and increase ventilation. Implement a negative pressure environment to remove aerosol contaminants if possible
- Provide tissues and no-touch disposal receptacles throughout the facility at easily accessible intervals
- Provide disinfectants and sanitation products, including soap and water and hand sanitizers, in the workplace

- Create an inventory management plan for these items – We recommend a 90-day supply
- Create a process for managing cleanliness of common areas at appropriate intervals
 - Assign tasks to employees and assign responsibility to various groups for oversight

Personal Protective Equipment (PPE)

- Review applicable rules to assess whether employees need to or should wear cloth face coverings, surgical masks, shields, respirators, or other PPE
- Provide masks and other PPE based on applicable federal, state, and local rules
- Train employees on how to effectively use PPE
- Ensure employees comply with PPE guidelines, where applicable. Identify accountabilities and company response to non-compliance
- Provide reasonable PPE accommodations for employees with disabilities as stated under ADA

Rehiring

- Make sure all decisions related to hiring employees are neutral, job-related, and not based on protected characteristics
- Send "rehire" letters and provide onboarding paperwork, such as wage payment notices, to employees who were previously furloughed or laid off
- Evaluate implications on employee benefit plans and whether notices or contribution changes are needed
- Phase-in employees returning to work:
 - Use seniority or other nondiscriminatory factors for selection
 - Consider adopting a [work share](#) program or [SUB plan](#) if bringing employees back on a reduced schedule
 - Determine schedule changes to provide the greatest protection to workers
- Create a plan for employees in [high-risk categories](#) for infection to return to work:
 - Consider allowing them to work from home or remain on leave until they feel comfortable to return
 - Determine increased measures to protect them when working onsite, including isolated workstations, additional PPE as requested, fewer days in the office, etc.
- Notify 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.
- Determine how to handle employees who are unable or unwilling to return to work:
 - Employees who are fearful of returning to work
 - Employees who have family obligations that interfere with the ability to return to work
 - Employees who remain under quarantine due to exposure to COVID-19
 - Follow FMLA rules and regulations
- Treat rehired employees as though they had been continuously employed for leave eligibility and access to accrued leave, as directed by leave-of-absence laws

Employee Benefits

Whether employees remained on the employer’s benefits plans or not, certain notices or actions may be required to stay compliant. Communicating these changes to employees should be done as soon as possible.

Review such issues as:

- Group health insurance
 - Eligibility—redetermine waiting-period issues due to leave or reinstatement; review any revised eligibility requirements during the layoff or furlough and determine if those changes will be revoked and when
 - Ensure coverage changes, such as adding telehealth benefits, and services now not subject to deductibles have been incorporated into the plan
 - If employee premiums were paid during leave, determine how or if the employer will recover those costs from employees
- Flexible spending accounts
 - Review Dependent Care Assistance Program election changes with employees to ensure their new or revised elections are correct
 - 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
- 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
- Paid leave
 - Review required leave under the [CFRA/FMLA](#). 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
- Workers Comp
 - People who are working who contract COVID-19 can file a workman’s Comp claim. Find out more at www.dir.ca.gov/dwc

Compensation

- Determine how to handle any missed annual pay increases and if those will be applied retroactively

- Determine whether any pay cuts will be made or revoked and understand how to reduce salaries for exempt employees, if necessary
- Determine if employee classification changes—exempt to nonexempt or full- to part time status—are needed to reopen or if those already made will continue
- Address how bonuses will be affected, including eligibility for or continuation of, etc.
- Determine whether hazard pay will be offered or revoked?
- It may be a good time to consider a pay equity audit as workers return, as pay may have been reduced or frozen and may have impacted women differently

Unions

- Determine obligations to bargain when implementing changes to mandatory bargaining subjects such as wages and benefits
- Identify 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
- Review existing no-strike clauses to ensure continued work during future infectious disease outbreaks
- Determine obligations for hazard pay under Section 502 of the [NLRA](#) during “abnormally dangerous conditions”

Managing Through 2022

Every industry is going to be affected differently and the path to normality, however that is defined, is unclear. After completing your [90 day tactical plan](#), it is important to work on the modifications to your [2022 strategic plan](#). Companies that are proactive and have defined ways to innovate in how they do business will come out ahead. The list below identifies ideas on how to create that innovation and how to strengthen the business. Restructuring and cost takeout subject matter experts can help to [accelerate this process](#).

- Establish a 2022 base revenue model for your industry and your business.
- Create trigger points where variations to your model will require additional actions. Use a building block approach to your actions.
- Utilizing observations from how the business is working with fewer employees, consider [redesigning business processes](#) to eliminate bottlenecks, unnecessary processes and ways to accelerate decision making. This is one element of a [cost takeout strategy](#).
- Implement a review of the profitability of products, services and customers. Create a fix or exit program for each of those that do not meet profitability requirements.
- Put together process improvement / transformation teams to [“work on the business”](#)
- Pay close attention to [supply chain](#) resiliency. It is estimated that 10-15% of companies went out of business, and this may cause further disruptions in a company's supply chain. Understand where your supply chain risks are and have a plan to deal with them. If you were not first in line when demand increased again, you will need to develop an optimization roadmap and implement a continuous improvement program.

- Understand the strengths and weaknesses of your competitors. There are likely areas where you can be more competitive and acquire new business.
- Treat your vendors and your customers like they are on your team. Schedule virtual calls with each of them to understand their business forecasts, their needs and their plans. They will remember you when demand comes back.
- Do not abandon market [facing activities](#). Resurrect products that were never introduced, identify adjacent markets and unintended uses of your products or services which may provide new market opportunities.
- Pay close attention to the people in your organization who are demonstrating new flexibility or skills during this critical period and leverage them now and in the future.
- Free up as much working capital as possible.
- Be opportunistic as there are likely going to be acquisition opportunities that will strengthen your business in the near future.

No matter what you do, remember that significant emotional and financial events create an accelerated [“Change Management”](#) environment where employees, customers and suppliers will be more open to making significant changes to the way business is being done. It is important that these changes be managed properly. This is the appropriate time to have a [“strategy brainstorming session”](#). For additional insight, see [“Managing Through 2020”](#) presentation.

Feel free to call Cindy Flynn or Jim Gitney with any questions about this checklist, or with any best practices ideas that should be added to this checklist.

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APPENDIX A – Welcome Back Letter

Dear [Employee name],

I am pleased to notify you that [Company name] once again has work available and would like to recall you from furlough and offer you back [your previous position/the following position]. We would like you to resume work on [date]. This offer letter supersedes any previous offer letter or terms of employment. Should you accept this offer of recall, the terms of your employment will be as follows:

Job Title: [Job title]

Supervisor: [Supervisor name]

Responsibilities will include but not be limited to: [Responsibilities or see attached job description]

Monthly Salary or Hourly Wage: \$[amount]

Employment Classification: [Full-time/Part-time] and [Exempt/Nonexempt]

Employment is at-will, meaning you are not guaranteed employment for any period of time and either the Company or you can end the relationship at any time, with or without notice, and with or without cause. Your seniority will not be affected by this brief furlough period, and your benefits will be restored without condition. Your previously accrued but unused paid time off and sick leave, if applicable, will also be available upon your return.

The Company may modify job titles, pay, and benefits from time to time as it deems necessary. We're committed to doing everything we can to maintain a safe and healthy workplace. We are relying heavily on CDC and local health department information in establishing safe working conditions and will continue to make our best efforts to keep the workplace safe.

To accept the position offered above and be recalled to work, please return a signed and dated copy of this letter by [due date].

If this letter is not signed and returned by that date, we will assume you are turning down this offer to return to work and your employment with the Company will be terminated. You may contact me if you have any questions or concerns about our current safety procedures or your personal safety, or if you need any type of assistance to be able to return to work.

Sincerely,

[Company representative signature]

APPENDIX B: Addendum to Employee Handbook

Addendum to [Company Name's] Employee Handbook**Effective Date**

Dear Employee,

The Company adopted this Addendum to its Employee Handbook to reflect the Company's current policies and practices, where and when permitted by law, during this time of the unprecedented COVID19 pandemic. This Employee Handbook Amendment includes practical recommendations, based on guidelines from the Centers for Disease Control and Prevention (CDC) and World Health Organization (WHO).

Please also note that these policies and practices may be updated at any time by the Company given the fluidity of this situation. The Company bears no responsibility for any circumstances arising out of or related to the adoption, or decision not to adopt, any of the practices or procedures contained in this Employee Handbook Addendum.

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1. Operating Protocols

a. Pandemic Response Team

The Pandemic Response Team (PRT) is a cross-functional team consisting of the following *{this will depend on industry and company size}*:

1. Site Manager - Has overall responsibility for the site's pandemic preparedness & response plan, coordinating and aligning with regional/global EHS and the COVID-19 Crisis Team.
2. Employee Access Control Lead - Works with the site to manage social distancing logistics for arriving and departing shifts, as well as visitors and contractors. Supports the Virus Prevention & Protocol Leader by providing site-specific options for social distancing within the site, including potential mitigation measures to manage safety risks for employees required to work less than 6 feet from others.
3. Virus Prevention & Protocols Lead - Develops protocols to ensure the wellness of all employees, the overall pandemic preparedness and response plan, and alignment with Global EHS and the COVID-19 Pandemic Response Team.
4. Sanitization & Disinfection Lead - Manages daily and periodic disinfection logistics, including routine and deep cleaning, and disinfection processes, according to the protocols set up by the Virus Prevention & Protocol Leader. Drives the process of continuous improvement and ensures 100% compliance with Company's disinfection protocol and any approved regional or site variations.
5. Communication & Training Lead - Manages all pandemic related communications, in coordination with regional and global.
 - Communications and HR. Manages training across the site related to pandemic preparedness and response, including employee, management and pandemic response team training.
6. Personal Protective Equipment (PPE) & Materials Lead - Secures all necessary supplies to implement and sustain the site pandemic preparedness and response plan, including direct procurement by the site, as well as coordination with Company Procurement to access centrally located supplies or leverage supplies from other Company facilities.

The PRT should meet daily and:

- Include Union Leadership as appropriate
- Leverage Health and Safety Teams/Committees and members

b. Preventative Material Inventory *{depending on industry and company size, this section can contain more details}*

1. Disinfectant Supplies

- The Company will, at all times, have an adequate supply of soap, disinfecting spray, hand gel, paper towels and tissue. At a minimum, sites should have a 30-day supply of disinfectant. Portable disinfectant stations will be provided where appropriate.

2. PPE

- The Company will stock face masks, gloves, and glasses on-site and on-order with proper lead time. At a minimum, sites should have a 30-day supply of PPE. Medical employees, screeners and cleaning crew are required to wear gloves, masks and safety glasses.

c. General Disinfection Measures

All Company sites will be 100% disinfected prior to anyone returning to work. Once the Company sites reopen, providers or employees should sanitize and disinfect all areas of the Company site with special attention to:

- Tools
- Workstations and equipment
- Restrooms
- Kitchen/cafeteria
- Lockers
- Common surface areas
- Computer screens and keyboards

These General Disinfection Measures are implemented to reduce the risk of spreading any infection and should be taken routinely as instructed by the Company. Along with these workplace disinfection activities, proper personal sanitary practices including washing hands often and routinely throughout the day are also necessary.

{depending on industry and company size a table can be inserted here that specifically instructs what items to disinfect how often and which disinfectant to use but this can also be communicated to employees separately in separate document as the frequency and items to disinfect are expected to change over the course of the next month's/years}

d. Deep-Cleaning and Disinfection Protocol

The General Disinfection Measures should be followed regularly whereas the Deep-Cleaning and Disinfection Protocol is triggered when an active employee is identified as positive for COVID-19 based on testing. *{Sites may opt to have a deep cleaning performed for presumed cases.}* Deep cleaning should be performed as soon after the confirmation of a positive test as practical. While the scope of deep cleaning is presumed to be the full site, sites may reduce the footprint to be deep cleaned if there is sufficient rationale to do so and they gain consensus of their regional Operations and EHS leaders.

Notwithstanding the above, if an active employee is confirmed to have a COVID-19 positive test, in lieu of performing deep cleaning, sites may shut down the site for a period of at least 72 hours to allow for natural deactivation of the virus, followed by site personnel performing a comprehensive disinfection of all common surfaces.

e. Social Distancing Protocol

Social distancing is a simple yet highly effective mechanism to prevent potential infection that relies on simple distance to avoid infection. In practice this means:

- Staying 3 to 6 feet away from others as a normal practice
- Eliminating contact with others, such as handshakes or embracing coworkers, visitors or friends
- Avoiding touching surfaces touched by others, to the extent feasible
- Avoiding anyone who is coughing, sneezing or appears to be sick

{more details can be added depending on industry and company size}

f. On-Site Health Screening

To help prevent the spread of COVID-19 and reduce the potential risk of exposure to our employees and visitors, temperature and health screenings will be implemented at all company sites in pandemic phase 5 or earlier if two COVID-19 positive infections occur at a given facility. On-site screening will cease to become mandatory when a site regresses to pandemic phase 4 or less, or when 15 days have passed without a COVID-19 positive case.

On-site screenings will be completed daily by medical or site personnel (internal or external) of all incoming employees/contractors/suppliers before accessing company facilities/offices. If an employee does not accept the screening, the company will direct the employee to leave work and provide an official medical certificate prior to returning to the company premises. If an employee is confirmed to have COVID-19, the company will inform employees in the immediate work area.

Employees returning to work from an approved medical leave should be directed to contact their HR representative and submit a medical certificate releasing them to return to work.

g. Self-Quarantining and Return to Work Protocol

Employees are requested to remain off Company property for 14 days if they have:

- COVID-19 symptoms
- Been directly exposed to COVID-19
- A COVID-19 positive test result

Employees should avoid leaving home if possible, but if necessary, should practice exceedingly good hygiene and social distancing. Working from home is expected to continue when possible.

Employees who have been under home isolation/quarantine can return to work under the following conditions, consistent with WHO/CDC guidelines:

- They have had no fever for at least 72 hours (that is three full days of no fever without the use of medicine that reduces fevers) AND
- Other symptoms have improved AND
- At least 7 days have passed since symptoms first appeared or they received two negative tests in a row, 24 hours apart.

h. Visitor Restrictions

The Company no longer allows normal visitation to our facilities until further notice. To ensure the protection of both employees and visitors, meetings should take place virtually going forward. When business-critical, in-person visits must occur, such as to allow equipment or facilities to remain operational, they should be in accordance with the Company's pandemic preparedness and response plan. The Company does not allow visits from people who have had known exposure to COVID-19 within the past 14 days or who are exhibiting symptoms consistent with COVID-19. To help prevent the spread of COVID-19 and reduce the potential risk of exposure to our employees and visitors, the Company will provide a screening questionnaire to all visitors.

2. Employee Training and Return to Work Protocol

Before reporting back to work, each employee will be asked to complete a self-screening questionnaire. If the answer is "Yes" to ANY question, the employee is NOT to report to work. Prior to each shift/workday, all employees will have their temperature taken with a Non-Contact Thermometer. If an employee has a fever over 100.4°F, isolation protocols will be followed, and the employee will be asked to go home to follow the self-quarantine protocol.

At the beginning of their first shift/workday back, all employees will go through training on social distancing, COVID-19 signs and symptoms, isolation protocols and preventative measures.

Our facility has been completely cleaned and disinfected. Additionally, we will require employees to maintain this safety standard by continuously cleaning and disinfecting throughout the shift/workday,

before and after each break and lunch. Employees are expected to practice social distancing and to wash their hands frequently during their shift/workday. We ask that there be no food deliveries during shifts/work days until further notice. Employees are expected to plan their meals accordingly and bring their lunch to work in a small cooler kept in your car or at their station to prevent overcrowding in the refrigerator. *{more details can be added depending on industry and company size}*

3. Paid Sick Leave *{this Section may need to be modified if the municipality in which employer/employee is located has additional requirements}*

In addition to the Company's paid sick leave policy, and pursuant to and in compliance with the Healthy Workplace Healthy Family Act (HWHFA), employees will be provided with paid sick leave as follows:

- An employee is eligible for up to six days of paid sick leave if the employee has worked 30 or more days in a company within a 12-month period. For full-time workers, this works out to at least three days of paid sick leave per year. Employers must allow employees to use at least three days of paid sick leave per year. Employees are allowed to roll over accrued but unused sick leave into the following year, although employers can cap the amount of paid sick leave you can rollover at 48 hours, or six days.

4. Family and Medical Leave *{this Section may need to be modified if the municipality in which employer/employee is located has additional requirements}*

In addition to the Company's family and medical leave policy, and pursuant to and in compliance with the FMLA, eligible employees will be provided up to an additional 12 weeks of unpaid, job-protected leave in a designated 12-month leave year for specific family and medical reasons, including a serious health condition as defined by the FMLA. Eligible employees include those who have worked for their employer for at least 12 months, have at least 1,250 hours of service over the 12 month period before their leave begins, and work at a location where at least 50 employees are employed by the employer within 75 miles.

EMPLOYEE ACKNOWLEDGMENT REGARDING ADDENDUM TO EMPLOYEE HANDBOOK

I, _____ (*print name of employee*), hereby acknowledge that I have received, read, and understand the Addendum to _____'s (*insert company name*) Employee Handbook ("Addendum") that sets forth the company's practices and procedures related to COVID-19.

I agree to conform to all Company practices, policies, rules, and regulations set forth in the Addendum. I understand that my failure to follow these procedures will result in disciplinary action up to and including discharge.

I further understand that it is my responsibility to report all unsafe conditions or violations of the practices, policies and rules set forth in the Addendum to my supervisor or other management personnel in order to minimize the potential of injury to my fellow workers.

(Signature of Employee)

Date

(Signature of Supervisor)

Date

APPENDIX C – Latest Updates to Playbook

Date	Item	Link
5/6/20	CA Governor’s Executive Order for COVID-19 Workman’s comp	https://www.gov.ca.gov/wp-content/uploads/2020/05/5.6.20-EO-N-62-20t-ext.pdf
5/27/20	Post signs throughout the facility reminding employees of the need to follow safety protocols. Check local printers such as The Printery for a full assortment of signage.	https://covid19supplies.theprintery.com/login
5/27/20	Creating a 90-day tactical plan article	https://www.group50.com/90-day-tactical-plan-future-business/
5/4/21	Phase 1 is now complete. 2021 strategies implemented.	
5/4/21	Begin 90-day tactical plan	
8/2/21	Phase 2 is now complete.	
8/3/21	Begin phase 3. Modify your 2022 strategies and create your change management plan.	