

Reimagine the Workplace

Return to work has become so much more than three simple words. Thinking ahead requires thinking differently. Re-opening means being open to new ways to work and conduct business. When it comes to the brave new workplace, Jackson Lewis attorneys take being your partner more seriously than ever. We will work with you to reimagine the future of the employer-employee relationship.

Overview

In less than two months, a workplace model several centuries in the making has been rendered essentially extinct in the U.S. and globally. No single business leader or government entity has enough first-hand experience with a global pandemic to be able to say with assurance when, if ever, the way we work will resemble pre-COVID-19 business operations. COVID-19 has impacted all of us, regardless of industry, location or employer size. Employers are faced with adopting a more agile operational structure and managerial approach ready to respond to change, both medical and governmental, at a moment's notice. While getting back to business will look different for each of us, we are committed to providing guidance on the real life and practical implications of how to make that possible. Keep up to date with the latest available information and resources here.

Reimagine Your Workplace: Get Started

Whether you can re-open your workplace this week, next week or next month, you

should be planning for it now. It is an understatement to say that the range of workplace, compliance and business issues you will deal with going forward are very different from those that occupied your mind in February 2020.

The following checklist represents a high-level overview of issues to guide your thinking about how to re-open most effectively while mitigating your business and compliance risks.

Reopening orders contain extensive requirements creating compliance issues that can vary significantly depending on the specific state or local jurisdiction. Our Jackson Lewis team is closely monitoring updates and changes to legal requirements and guidance and is available to help employers weed through the complexities involved with state-specific or multistate-compliant plans.

1. Develop a Return to Work Plan

- Consider reopening and other orders specific to your state and/or county
- Procure supplies and make workplace modifications required for safe operations
- Identify individuals who will be brought back to work using neutral selection criteria
- Identify those who can continue to work remotely; consider more formal telework plans
- Determine changes to exempt status, compensation and schedules (*e.g.*, staggered shifts)
- Consider workshare and unemployment insurance implications
- Determine updates that must be made to I-9 Employment Verification Forms and E-Verify
- Anticipate unique needs of various vulnerable employee populations
- Notify employees of return to work with established dates and, if they were terminated, rehire documents

2. Implement Policies and Practices to Ensure Safe & Lawful Return to Work and New Operating Realities

- COVID-19 related protocols (screenings, medical inquiries, temperature checks, fitness for duty, use of Personal Protective Equipment (PPE), modified work practices to enhance social distancing and address infection control)
- Prepare/update existing policies to address new laws related to use of leave and/or accommodations (FFCRA leaves, state/city mandated supplemental sick leaves)
- Develop policies related to off-duty conduct
- Impose appropriate limits on business travel (domestic and international),

in-person meetings, seating proximity

- Train employees on new policies, protocols and rules
- Consider job description updates to reflect changes in job duties and essential job functions
- Consider how to adhere to regulations on changes in terms and/or conditions of employment for any employees on temporary visas
- Update immigration sponsorship policies to account for new business realities
- Create business continuity plan(s)

3. Anticipate Responses to COVID-19 Related Scenarios Upon Employees' Return to Work

- Whether an employee's health, contacts or behaviors raise safety concerns
- Employee leave requests for school closures, illness, to care for others or because they are or live with an individual in a vulnerable population
- Employees who are capable of but unwilling to work from home
- Employees who are asked to report to work but prefer to and able to work from home
- Employees who share rumors or concerns of employees or customers being sick
- Employees requesting information about another's (employee/customer) health condition
- Employees engaging in collective or other protected activity to raise safety concerns
- Non-exempt employees emailing and/or working outside normal business hours

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