

COVID-19 Return to Work Frequently Asked Questions (FAQs)

What are the Occupational Safety and Health Act (OSHA) requirements in terms of cleaning, disinfecting the workplace?

OSHA generally requires employers to recognize hazards in the workplace. The premise still applies during COVID-19. Employers must track CDC recommendations and train employees on safety measures.

For additional information, please refer to Insperity's "[Best Practices for Restarting Business Operations Following a Pandemic Event](#)".

Employers should document actions taken to ensure a clean and safe environment for employees. Likewise, communications to employees regarding the efforts to provide and maintain a clean, safe workplace should be retained as a part of the compliance thread.

How long after an employee tested positive for COVID-19 can they return to the workforce?

The [CDC](#) provided the following guidelines regarding an employee's return to work following an employee's positive COVID-19 test:

- A minimum of 3 days (72 hours) since recovery, which is defined as a resolution of fever without the use of fever-reducing medications and
- An improvement in respiratory symptoms (e.g., cough, shortness of breath); and,
- A minimum of 10 days since the employee's symptoms first appeared.

How should employers communicate who is an essential worker?

When an employer returns part of their workforce to in-person or remote work based on the "essential" nature of the work performed, it's important that the whole organization understand the objective criteria that was used to select those who are chosen to return.

Employers should carefully craft messages around the criteria used to identify skillsets and/or experience that is required when the first, or various, waves of employees return to the workplace. This communication should stress the value each employee has and the fact that the organization is looking forward to the day when the whole workforce is able to return to the environment.

What incentives can be offered for essential employees returning to work when other employees can work from home?

Any decision to offer an incentive for employees to return to the work environment should be based on objective criteria and applied unilaterally to all employees in the targeted group. It may be wise to focus incentives on actions that will align

with current business objectives and needs. The most coveted incentives will be in the form of more money, at least on a temporary basis. Other examples of incentives might include paid lunches, a one-time bonus, a grocery delivery, flexible work schedules, etc. Please contact your service team for additional information.

My essential employee refuses to come back to work, now what?

This type of issue needs to be dealt with on a case-by-case basis. Employers should emphasize that the role each employee plays is critical to the success of the organization, its impact in their community, or the broader environment as applicable. Employers should also underscore the safety precautions implemented to facilitate workers' safety.

If the employee still expresses concerns, employers should address this independently with employees to determine the underlying reason for the refusal to come back to work. There may be certain situations where the employee is protected. For individual cases, please contact your Insperity HR Specialist.

What communication needs to happen before employees are brought back to the workplace?

What if the schools are still closed when employees need to return to work?

Consider providing advance notice (e.g., one week) of the need to return to the work environment or offering transitional schedules to help employees whose child-care resources are either not available any longer, have not yet opened, or opened fully for children to return to.

What happens if an employee refuses to wear a facemask or submit to temperature checks?

It is the employer's responsibility to provide a safe and healthy workplace. Accordingly, employers are responsible for providing any necessary or required Personal Protective Equipment (PPE). Once a process for taking temperatures is established, all employees must adhere to the process.

Upon refusal, the employer should speak with the employee to determine the reason for refusal. If there are medical reasons, or the reason is otherwise protected, employers should make attempts to accommodate the employee while keeping the workplace safe.

Employees who refuse to cooperate after the employer has made cooperative attempts to accommodate may be disciplined according to your organization's policy. Clients should work with their Insperity HR Specialist in this process.

An employee who tested positive for COVID-19 previously is now having performance issues.

Now what?

Unsatisfactory performance should be handled as any other performance issue. The issue or behavior should be brought to the employee's attention and progressive discipline should be utilized as appropriate. The employee should be asked if there is anything that they need in order to perform their job successfully.

Can work breaks be staggered to reduce crowding? Can clients impose limitations on lunch gatherings?

Yes. When employers are able to reduce crowd sizes within contained spaces through scheduling efforts, those should be implemented and observed. Employees who choose not to abide by new policies and practices enacted to secure a safe work environment may be addressed and, for repeated disregard, disciplined. Clients should work with their Insperity HR Specialist in this process.

At what point can an employer test a candidate or ask about symptoms? What if the start date needs to be delayed?

The [EEOC](#) has confirmed that employers may screen applicants for symptoms of the COVID-19 coronavirus after making a conditional job offer, as long as it's done for all entering employees in the same type of job. Employers can also take an applicant's temperature as part of a post-offer, pre-employment medical exam after a conditional offer of employment.

The EEOC has also said employers may delay the start date of an applicant who has COVID-19 or symptoms associated with it. According to current CDC guidance, an individual who has the COVID-19 coronavirus or symptoms associated with it should not be in the workplace. The EEOC has also allowed employers to withdraw a job offer when a need exists for the applicant to start immediately but has reported they have COVID-19 or symptoms of it.