

Return to Work Site Toolkit

Bringing employees back to a traditional work setting

May 2020



During this unusual time, Lockton is here for you. As the world’s largest privately owned broker, we know how disruptive this time is, but we are laser-focused on one thing: partnering with your organization to walk through the challenges. Well before COVID-19, our people were empowered to go above and beyond to react to change, think creatively and achieve results. And we will be here after these times too, delivering on our promise to be Uncommonly Independent.

As businesses begin to look at returning to work sites, Lockton has developed this toolkit to partner with you in your efforts to develop and execute on a plan for your workforce.

Federal guidelines released in mid-April recommend a patchwork plan for reopening the country. However, it is important for businesses considering reentry to coordinate with federal, state and local guidelines. With COVID-19 continuing to be a threat to people’s health and well-being, employers have responsibilities to protect their workforce.

TOOLKIT TIPS:



Click on the grey underlined text to open websites for more information related to that topic and to view supplemental toolkit documents. Please note, there are several Word documents (i.e., sample letters) that will download and open up Word or remain in your temporary downloads folder.



Choose topics by browsing the colored tabs on the right side of the screen. The tab will move to left side once you’ve viewed that section. Use the Table of Contents tab or home button to return to the contents page to choose another topic.

Guidance is based on what is currently known about COVID-19 as of April 24, 2020.

It is important to develop plans in conjunction with occupational health and safety professionals, government regulations and public health authorities. Employers should always refer to CDC and OSHA guidelines for detailed return to work site guidance. Additionally, the White House has released the “Opening Up America Again” guidelines, which offers employers guidance in a three-phase approach, and WHO has provided information on getting the workplace ready for COVID-19.

This toolkit is intended to provide areas to consider. Specific decisions are unique to each business and will require additional input.

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Return to work site consideration overview topics



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Return to work site task force

To ensure a seamless transition, businesses should identify the team who will oversee all aspects of reopening the workplace. This team should include corporate and local multidisciplinary leadership to oversee the entire process and make critical decisions.

[Click here](#) for sample task force planning guide.



Considerations for reopening a work site

The decision to reopen a work site will vary for each organization and location based on industry, whether operations are considered essential or nonessential, whether employees were furloughed, if facilities were idle during the shelter-in-place period, and other similar factors. Company leaders will need to determine what is right for the business. Developing a plan for what decisions will be made at a corporate level versus a local level will help to maintain consistent messaging and policies across the organization.



To minimize your liability exposure, follow CDC guidance regarding what employees should and should not be allowed and/or required to do. Additionally, ensure you are following any applicable state or local pandemic-related orders.

If you have an employee who is hesitant to return to work, best practice is to try to work with the employee and determine a way to accomplish the goal of returning to work while reducing the employee's potential risks and exposures. Keep in mind that if an employee becomes ill due to return to work instructions (particularly where the employee has expressed concerns about safety), the employee may have a workers' compensation claim against the employer. Further, some states are providing for rebuttable or even conclusive presumptions that employees who are sickened with the coronavirus after returning to active status contracted the disease on the job.



A RETURN TO WORK SITE STRATEGY SHOULD CONSIDER OR INCLUDE THE FOLLOWING:

- Collection of data on all locations to facilitate planning.
- If the location is free to reopen based on city, county and/or state orders.
 - Track state actions to mitigate the spread as well as local city or county actions since they may differ. This could change so continue to monitor regularly. Follow the most conservative guidance between city, county and state.
 - Look for both reopen allowances and under what circumstances (e.g., tables must be six feet apart, temperature checks required, etc.). This could change regularly so continue to monitor.
- Consider the company's productivity under the current working model versus bringing everyone back on-site.
 - Pros and cons of reopening the work site.
 - Whether reopening is critical to the productivity of the business.
 - What is or is not working in the current environment.
 - The ability to stay connected with the workforce and maintain culture without bringing employees back to the work site.
 - Employees' ability to manage workload with schools and daycares closed.
 - Employees' actions if schools are not open when the work site reopens.
 - Risk to employees who commute to work (e.g., mass transit).
- Prioritize which roles need to return, including whether it's all employees or only certain positions. Consider classification of workers by OSHA exposure risk.
 - Determine expectations and a timeline for returning at 100% capacity. If not returning all employees at once, put together a predicted plan.
 - Conducting workforce planning will assist an organization with forecasting immediate and future workforce needs. The process will help HR identify gaps in the workforce, policies which need to be updated or created, and provide talent acquisition (recruiting) with human capital needs. During workforce planning, HR should also analyze the current employee population and determine what additional options besides return to work may be available for a segment of the organization's workforce. These options include job sharing, phased retirement, voluntary retirement and voluntary layoffs. Steps to include in workforce planning post-COVID-19 should include:
 - Defining the business strategy regarding human capital needs.
 - Identifying current workforce needs and forecasting future needs.
 - Identifying gaps in the workforce.
 - Determining which employee populations may be eligible or desire job sharing, phased retirement, voluntary retirement and/or voluntary layoffs.
 - Creating a strategy of retaining return to work employees and a strategy for attracting talent to fill current workforce gaps.



- Identify which employees will be returning.
 - Determine if you need to fill empty positions once occupied by furloughed or laid off employees.
 - In making return to work selection decisions, make the same analysis and take the same precautions as you would make in selecting which employees to furlough or layoff.
 - Ensure your decisions on who to bring back (or who not to bring back) are based on legitimate, nondiscriminatory criteria that can be supported. Ensure that the decisions do not create disparate impact. Note also that if eliminating a position of an employee who is on a protected leave, ensure the basis for termination is legitimate and not retaliatory or discriminatory.
 - Consider training or refresher training that may be needed, including any safety training sessions missed.
 - For previously furloughed or laid off employees, consider sending a [recall letter](#) to employees you wish to recall or rehire. Employees may have found alternative employment while furloughed or laid off, or simply may not wish to return to work at this time. Employees should be given a choice whether to accept the offer to return or reject it and have their employment terminated.
 - As well as stating all the necessary facts, take this opportunity to reassure employees about what’s changed (and what hasn’t) when it comes to their role in the organization, their salary and benefits packages (e.g., when benefits will start upon return), and how the organization will be ensuring workplace safety.
 - Identify changes to work hours as the work site reopens (e.g., staggering shifts as described in work site restructuring below).
 - Identify employees who will continue to work remotely. [Remote working guidelines](#) should continue to be followed and updated. See more information on supporting a remote workforce [here](#).
 - Decide how to address employees who say they wish to work but are not comfortable returning to the work site either due to general fear or because they or someone in their household is **high risk**. Determine what the company is willing to consider “high risk,” and what kind of proof of that risk can or will be required. If the employee is currently on a leave of absence, decide how that employee will be treated if the employee does not return. If an employee expresses reluctance to return for these reasons, but the company considers them critical or essential staff, policies need to be determined.
- LOCKTON COMMENT:** Generally, employees can only refuse to come to work if there is an imminent danger (as defined by OSHA). Being afraid of catching the virus is likely not going to suffice as “imminent danger” unless there has been an outbreak at the work location. We would advise the employer attempt to accommodate the employee, if possible, and to try to be flexible without seeking personal medical information about the member of the household if the employee claims there is a household member who is high risk.
- Develop a plan to communicate to employees about returning to the work site, including a contingency emergency communication plan for communications relating to a future crisis.



Operational work site preparedness plan

Given the effects of COVID-19, many entities ceased or reduced their operations. Organizations will need to ensure that both their facilities and equipment are prepared for the resumption of their operations.

This process should be part of an overall return to work site plan and made in preparation of their returning workforce.

A sample checklist can be found [here](#), and adapted as needed for the business.





Workplace safety and prevention plan

To ensure the health and safety of the workforce, vendors and visitors, a comprehensive plan needs to be developed and followed based on CDC and OSHA guidelines. A [workplace safety planning guide](#) can assist with developing the plan and documenting that appropriate actions are implemented.

In creating this detailed plan, we recommend the following aspects be considered for early implementation.

Work site cleaning and disinfecting

- Refer to the checklists in the [workplace safety planning guide](#) noted above.
- Consider what supplies will be needed on-site and order as soon as possible.
- Develop cleaning guidelines for all locations and spaces.
 - Ensure proper cleaning and disinfecting protocols per [CDC guidelines](#) are followed.
 - Determine who is responsible (internal staff or third party) and ensure they understand and will follow CDC guidelines.
 - Properly train all cleaning crew members.
 - Determine how disinfecting requirements will impact operations (e.g., shut down production to disinfect, between shifts).
 - If work site is shared with other businesses, understand how property management will clean and disinfect shared spaces.
- Determine how you will stock shared spaces. For example, will you provide hand sanitizer, surface wipes, tissues, trash receptacles, prevention signage, etc.?

Prevention plan

- Decide which preventive measures your company will recommend or require. Refer to the [workplace safety planning guide](#) for specific decision points.
- Determine how this will be communicated. Refer to our sample communications.

Note: Wellness funds may be available to cover the cost. Explore this option with your wellness vendor.

NOTE: Organizations may want to increase prevention efforts of anti-discrimination and anti-harassment practices, as these areas may see increased activity during or after the COVID-19 outbreak. Employers may reference the [EEOC Guidance](#), [harassment policy tips](#) and [other resources](#) to assist their efforts.



Work site restructuring

- Explore if any adaptations or accommodations are required to ensure safety and prevention protocols are followed. Refer to the [workplace safety planning guide](#) for specific decision points.

Screening and testing

- Check state and local government requirements.
- Consider regular health checks through the use of an affidavit or health screen of employees for symptoms (e.g., fever, cough, shortness of breath). Establish a means of identifying and managing employees with symptoms [per CDC](#).
- Determine if [active temperature surveillance](#) (e.g., fever screens or temperature checks) is right for your business. This includes checking state and local requirements, understanding the limitations of active temperature surveillance and how active temperature surveillance fits within a broader infection control plan.
- Establish a policy for employee testing per federal guidance (CDC, FDA and OSHA) and state and local mandates. Understand the limitations of testing methods and applicability to specific employee exposure scenarios. At the time of this writing, testing used for screening the entire workforce to return to the work site is not recommended given the lack of reliability and low predictive value of current methods for this purpose. As testing methods evolve, it is important to consider the clinical efficacy of these measures as well as the cost, feasibility and legality prior to implementing.
- Legal considerations include:
 - Ensuring all information obtained from screening or testing is maintained in a confidential way.
 - Ensuring screening or testing is conducted in a nondiscriminatory way and that employees are not inappropriately singled out.
 - Ensuring OSHA safety protocols are followed.
- Refer to the [workplace safety planning guide](#) for specific decision points and to Lockton's [FAQs](#) for more information on testing.



Travel policy or restrictions

- As COVID-19 is spreading worldwide, CDC recommends employees avoid all nonessential international travel. If they must travel, follow the recommendations in the [Global COVID-19 Pandemic Notice](#) in addition to any travel health recommendations provided on the [webpage for said destination](#) and in relevant notices. Rely on CDC [domestic](#) and [international](#) travel guidance.
- Check the CDC's recommended travel restrictions and precautions. Refer to the ["Advise employees before traveling to take additional precautions"](#) section of the CDC's guidance for employers.
- It is recommended employers take precautions when creating the organization's travel stance moving forward and review the following considerations:
 - A. *What is required?* As states begin to reopen, the orders may be updated to include special guidelines. Continue to review state orders for periodic updates.
 - B. *Would such travel violate other states' orders?* Travel may be prohibited in any place where such travel would be prohibited under the destination's state laws.
 - C. *Would such travel be in or to a "hot spot" destination?* Consider avoiding travel in or to these destinations.
 - D. *Would travel be in an area with known community spread?* "Community spread" means people have been infected with the virus in an area, including some who are not sure how or where they became infected. Travel to such areas may be avoided.
 - E. *How essential is the travel?* Work with the employee to accomplish business meeting goals while reducing the employee's potential risk/exposure. If travel is essential, or if a face-to-face meeting is the only way a meeting can occur, take steps to help the employee be as protected as reasonably possible. Keep in mind that if the employee becomes ill due to mandated travel or other mandated face-to-face meeting, the employee may have a workers' compensation claim against the employer.
- While employers may not be able to restrict employees' personal travel, employers may require a 14-day (unpaid) self-quarantine once the employee returns home.
- Educate the employee on the current risks of travel.
 - Potentially being stranded due to government travel restrictions.
 - Potentially being subject to a federally mandated quarantine when the employee returns.
 - Plan ahead to understand what precautions are put in place at the meeting site.
 - Explore safety precautions.
 - Follow CDC guidance for traveler hygiene and safety for COVID-19.



- Communicate any interim changes to company policies or practices that may impact their ability to immediately return to work, and how those policies might apply in the event an employee is stranded (or quarantined).
- To the extent the employee can work remotely, require the employee to travel with equipment (e.g., a laptop, portable internet connection, etc.) that would allow the employee to work if they are stranded due to imposed travel bans.
- Monitor those employees returning from such travel for signs of illness. Utilize the CDC’s Risk Assessment by having employees complete the assessment to determine level of risk to the workplace.
- Remind employees of social distancing requirements.
 - Large gatherings or maximum meeting size.
 - In-person meetings (eliminated, discouraged, or thresholds set on group size?).
 - Consider holding all meetings and conferences virtually whenever possible.
 - Public transit.
 - Carpooling restrictions.
 - “Essential business” definition.

Mass/public transit guidance

- Many employees rely on mass transit to get to a work site. Avoiding public/mass transit is not a specific CDC or WHO recommendation for those who are not manifesting symptoms at this time. Consider whether or not you will leave this to the employee’s discretion.
- Decide if there are accommodations that can be provided in locations where mass transit is common, including parking subsidy, Uber/Lyft reimbursement, bike racks, etc.
- Educate employees to follow general preventive measures to keep themselves safe.

Treatment of employees who become ill or exposed

- Establish clear guidelines for the treatment of employees who are showing symptoms, diagnosed with COVID-19 or say they were (or you are aware they were) exposed to someone with COVID-19. Refer to the workplace safety and prevention guide for how to prepare for and address these situations.



Return to work procedures

- Establish a policy regarding when employees who have been ill with, or exposed to, COVID-19 may return to work.
- The policy should follow CDC guidance regarding how long employees should self-isolate if potentially exposed and, if an employee is exhibiting symptoms or is diagnosed with COVID-19, how long the employee should self-isolate after symptoms subside. Follow the local public health authority's orders, which are legal requirements, for employees identified for quarantine or isolation. Clinical laboratories are required by law to report positive test results to the appropriate public health authority for containment and contact tracing.
- Medical documentation:
 - A physician's release to work should be requested for employees who are confirmed to have COVID-19. A copy of the COVID-19 test report is not necessary. If received, keep the report confidential and not in the employee's personnel file.
 - For employees who are suspected of having COVID-19 and do not see a medical provider, at a minimum, follow CDC guidance on when to discontinue home isolation.
- Employers can require documentation that the employee is fit for duty (i.e., fit to return to work), typically used for workers' compensation-related events, from a healthcare provider. Due to demands on clinicians during COVID-19, alternate forms of validation should be accepted.
 - Develop and/or revise a process for reasonable accommodation request documentation requirements in line with federal, state and local laws to mitigate risk and protect the health and well-being of others and the returning employee. Employers can reference this document from the EEOC guidance.
 - Engage in the interactive dialogue process required by ADA.
- The CDC provides different recommendations for critical workers.



Cyber security

- Be mindful of privacy regulations. Collecting health data, like temperature, and tracking afflicted employees and customers carries certain protection and disclosure requirements due to federal laws like HIPAA and state privacy laws.
- Prevent employees from using personal computers and hardware on company networks.
 - If personal computers must be used:
 - Install Network Access Control protocols to ensure personal equipment does not introduce new cyber risks.
 - Ensure adequate endpoint detection and response protocols are in place.
 - Ensure all available software patches have been applied.
- USB storage devices that may have been used by employees working at home can introduce risk.
 - Create a safe way for employees to copy relevant files from personal devices.
 - Implement and enforce USB device control to prohibit use of USB storage devices on company networks.
- Instruct employees to securely delete any company or customer information that may remain on personal computing equipment.
- Inventory software on personal or company computers that may have been installed while employees were working from home to determine the risks it may present.
- Employee passwords may have intentionally or inadvertently been compromised while employees worked from home.
 - Require passwords to be changed when employees return.
- As a potential cost-saving measure, consider whether software licenses obtained to facilitate working from home are still needed.
- After an extended period of working at home, employees should be refreshed on the company's cyber security policies and procedures.
- All employees need to be alert to phishing emails that concern return to work matters.
- In case of information technology and information security budget cuts, look to Lockton and cyber insurance carriers for free and discounted resources and tools.
- Review of all individuals who have access to critical applications.
- Confirm all users still require access to those critical applications.
- Revoke access for any individual or vendors that do not require access.
 - Identify all remote access accounts to all systems and applications (vendor risk management).
 - Confirm all remote accounts still require access to systems and applications.
 - Request an updated list of contractors from your vendors that are still employed.
 - If any of your previous contractors are no longer with the vendor, revoke their access immediately.
 - Revoke access for all remote accounts that do not require access.



Business continuity program

Once employees return to the work site, review the business continuity program (BCP). The BCP should be updated accordingly based on the outcomes and lessons learned through this pandemic.

Examine all facets of the business (e.g., IT infrastructure, software and video conference platforms, remote work policy).

See [Lockton's article](#) on maintaining an effective plan.





Leave policies considerations

For the past several weeks, employers have been working through how to navigate current time off and leave programs through issues presented by COVID-19. At some point, the pandemic will subside, and employers will need to be prepared for other issues that may arise given the circumstances.

- Review leave policies, including sick leave and vacation time, and determine if changes should be made going forward. Ensure any changes are in line with applicable federal, state and local laws.
 - A number of jurisdictions with existing statutory sick leave laws have expanded those laws to allow employees to take that leave for COVID-19-related reasons or have otherwise provided guidance as to how the law should be applied with respect to COVID-19-related absences.
 - Several jurisdictions have passed brand new laws requiring employers to provide COVID-19-specific paid sick leave to employees.
- Determine if protections under the Families First Coronavirus Response Act (FFCRA) apply to your workforce. If so, adapt policies as needed.
- For employers not eligible for FFCRA, consider how common scenarios will be administered with paid or unpaid leave, such as:
 - No school or child care available due to COVID-19.
 - Employee displaying symptoms or otherwise ill.
 - Employee is caring for a family member with COVID-19.
 - Employee cannot work (or telework) due to themselves or family member being a high-risk status for severe illness from COVID-19, as noted by the CDC.
 - Returning from travel (personal, work travel, etc.).
- If you currently allow carryover to be placed in an extended leave bank or extended illness bank, consider allowing employees to use these hours if having to stay home due to child care constraints and caregiving responsibilities.
- Leave donation or leave sharing programs allow employees to donate accrued paid time off (PTO), vacation or sick leave to a general pool. The IRS has issued [specific guidance](#) for the tax treatment of a leave-sharing arrangement that permits employees to donate PTO/leave/vacation time in an employer-sponsored leave bank for use by other employees adversely affected by an event declared a major disaster or emergency by the President and have exhausted all paid leave available to them. Employers considering implementing one of these leave-sharing programs should first confirm that no state tax or leave law in the jurisdiction in which they operate would impact their ability to do so.



Time off considerations

Employers should consider the aftermath of PTO or vacation benefits in light of state and local orders to stay at home, limiting travel, etc. According to Lockton's HR Trends Report, 85% of organizations providing PTO benefits limit the accrual by either limiting maximum banks to a specified amount (63%) or having a "use-it-or-lose-it" policy with no carryover (22%). Unless employees have used such PTO or vacation benefits during this pandemic, it is likely employers will need to consider amending PTO policies to address these situations.

Specific questions employers should consider may include:

- How will we manage if or when several of our vacation-starved employees want to take their PTO/vacation at the same time?
- Can (or should) we limit or restrict employees from taking PTO?
- Can (or should) we force employees to take PTO while confined to their homes during the pandemic? Given the reported benefits of time off, will those benefits be realized through "staycations" given the current circumstances?

Most handbooks or written policies reserve the right to change those policies at the employer's discretion. Subject to applicable law in your jurisdiction, employers should consider whether they can and should modify their policies to account for post-pandemic business needs.

The following may be appropriate depending on the employer's specific circumstances:

- Establish fixed or conditional blackout dates during anticipated busy times, during which employees would be prohibited or limited from taking PTO/vacation.
- Consider giving priority to "essential" employees who continued to work during the pandemic or those who continued to work remotely full time during the pandemic.
- Extend the deadline for use-it-or-lose-it PTO/vacation programs (e.g., if employees are currently required to use their vacation within the calendar year, consider extending that to March 31, 2021 or a later date, giving employees more time to use the PTO/vacation once things return to "normal").
- Establish a max on PTO hours that will carry over into 2021, consistent with applicable state or local laws.
- Limit, defer or halt the future accrual of PTO benefits that are in excess of what is legally required.
- Offer payout of accrued but unused PTO, such as at the end of 2020.

COMMUNICATE TO EMPLOYEES AND TRAIN MANAGERS

We recommend any changes are communicated to employees and managers as soon as reasonably possible.

See [sample communication](#).



Employee benefit considerations

ACA eligibility and waiting periods, and HSA contribution issues

- Ensure clear understanding of welfare benefit plan eligibility rules, what result those rules deliver for employees returning from paid leave of absence, unpaid furlough or layoff, and if those results are not what is intended for the employees, consider what plan amendments might be necessary to deliver the results the employer wants with respect to employees' eligibility. Where eligibility is tied to ACA full-time status:
 - There is typically little consequence to placing an employee on paid leave, because the paid hours count for full-time employee determinations under the ACA employer mandate.
 - Unpaid furloughs typically won't affect eligibility during a current initial or standard stability period but will affect the employee's average hours of service per week in the current initial or standard measurement period. Employers not wishing to allow an unpaid furlough to affect eligibility in an ensuing stability period could amend the plan to provide for deemed hours of service (the hours the employee would have worked but for the furlough).
 - Layoffs will trigger an immediate loss of eligibility and termination of coverage and require an offer of COBRA. The layoff will affect the employee's average hours of service per week in the current initial or standard measurement period. Employers not wishing to allow a layoff to affect eligibility in an ensuing stability period, upon the employee's return, could amend the plan to provide for deemed hours of service (the hours the employee would have worked but for the layoff).
 - Unpaid furloughs and layoffs (periods of no paid hours) of 13 weeks or more (26 weeks or more for educational organizations) allow the employer to treat the employee as a newly hired employee for ACA employer mandate purposes. Breaks of less than that do not. Thus, for example, if an ACA full-time employee is on unpaid furlough or layoff for 10 weeks and returns in the same stability period in which the layoff began, the employee returns as an ACA full-time employee and should receive a prompt offer of coverage, or the employer risks an employer mandate penalty.
 - For more detailed information about the eligibility and ACA employer mandate consequences of various periods of paid leave, furloughs and layoffs, see [eligibility and waiting period considerations for return to work](#).
- Consider, in hindsight, the advantages and disadvantages of a decision to place employees on paid leave, furlough or layoff with respect to the consequences for their benefit plan eligibility, and plan now to modify plan eligibility and waiting period rules to prepare for the next large-scale, crisis-induced mass furlough or layoff situation.
- Some employers commit to making periodic health savings account (HSA) contributions on behalf of employees. For example, some employers may make monthly, quarterly or semi-annual seed or matching contributions. Unless the employer has an HSA contribution policy that addresses these commitments, issues will arise over the employer's obligation to make these contributions on behalf of employees on paid leave or furlough.



Plan design

Reevaluate any temporary plan changes made during the pandemic to determine if they should continue through the 2020 plan year and develop communications around this for employees (e.g., covering COVID-19 testing with no cost sharing, preauthorization or medical management, covering COVID-19 treatment with no cost sharing, etc.). Notify stop-loss carriers of any changes.

Care management

Many vendors have relaxed precertification and case management requirements during this period. Verify with plan administrators on when and if these programs will return to normal processes and inform stop-loss carriers of any changes.

Health and dental budget

COVID-19 has changed the utilization of medical and dental services, delaying nonemergent and elective care with some services potentially being eliminated altogether. For self-funded plans, this could have an impact on cash flow and the next plan year's budget. Finance may want to adjust current and future budgets based on actuarial projections. For fully insured plans, this may have an impact on premiums for the current and coming year. Lockton can help evaluate the potential impact.

Virtual care

Telemedicine and virtual care have quickly become important tools in caring for employees while keeping clinicians safe during the COVID-19 pandemic. Telehealth uses video chat, text messaging or even a simple phone call to allow medical staff to ask specific questions and gather information to find out whether care is urgently needed, or if a person can continue to self-monitor symptoms at home while recovering. It can also be used for regular check-ins during recovery, as needed. Expansion of telehealth and licensing waivers across state lines have been granted to ease access during times of high demand.

As employers look at the future needs of the workforce during the chronic phase of COVID-19, virtual care will continue to play a critical role. To ensure this benefit delivers, consider the following:

- Leverage increased awareness/adoption to promote continued utilization.
- Continue to communicate the benefit and services offered.
- Consider current cost share for virtual care visits.
- Consider expanding virtual care to include behavioral health and chronic condition management.
- Revisit telemedicine and virtual care partners to align with future-state in virtual care expectations.
 - Determine if the service model is a match for workforce needs (telephone, video, text/chat).
 - Determine if the company will continue, if doing so now, to offer telehealth/virtual medicine access to employees not enrolled in the major medical plan, to the extent compliant with applicable law.
 - Review vendor capabilities related to a virtual first strategy, including expanded virtual care services versus traditional telemedicine.
 - Understand virtual care options for general/primary care, specialty care, behavioral health and chronic condition/high risk member support.
- Understand telemedicine vendor's capabilities around return to work certification.



Emotional health

It is inevitable the global pandemic, compounded by its economic impact, will result in a significant emotional and mental strain on society. Employers must consider the spectrum of ongoing emotional and mental health needs and make available the respective resources to support workforces. These may include preventive or coping measures (stress reduction, mindfulness, resilience, etc.), acute situational measures (hotlines, crisis support, etc.), and clinical treatment (access to in-person and/or virtual therapy, medication coverage, etc.). Employers should acknowledge that emotional and mental health needs are not linear. The importance of these types of offerings have become apparent during this pandemic and need to remain an inherent component of core benefit offerings moving forward.

- Initiate or accelerate efforts to reduce associated stigma.
- Take inventory of existing emotional and mental health benefits and consider implementing enhancements or new programs to address any gaps that may exist.
- Promote available resources (employee assistance programs, carrier, telehealth, well-being, or other ways to cope during uncertain times).
- Consider offering resiliency skill building training for employees.
- Consider offering mental health first aid training to managers and supervisors.
- Consider innovative ways for accessing professional support (e.g., 24/7 real-time care, app-based technology, virtual visits, etc.).
- Make available and promote screening and treatment resources for mental health conditions and substance abuse.
- Communicate the availability of clinical support for conditions such as anxiety, depression, substance abuse, and other mental health conditions. Address the effects of those impacted by unemployment, furloughs, income loss, etc. and communicate available support.
- Consider plan design enhancements to encourage the utilization of behavioral health related services.
- Continued transparency and communication efforts related to the ongoing effects of COVID-19.
- Encourage managers and supervisors to be flexible and accommodating to caregivers as that can be one of the biggest stressors for employees.



Wellness / Well-being program

The COVID-19 pandemic caused many employers across the country to move their workforce to a remote work environment. Additionally, due to the highly contagious nature of the coronavirus, it is currently recommended individuals access care through remote options, like telemedicine, instead of physically going into a medical care setting, unless necessary.

These changes to the workplace and healthcare landscape have posed challenges in administering many standard wellness programs. Employers often require completion of an on-site biometric screening and/or wellness and preventive exams to earn incentives. In the absence of employees being physically present in the workplace and being able to go to their personal doctor, it may not be feasible for these requirements to be met. With the pandemic being a fluid situation, it is not clear at what point it may be possible to move forward with these types of activities.

- Continue to encourage and promote physical activities that can be completed at socially safe distances.
- Encourage use of wellness platforms for online learning such as healthy eating, tobacco cessation, mediation, etc.
- Employers should evaluate their current wellness program design to determine if changes may be necessary to certain program elements (e.g., biometric screenings, in-person health exams, etc.) required to earn an incentive or “complete” the program.
- Employers who have a wellness program in place might consider:
 - Extending wellness program timeframe (e.g., 18 months to qualify for incentive).
 - Changing incentive design (e.g., remove requirements for biometrics and wellness/preventive exams; replace such requirements with other activities that can be done remotely or via technology platforms).
 - Grandfathering prior year program completion for current incentives.
- Employers looking to implement a wellness program should consider a program design that does not require completion of biometric screenings or wellness/preventive exams.

Although it is highly encouraged to incentivize preventive care, annual physicals and biometric screenings through wellness programs, in the current environment of COVID-19, employers should be nimble and consider incentivizing alternative activities that promote health and well-being.



Community social determinants

Social determinants of health (SDOH) are the conditions in the places where people live, learn, work, and play that affect a wide range of health risks and outcomes. With the COVID-19 outbreak, these factors have impacted a wide variety of populations, especially groups that are at greater risk for housing, job and food insecurity. With social distancing and shelter-at-home orders, social interactions and sense of community have also been disrupted resulting in new and potentially isolating ways of conducting work and everyday activities.

Providing information and resources to address SDOH may significantly improve the overall well-being of individuals by enabling better utilization of available benefit programs and resources, as well as facilitating the use and navigation of community resources.

- Based on demographics, identify employee populations that may be of greater risk or need.
- Identify benefit and well-being programs and resources that support the categories of SDOH (housing and transportation assistance, financial resources, childcare assistance and resources, behavioral/mental health resources, affordable food options, legal assistance and career development).
- Communicate and promote availability of resources, including how to access and who to contact for assistance.
- Identify and partner with local community resources and promote those services.
- Educate and encourage safe social connectedness activities.
- Investigate creative solutions within the organization (e.g., leave donation, employee food drive, emergency loan program).
- Educate managers and supervisors on SDOH and the resources available to all employees.
- Reassess the workforce's SDOH needs and promote resources before and as employees are returning to work.
- Inquire about current vendors and community partners (e.g., EAP, retirement savings plan, local food bank) regarding capabilities and resources to support employees as they transition back to work.



Retirement program considerations

While retirement plans are not typically impacted by location, taking social distancing measures interrupted fiduciary processes for many employers and, for some, impacted the business to the point of shutdown and plan termination.

In addition, going back to more normal business routines may generate new administrative issues, such as managing plan rules for furloughed employees' return to work. To avoid long-term ramifications, all these items should be addressed quickly.

This portion of the toolkit addresses how to correct the most common delays, manage anticipated plan administration issues, and, if necessary, terminate a plan. It also highlights areas that require immediate remediation and some that can be managed over time.



Primary considerations for sponsors of defined contribution, defined benefit and executive benefits plans include:

- Addressing delayed fiduciary processes.
- Updating plan administration procedures.
- Managing plan terminations, if applicable.
- Other opportunistic considerations such as:
 - CARES Act provision implementation.
 - Cost reduction options.
 - Employee communication.
 - Pension derisking.
 - Investment performance reviews.

Access details about these retirement plan considerations [here](#).



Business insurance consideration

As workers, customers and visitors reenter facilities, sound risk management techniques should be utilized for the proactive safety of individuals and the protection of the organization.

Inclusive of the safety and preparation listed in this guide, entities should follow proper investigation and documentation techniques for injuries and damages which may occur. All potential losses should be reported by organizations to their applicable insurance policies in a timely manner.

More information on COVID-19-related coverage and claims consideration can be found in the following resources:

[Coronavirus Insurance Coverage and Claim Guidance](#)

[Property Business Interruption and Civil Authority COVID-19 Claim and Coverage Guidance](#)

[COVID-19 and Employment Practices Related Claims](#)

[Employer Liability Coverage and Strategy Guide](#)

[Managing Workers' Compensation for Remote Workers](#)

[Cyber Risks and COVID-19 Pandemic](#)



Career planning

Recruiting and hiring

Due to COVID-19 and the ensuing economic contraction, experts have forecasted the unemployment rate to reach 20%, the highest level since the Great Depression. The pandemic has caused many businesses to close their doors or to significantly downsize, thus making it unlikely employees will return to their former employer. The result will be more candidates applying for positions, resulting in added stress on organizations recruiting and hiring post COVID-19.

IN ORDER TO STAY AHEAD OF THE CURVE AND ENSURE THE RIGHT CANDIDATES ARE SOURCED, SCREENED, ONBOARDED AND ORIENTED, ORGANIZATIONS NEED TO:

- Implement or review current applicant tracking system (ATS).
 - If an organization has yet to implement an ATS, it is recommended they begin sourcing potential vendors now. This ensures candidates experience ease in applying for jobs, recruiters have a single source to find and assess candidates, and employers can electronically track and provide all required documentation to stay compliant.
- Invest in virtual interviewing technology.
 - In-person interviews, conference calls and standard face-to-face meetings have now shifted online. Therefore, HR and talent acquisition need to reevaluate or leverage technology, including investing in video interviewing.
- Reevaluate or implement candidate assessment tools.
 - Due to the number of candidates that will be applying for jobs, it is critical to have candidate assessment tools that assist in determining if a candidate possesses the right skills and behaviors for the job. Technical skills and behavior assessments will assist in ensuring which candidate is the best fit for the role and the organization.
- Evaluate options for workforce needs such as:
 - Job-sharing
 - Voluntary retirement (attrition program)
 - Reallocation of existing employee with transferable skills



- Ensure compliance with federal and state laws when hiring, recalling or terminating positions:
 - Older Workers Benefit Protection Act
 - Age Discrimination in Employment Act
 - Worker Adjustment and Retraining Notification (WARN) and state “mini” WARN Acts
 - EEO disparate impact analysis
 - Employment separation agreements
 - Accrued paid time off

Performance management

Currently, COVID-19 has required managers to ensure the safety of employees, communicate more frequently and set objectives and deadlines to drive performance. Post-COVID-19 will not change the need for employees to perform. What will and has changed is the frequency of which managers communicate with employees regarding performance. A return to work strategy should include the following:

- Review of current performance management/appraisal process, documentation and platform.
 - Annual performance reviews/appraisals may need to be changed to, at minimum, biannual or quarterly performance touch base meetings. As a first step, consider delaying the annual performance review process if these are scheduled for spring/summer. Organizations should update current process and documentation to ensure employees receive more frequent feedback regarding performance.
- Review and update performance improvement or disciplinary action documentation.
- Train managers and supervisors on performance management.
 - Ensure all managers and supervisors are trained on how to conduct performance reviews, submitting required documentation and the importance of tracking an employee’s performance.



Culture

As work sites being to reopen, it is vital to ensure company culture remains in place. This allows employees to readjust to their “new normal” faster.

SOME CONSIDERATIONS INCLUDE:

- Embed post-COVID-19 organization identity, employment brand and leadership expectations in communications, systems, processes and programs.
- Listen to and “sense” employees’ needs, concerns and sentiment.
 - Hold town halls and solicit employee questions ahead of the events.
 - Conduct pulse surveys.
 - Monitor continuous listening platforms.
 - Monitor organization network analysis data.
 - Encourage managers/leaders to meet frequently with their teams and individual team members and provide timely questions/topics to cover in these meetings.
- Continue to promote communication throughout the organization and teams.
 - Prompt managers/leaders to continue having frequent one-on-one and team touchpoints to discuss questions, concerns, updates and suggestions to help manage return to work transitions.
 - Encourage leaders to communicate with transparency, compassion, authenticity, purpose and direction, whether in group or individual settings.
- Continue to emphasize virtual work communication habits (frequent face-to-face or voice-to-voice touchpoints) to keep virtual workers connected to colleagues who may be returning to the work site.
- Establish and promote awareness of support and resources for employees and families who continue to experience COVID-19-related disruption during and after returning to work.
- Consider planning return to work celebrations.
- Determine motivation and recognition strategies and investments to support the transition back to work.
- Consider starting or increasing investments in an [employee crisis fund](#).



Employee communications

- Sample recall letter
- Sick worker instructions
- Fit for duty
- Sample time-off communication
- CDC print-ready posters
- SHRM sample visitor health screening form
- Exposure notification letter



CLICK TITLE TO DOWNLOAD SAMPLE COMMUNICATIONS.



Supplemental information



CLICK TITLE TO DOWNLOAD SUPPLEMENTAL
INFORMATION DOCUMENTS

[Active temperature surveillance](#)

[Data privacy security checklist for
remote employees](#)

[Face covering recommendations](#)

[Managing eligibility](#)

[No-touch thermometers](#)

[Restarting business operations](#)

[Restarting operations checklist](#)

[Retirement plan considerations](#)

[Return to work site cleaning list](#)

[Return to work site data collection](#)

[Return to work site supply list](#)

[Sample task force planning guide](#)

[Teleworking policy considerations](#)

[Tracking methods](#)

[Understanding your employer's
liability coverage](#)

[Workplace safety planning guide](#)



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