Returning to Work: Frequently Asked Questions

Q: When my doors officially open, do I need to bring all employees back to work?

A: No, it is recommended that you do not. If employees can perform their work from home without any disruption to the operation, it is best to allow them to work from home for now.

Q: If my business is determined to be an "Essential Business" are all employees permitted to work at the business location?

A: No. Only those employees that are needed to provide the products and services that are essential are permitted to work at the business location. "Essential Businesses" are still required to utilize telecommuting or work from home procedures to the maximum extent possible.

Q: How do I decide which employees should be brought back to the office first?

A: Your decision should be based on company necessity. Review your current business needs closely and carefully to properly identify those employees whose functions cannot be completed at home and are deemed essential functions of the business. It is best to only bring employees back to the office that are essential to continue/resume operations and that work cannot be performed remotely.

Q: What if some of my employees do not want to come back?

A: This will have to be handled on a case by case basis. If an employee does not want to come back to work, you should determine the specifics of the situation. For example:
- Are they sick? (They may be entitled to paid sick leave)
- Do they need to care for a family member or child? (They may be entitled to family leave)
- Are they simply scared? (There is no legal law that protects the employee if he/she does not want to go back to work simply because they are nervous about the situation.)

Q: Can I terminate employees who do not wish to come back?

A: Terminations should always be a last resort, but if you offer them their job back and they choose not to come back and their refusal is not covered by one the state/government mandates, that would be considered a resignation. So yes, you could terminate and should notify the employee of the impact on any unemployment benefits they may be receiving. (If they refuse to come back after their job is offered, you will need to notify your state's DOL and terminate their unemployment benefits.)

Q: Which company policies should be reviewed/updated prior to resuming regular operations?

A: Be sure to review the policies like the ones below to ensure they address the current operating environment:
- Sick Leave
- WFH
- Wellness Plans
- Visitors
- RTW after Exposure/Infections

Q: Can I check my employee's temperatures without having workplace discrimination?

A: Yes, you can. The EEOC gave the green light. They have come out with guidance that does allow you to check employee's temperature before entering the building or returning to work without causing any workplace discrimination. Since temperature checking is considered a medical exam, confidentiality of this information becomes critical.

Q: What trainings should we be conducting to assist in the transition?

A: Consider training employees on workplace safety measures to prevent confusion or misunderstanding and increase likelihood of compliance. Offer training that highlights the importance or wearing a face mask, abiding by social distancing rules, and personal hygiene responsibilities, and work-station cleanliness.

Q: What are your recommendations for social distancing with a full staff in the office?

A: If you are operating with full staff, it is important to update your policies and training regarding social distancing in the office. You may wish to consider strategies such as alternating employee schedules, limiting shared areas (kitchens, breakrooms, conference rooms etc.) or revisiting floor plans for physical changes to help with your staff's ability to maintain social distancing.

Q: How can we stay up to date with the day to day changes?

A: You can refer to Compass's COVID-19 resources page as well as the CDC, EEOC, DOL, Payroll providers and organizations like SHRM.