

Employer Policy/Consideration Checklist – Pandemic Plan

Initial Planning

- Organize a planning team
- Designate an executive team member as point person

Recruiting and Hiring

- Make arrangements for remote interview options
- Develop exposure screening questions for in-person interviews
- Train employees on safety protocols (e.g., no shaking hands, communications with recruits)
- Train employees to avoid bias against national origins related to high-risk areas
- Understand the scope of permissible pre- and post-offer questions related to exposure
- Reduce or eliminate temporary hiring

Education and Awareness

- Inform employees about how to prevent spreading disease
- Advise employees to stay at home when sick
- Place posters to reinforce messages (see, e.g., the Centers for Disease Control's [printable materials](#))
- Advise caution regarding shaking hands

Environment

- Maintain supplies of hand sanitizer and disinfecting wipes
- Frequently clean and disinfect doorknobs, counters, light switches, other touch points
- Perform specialized cleaning of areas where any infected employee has been

Visitors and Onsite Vendors

- Request information regarding recent travel
- Request information regarding symptoms related to COVID-19
- Understand and utilize permissible screenings
- Implement remote work policies for onsite vendors
- Restrict nonessential visitors

Workplace Presence

- Develop or expand voluntary work-from-home policies
- Develop mandatory work-from-home policies
- Consider issues for non-exempt employees (e.g., no required pay for time not worked)
- Consider how to respond to employees who refuse to report to work or attend events due to exposure fears

- Utilize teleconferences or videoconferences instead of in-person meetings
- Minimize or eliminate nonessential events
- Eliminate any requirements for a doctor's note to justify an absence

Workplace Function

- Plan for absence coverages
- Plan for reassignment of essential duties
- Arrange for staggered work schedules where possible
- Establish temporary succession planning
- Establish contingency plans for temporary workers
- Plan for the redistribution of duties

Travel

- Implement inquiries regarding personal travel to affected areas
- Restrict nonessential business travel
- Develop provisions for employees who become ill during business travel
- Consider investing in (additional) business travel insurance

Evaluation of Employees

- Prepare a script (jointly with legal counsel) for inquiries regarding symptoms
- Consider (jointly with legal counsel) taking temperatures in event of pandemic
- Communicate policies with employees in advance
- Send home employees with symptoms
- Prepare a script for communications with coworkers who have been exposed
- Send home coworkers who have been exposed
- Identify a procedure for self-reporting exposure by travel, family member, etc.
- Do **not** request health records from the group health plan or make disability inquiries

Leave Policies/Procedures

- Identify flexibility in leave policies
- Consider expansion of eligibility for approved leaves

Compensation

- Understand payment requirements for exempt employees
- Understand payment requirements for non-exempt employees
- Consider paid time off when employee is not otherwise PTO eligible

Determine pay policies for quarantined employees

Group Health Plans

Consult with legal counsel regarding any disclosure of an employee's health information (see the Department of Health and Human Services' [HIPAA bulletin](#))

- Consider expanding access to HIPAA-compliant telehealth services
- Consider and consult an employee benefits attorney regarding waiving cost-sharing requirements for testing
- Consider expanding coverage for off-formulary prescription drugs in the event of supply shortages
- Understand and plan for the repercussions of coverage loss due to quarantine or workplace shutdown for plans that base eligibility on hours of service
- Consider to what extent expatriate employees may need additional coverage

Other Employee Benefits

- Review contracts with employee benefits vendors for force majeure clauses and governing law that permits reliance on a doctrine of impossibility or frustration
- Consult employee benefits counsel to determine whether a hardship distribution to an affected employee is permissible under your 401(k) plan
- Anticipate changes in 401(k) plan investment options or deferral elections given market volatility

Immigration

- Review where expats are located on assignments and consider if they should be moved back to home countries
- Review visa expiration dates and determine if those visas will be able to be timely renewed in light of limited consulate services and/or limited travel policies
- Review international assignments scheduled for the upcoming months and determine if they will be able to proceed
- Consider H-1B required wage compliance if "benching" employees
- Consider H-1B required wage compliance if H-1B workers request time off

Union Issues

- Consider whether any policies or changes require bargaining
- Coordinate with union representative to discuss contingency planning

Layoffs and Shutdowns

- Understand legal prohibitions on employee termination (e.g., FMLA, USERRA, ADA approved leaves)
- Prepare for potential WARN Act implications
- Determine required and discretionary severance for employees
- Determine required and discretionary continuation of health care benefits (e.g., COBRA)
- Outline a plan for bringing employees back to work