

## 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