

## Getting Vacc to Work

A Guide to Returning to In-Person Work  
Amid Easing Pandemic Restrictions

Presented by  
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## Today's Presenters





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## Assess Business Needs

- Are employees effective from home?
- Assess workspaces: Is social distancing possible for all?
- Laid off employees needed?
- Furloughed employees?
- Job restructuring necessary?

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## Who to Return to the Workplace?

- Consider:
  - Childcare needs/issues
  - Ability to do job from home/remotely
  - Accommodation needs/requests
    - High-risk employees who ask for accommodation

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## Who to Return to the Workplace?

- Furloughed workers – Determine if recalling based on current business conditions, otherwise layoff/terminate after considering:
  - WARN
  - Disparate impact
  - Potential for discrimination claim
  - Severance/releases

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## Who to Return to the Workplace?

- Base decisions on job function, seniority or other non-discriminatory factors.
- Positions needed.
- Document analysis that goes into decision making.



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## Communicate

- Emphasize the positives of in-person return.
- Emphasize safety precautions or that they will be in place.
- Invite feedback to specified person.
- Anticipate concerns and develop responsive messages.

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## How to Return Employees

- Gradually bring back groups?
- Determine status of each employee:
  - In-person full time
  - Rotating schedule part-time in-person, part-time remote (indefinitely or permanently)
  - Full-time remote

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## How to Return Employees

- Update/draft a MIOSHA compliant Return to Work Plan, including COVID-19 safety precautions
- Assess/reconfigure workspaces, if necessary

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### CDC – May 13, 2021

- Fully-vaccinated people no longer need to wear a mask or physically distance in any setting, except where required by federal, state, local, tribal or territorial laws, rules and regulations, including local business and workplace guidance.
- Fully vaccinated with no symptoms and no known exposure exempted from routine screening programs.



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### CDC – Unvaccinated People

- Continue practicing everyday preventive actions:
  - Proper mask wearing
  - Social distancing of six feet apart
  - Avoid crowds and poorly ventilated areas
  - Wash hands often
  - Sanitize and disinfect often



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### MDHHS – May 15, 2021

- Fully-vaccinated individuals do not need to wear masks indoors or outdoors.
- Continues gathering restrictions and contact tracing under certain conditions
- No longer enforce face mask requirement outdoors
- If fully vaccinated, no mask indoors.



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## MIOSHA as of May 19, 2021

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- MIOSHA is in the process of reviewing both the emergency rules and drafting permanent rules.
- Continued requirement for masks when employees cannot maintain six feet of social distancing, or in common areas, regardless of vaccination status.

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## MIOSHA

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- MIOSHA will soon post updated workplace rules reflecting the **CDC's recent guidance on face masks for fully vaccinated people.**
- Until then, MIOSHA will consider compliance with the MDHHS order as good faith to comply when responding to employee complaints or conducting investigations related to COVID-19.

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## How to Return Employees

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- Communicate plans several weeks ahead of time
  - Safety plans - Social distancing, personal hygiene, social distancing, PPE, regular cleanings
  - In-person/remote schedules
  - Return of company property taken home

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## How to Return Employees

- Send offer letters to furloughed employees outlining terms and conditions of return:
  - Offer
  - RTW date
  - Changes to employee’s position since furlough
  - Position/pay/exempt/non-exempt status

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## How to Return Employees

- Benefit information/impact of furlough
- Provide policies for requesting accommodations and any new policies, especially regarding return to the workplace.
- Any retraining requirements?
- Contact info for HR.

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## How to Return Employees

- Communicate to each employee whether they will be expected to:
  - Return to the office/workplace full-time
  - Rotate on a set schedule part remote part in person work
  - Continue working remotely indefinitely/ permanently

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## How to Return Employees

- When reasonable accommodations request is made...
  - Interactive process

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## How to Return Employees

- Update policies.
- Remind employees of relevant policies.
  - Dress code
  - Security
  - Breaks/lunches
  - COVID-19 screenings each day

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## Return of Employees

- Enforce testing/symptom assessment protocols.
- Quarantine policy for those with symptoms, positive test and/or exposure:
  - Follow CDC guidelines
  - Follow PA 339 of 2020
  - Masks or no masks
  - Allow in-person meetings/no meetings?



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## Vaccinations

- Can mandate:
  - Is it appropriate/necessary for your workplace?
  - May be hard to enforce.
  - Pay or not for time off for mandated vaccines?
  - Do not obtain anything but proof of vaccine (i.e., no other medical info).

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## Vaccinations

- Encourage voluntary vaccinations.
- Offer incentives - not too much and follow EEOC guide.
- Must accommodate and can't discriminate against disabled and those with bona fide religious objections.
- Keep proof in medical file.



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## Questions?



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# We Want to Hear From You!



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# Today's Presentation

**Events**

**Register Now - Getting Vacc to Work Employment Webinar**

A Guide to Returning to In-Person Work Amid Easing Pandemic Restrictions

**Zoom**  
05/20/2021 | 8:30 am to 9:30 am

[RSVP to Event](#)

**Share**

**Getting Vacc to Work**  
A Guide to Returning to In-Person Work Amid Easing Pandemic Restrictions

**Getting Vacc to Work**  
A Guide to Returning to In-Person Work Amid Easing Pandemic Restrictions

Date: May 20, 2021

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# The Sophisticated Employer Blog



**THE SOPHISTICATED EMPLOYER BLOG**  
Your legal resource for workforce management

**Subscribe**

**'VACC To Normal' Means Back to the Office for Michigan Starting May 24**

Michigan to allow return to in-person work starting May 24 as state reaches COVID-19 vaccination threshold

[Continue Reading](#)

THIS CONTENTING CONTENT IS A NEWS REPORT

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**Thank You!**

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*Have  
Great  
Day*

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integrity | teamwork | strategy

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