



4-Step Plan For Bringing Your Hospitality Workforce Back To Work

Insights

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As hotels, resorts, casinos and restaurants re-open, there are challenges around every corner. The industry has weathered many storms, from terrorist threats to major weather events. A worldwide pandemic is a new challenge. Re-opening plans must comply with local, state, and federal orders and guidelines, provide for a safe environment for employees and guests, and maintain enough flexibility to operate. Every location must reimagine processes and develop (and enforce) protocols, procedures and policies. Here's a four-step process for safely bringing your employees back to work.

Step 1: Evaluate and ensure compliance with local and state shutdown/reopening orders.

Become an expert on your state and county orders and any modifications to them. Many states and counties have shelter-in-place requirements for vulnerable populations, require face coverings and social distancing, impose limitations on the number of individuals in certain locations and in meetings, place limits on opening pools and hot tubs, and place restrictions on dining services, to name the most common. Do not ask or require your employees to work in violation of the orders. If you do, you are risking citations and other penalties. More importantly, you are signaling to your employees that their safety and the safety of your guests is not important.

Step 2: Provide a safe workplace.

The hospitality industry has been at the forefront in developing protocols for cleaning and safety. In addition to adopting industry standard cleaning protocols, every property must develop a written return to work plan – for every department. The property must be prepared to modify the plan as issues develop.

At a minimum, you should implement a return-to-work health risk assessment for each employee, require face coverings, and obtain a written acknowledgement from every returning employee that they will follow all safety protocols. Consider daily temperature checks with properly trained and protected personnel administering the checks. Review the areas of your property where employees congregate – break rooms, cafes, locker rooms, time clock areas – and implement spatial limits or barriers to assist in social distancing.

In addition to these safety measures, your return-to-work plan should address how each department will handle social distancing during training and orientation sessions, pre- and post-

shirt nuddles, and daily work requirements. Some departments will be able to make these adjustments easier than others. For example, front desk, housekeeping, engineering, and security departments likely will be able to implement social distancing measures without significant interruption to the work flow. Standard work processes in other departments pose some challenges. Meanwhile, managers in culinary, food and beverage, and spa operations, to name a few, must be creative and implement processes outside the standard operating procedures.

Put all of your safety measures and protocols in writing and give copies to your employees. This will help you enforce them and also give your employees a sense of security and comfort that you are doing all you can to protect their health.

Step 3: Re-hire and re-call employees.

What seemed to be a straightforward process is not so much right now. Some employees are comfortable staying home and collecting unemployment compensation benefits. Others are not so comfortable returning to work in an industry which requires daily contact with the public.

Communication with your employees is key.

During their furlough or layoff, stay in touch with your employees. Regular phone calls and social media connections, just to check on them, likely will go a long way to maintaining morale and good will.

Whether your employees were furloughed or laid off (the terms are often used interchangeably to connote a short term or non-permanent separation from employment), we recommend a systematic approach to returning them to work. First, assess your business and staffing needs and determine how many employees in which positions you need to return. Second, determine how you will recall employees – will it be based on seniority, first out/first in or some other method. If you told employees at the time of the furlough/layoff how you would return them, it is important to follow that process. If you did not inform employees, then choose a method that makes business sense and avoids claims of discrimination. Do not presume that a particular employee will not return because of childcare issues, age, medical conditions, etc. This opens the door for a discrimination claim. Follow your procedure and address return-to-work concerns raised on a case-by-case basis.

We have seen a number of recent cases where recalled employees are refusing to return to positions because the duties have been modified, expanded, or they are being asked to work in a different location or department. Unless you are asking the employee to perform work outside their skill set and/or performing that role would put them in an unsafe environment, an employee cannot refuse the offer to return to work. It's important to emphasize that nearly all employees' roles and duties will be changing to some extent, and there will be more lateral duties for all employees as you transition to reopening.

Finally, a word on the unemployment compensation issue. As employees stay out of work collecting enhanced unemployment benefits, some employers are finding it difficult to persuade some employees to return. If an employee states that they cannot return due to childcare issues, underlying medical conditions, or family members with underlying medical conditions, you must

underlying medical conditions, or family members with underlying medical conditions, you must evaluate whether the employee is eligible for paid Emergency Sick Leave or Emergency Family and Medical Leave under the FFCRA. Remember, if an employee cites underlying medical conditions as the reason they cannot return, you must engage in the interactive process to evaluate reasonable accommodation obligations under the Americans with Disabilities Act.

For employees who are refusing to return because they prefer to continue to collect unemployment benefits, you should be transparent with those employees. Inform them that you will truthfully report to your state Department of Labor that hours are available for the employee and that the employee is refusing to return. Tell the employee that their refusal may jeopardize their ability to continue to collect the benefits. You should consult legal counsel on when and whether you will or should terminate those employees or consider their refusal as a resignation.

Step 4: Keeping employees safe.

Once employees are back to work, it is critical to maintain and enforce your safety protocols. We are seeing an increasing number of cases of employees contracting or bringing the virus to their workplaces. The CDC has provided guidance on handling confirmed COVID-19 cases in your workplace. Follow them strictly.

- **Isolate/Quarantine Confirmed Employees**

The infected employee should remain at home until released by a physician or public health official. If a medical note releasing the employee is unavailable, follow the CDC guidelines on when an employee may discontinue self-isolation, which contain specific requirements dependent upon whether the employee tested positive for COVID-19 and the symptoms exhibited.

- **Contact Tracing – Address And Isolate Employees Working Near An Infected Co-Worker**

When engaging in contact tracing, conduct a 6-15-48 review. You should ask infected employees to identify all individuals who worked in close proximity (within **six** feet) for a prolonged period of time (the current CDC guidance states that “recommendations vary on the length of time of exposure, but **15** minutes of close exposure can be used as an operational definition” with them from the **48**-hour period before the onset of symptoms until the infected employee is cleared to discontinue self-isolation.

Send home all employees who worked closely with the infected employee for 14 days after last exposure under the CDC guidance to ensure the infection does not spread. While quarantined, those employees should self-monitor for symptoms (check temperature twice a day, watch for fever, cough, or shortness of breath), avoid contact with high risk individuals and follow CDC guidelines if symptoms develop.

- **Clean And Disinfect Your Workplace**

After a confirmed COVID-19 case, follow the CDC Guidelines for cleaning and disinfecting the workplace. Your cleaning staff or a third-party sanitation contractor should clean and disinfect all areas (e.g., offices, bathrooms, and common areas) used by the ill person, focusing especially on frequently touched surfaces.

- **Notify Your Employees**

Following a confirmed COVID-19 case, and as recommended by the CDC, notify all employees who work in the location or area where the employee works of the situation. You will want to do so without revealing any confidential medical information such as the name of the employee, unless the employee has signed an authorization to disclose their diagnosis. Inform employees of the actions you have taken, including requiring employees who worked closely to the infected worker to go home. Let employees know about your sanitizing and cleaning efforts and remind them to seek medical attention if they exhibit symptoms. The failure to notify employees at your location of a confirmed case may be a violation of OSHA's general duty clause, which requires all employers to provide employees with a safe work environment.

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Andria Lure Ryan
Partner
404.240.4219
Email

Industry Focus

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