



Hello clients and friends. Earlier this week, I worked with the Small Business Development Center to create a workshop called, "Bringing Employees Back." We maxed out attendance (100 people) in about 24 hours. We went 45 minutes longer than scheduled so that all questions could be answered and 2/3 of the attendees stayed with us until the end. Clearly, this is a timely topic so we wanted to devote a newsletter to share all of the information with you, too.

If you missed any of our previous newsletters, click here:

<http://nextlevelstrategies.net/news/>

## **Bringing Your Employees Back to Work...**

### **Employees:**

- Employees can decline the offer to return.
- They must be kept safe.
- Families First Coronavirus Response Act (FFCRA) Benefits
  - Employees get 10 extra days of sick time for CV-related issues
  - Employees get 12 weeks (after a two-week waiting period) of time paid at 2/3 pay (up to \$200 per day) to manage kids whose school or daycare is closed

### **Employers:**

Make them an offer to return with your safety policy attached. Make sure the offer has an accept/decline option at the bottom.

- If they decline...
  - You can turn them in to the EDD.
  - They shouldn't count against your PPP obligations (per question 40 on the Treasury's website)
- You can require use of PPE and other protocols and discipline if they aren't followed.

We'd rather not have you in a situation where you have to turn people in to the EDD. You are required to correct claim information so definitely do that if necessary. We hope that there are enough people out there who actually want to get back to work that you won't have to turn your declination employees in to the EDD but you may have to in order to reopen.

### **Increasing Morale When Employees Prefer Unemployment to Working:**

Which brings us to this next point... The way the CARES Act was written, some

people are making more money on unemployment (UI) than they are making at work. They can stay home, be safe, and make more money than toiling away all the live long day. That's a tough deal to beat. Here are some suggestions:

- The EDD's Workshare Program keeps employees employed while making more money than UI alone. Great compromise.
- Strong leadership, strong communication, with a focus on all things safety related. This is all that most people care about right now.
  - Financial safety
  - Physical safety
  - Emotional safety
    - Suggest ginger.io to anyone struggling. Ginger is on-demand health coaching, video therapy and video psychiatry. Your company may also have an Employee Assistance Program as a stand alone or through your health insurance. EAP's offer mental health support too.
- Create, exemplify and drive a culture of safety
- Consider "hazard pay" for a short (defined) period of time. This will help you compete with UI. We know from our CPA that all pay counts toward your PPP obligations but run this idea past your CPA because your unique situation may not be a fit.
- In addition to EDD disqualifying people from benefits when they have the ability to work, explain to employees that UI is a short-term play. It will end on 7/31 and many in Congress are trying to end it sooner so there is little chance it will be renewed, "as is." If an employee declines work now, there may not be a job for them on 8/1 when the additional \$600 per week ends. What then?
- We are acutely aware that some people may try to get themselves fired after returning to work so they can get back on UI. Document, document, document! If you've told them three times that masks are mandatory and they refuse to wear their mask, the EDD should consider that insubordination and disqualify them for benefits.

### **Paperwork Requirements:**

- New Hire Checklist with signature line. Ask if anything on the checklist needs to be reissued. Issue anything missing. We're going to give you a free paperwork checklist. The asterisks denote **required** information. If any of this is not familiar to you, this is your opportunity to clean up your employee files and get yourself on the right track with required employee paperwork. :-) (Link below)
- Reverify/Rehire section of the I-9 form
- 2810.5 for non-exempt employees (Wage Theft Notice) (Link below)
- We highly suggest an offer letter with an accept and decline line at the bottom
  - Attach your new safety protocol

### **Know How to Protect Yourself:**

I know it's boring but policies, procedures and processes (the other PPP! :-)

- Customer-facing safety policies
- Employee-facing safety policies

- Policies which think through possible scenarios so your employees and you are ready with a "script" and aren't making things up as they go along, under pressure, during conflict.
  - Customers coming in without masks - how to handle, what to say.
  - Employees who test positive - what to do and say.
  - Violations of policies and how strict you'll be.
- Be consistent! Decide and stick to it to save emotional decisions.

### **Safety Issues Around Cleanliness and Sanitation:**

- Each county has its own protocols to follow.
- CDC and OSHA have protocols to follow as well.
  - Follow, follow, follow and create a culture of safety.
- We're going to give you several protocols to jump off of. (Links below)

### **Confidentiality considerations:**

- Did you know that you can't reveal a Covid-positive employee's name to other employees?
- If an employee tests positive for COVID-19, contact your county health officials and the California Department of Public Health for guidance.
- You may NOT divulge names. You can alert other employees by saying an employee has tested positive for COVID-19, and other employees may have been exposed.
- Some employees may need to be sent home to quarantine, depending on their risk factors and how closely they worked with the ill employee.
  - Offer them the ability to use their newly acquired additional ten (10) days of Emergency Paid Sick Leave to pay for this quarantine time.

### **Attachments Mentioned Above:**

[Notice to Employee 2810.5](#)  
[Rehire Orientation Checklist - Restaurant](#)  
[Social Distancing Protocol](#)  
[Social Distancing Protocol for Businesses SF](#)

Please know that we are thinking of you all during this trying time and wishing the best for your business, your health, your family and you!

Julie, Taune, Joy, Katie, Alexis and Cecilia

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