Roadmap to Reopening Decision Tree

This decision tree is intended to provide additional guidance to help determine which of the many resources Engage has made available to clients may apply to a specific situation. Clients are encouraged to work in consultation with their Account Manager and/or Engage HR Consultant.

****Reference links:**
Roadmap to Reopening Webinars; FFCRA; Reopening FAQs; HR FAQs; Forms Library

IS YOUR WORKPLACE READY TO REOPEN?

- **No** → Start planning for when you do reopen. **See Employee Relations and Health and Safety FAQ guidance and checklists.**
- **Yes** → Were your employees terminated or furloughed?
  - Terminated (Laid off) → Can you hire back to the same employee makeup that you had prior to COVID-19?
    - No → Why?
      - Some of my former employees are refusing to return to work. → **See guidance on ADA Accommodation and related webinars.**
      - Because some of my employees found other jobs. → If you're looking to replace those employees who have moved on, **see Hiring Checklist, I-9 Instructions, Job Descriptions Checklist, and New Hire Forms.**
      - Because I am not yet able to operate at the same capacity and can only take some employees back so far. → **See guidance on discrimination in rehiring/terminations, and WARN.**
      - I can bring employees back, but I will have to lower their pay. → **See FAQs on Wage and Hour considerations, Exemption Checklist. Also consider PPP loan forgiveness and CARES Act employee retention tax credit impact.**
    - Yes → Why?
      - They have a medical condition that makes them vulnerable to COVID-19 and fear returning to the workplace. → **See guidance on ADA Accommodation and related webinars.**
      - They do not have a medical condition that makes them vulnerable, but still fear returning to the workplace. → **See guidance on OSHA - FAQs and Webinars**
      - They are sick, have been advised by a healthcare professional to self-quarantine, are caring for someone who is sick or has been advised by a health care professional to self-quarantine. → **See guidance on ADA Accommodations, FMLA Leaves, and FFCRA Leaves.**
      - They are caring for their children because school/ childcare has been interrupted due to COVID-19. → **See guidance on FFCRA Leaves.**
      - They are making more on unemployment and prefer to stay on unemployment and refuse to return to work. → **Obtain employee certification that they have refused rehire offer or return to work notification on their offer letter, return to work letter, or voluntary resignation letter and notify Engage's Unemployment**
      - They have someone at home who is vulnerable and fear returning to the workplace. → **See FAQ regarding employees who have loved ones who are vulnerable.**
  - Furloughed → Will any employees be terminated upon the business's reopening?
    - No → **See Template Return to Work Letters and Employee COVID-19 Screening Self-Certifications.**
    - Yes → **See guidance on discrimination in rehiring/terminations, and WARN.**
- Do you want to?
  - Yes → This is a good outcome for both you and employees. **See Return to Work Offer Letter; I-9 instructions for Section 3, and Employee COVID-19 Screening Self-Certification forms.**
  - No → Do you have a PPP Loan?
    - Yes → **Speak with your HR Consultant & Account Manager in more detail.**
    - No → Why do you not want to hire back your same employees?
      - I am looking at this as an opportunity to "clean house" or make organizational changes contemplated prior to COVID-19. → **See guidance on discrimination in hiring/terminations, and WARN.**
      - Another reason. → **Speak with your HR Consultant to discuss in more detail.**

This document is not legal advice.