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What to know
about rehiring
furloughed and
laid-off employees

EBOOK

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Choosing who to recall

With employers adapting to the new business landscape created by the COVID-19 pandemic, HR professionals across countless industries are grappling with the challenge of recalling furloughed or laid-off employees

Your company may only be able to bring back a percentage of out-of-work employees and might choose to stagger recalls. To avoid complications and disputes, it's important to first define your criteria for which workers you'll invite back, and in what order.

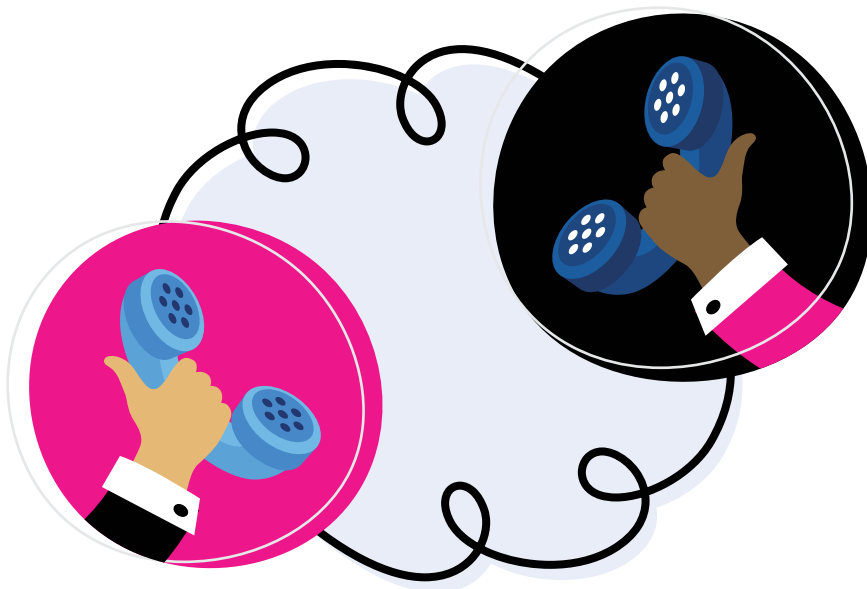
Keep personal matters out of your decision-making process. Making assumptions about who you think might like to rejoin the team and work remotely, or prioritizing workers who appear healthier and less vulnerable, could culminate in a discrimination lawsuit down the road.

Instead, develop an objective recall policy that takes into account factors like seniority and job function. Be cautious about basing your decisions on subjective factors like performance unless you can cite documented and quantified performance metrics from past reviews.



Communicating recalls to workers

As soon as you've reached a decision, inform each potential rehire as soon as possible and at least one week in advance of the start date. By communicating early and often, you can increase retention rates. Workers left in the dark may well start seeking employment opportunities elsewhere.



While you may wish to connect over a phone call or video meeting, be sure to follow up in writing. While drafting an official recall letter, remember to:

- Note the date and time the employee is expected to report to work.
- Clarify the work location, whether it's the usual job site or a work-from-home arrangement.
- Articulate the employee's job title, responsibilities, pay rate, payroll schedule, exemption status, accrued time off and other benefits, highlighting any changes.
- Explain new workplace policies and procedures, including health and safety measures as well as the rehiring process.

Refreshing hiring paperwork

When inviting furloughed and laid-off employees back, you may need to renew their onboarding paperwork.

In general, although furloughed workers are still technically considered employees, it's advisable to issue fresh paperwork for staff members who have been furloughed for six months or more.

For employees who have been laid off with the expectation of recall, follow your recall policy while easing them back into the workplace. From an administrative perspective, staff members who were formally terminated during layoffs will need to be processed as new hires.

In most cases – for your own records and to accommodate changes in workers' situations and needs – have each employee fill out a new version of their:

- Form I-9.
- Form W-4.
- Direct deposit forms.
- Benefits elections.



Conducting background checks

In most cases, you won't need to issue additional background checks or drug screenings when recalling laid-off and furloughed workers. But if it's required for compliance reasons at your company, be sure to approach this step in a lawful and transparent way.

Prior to conducting background checks, ensure that you have employee authorization. Even if the language in your initial authorization agreement covers subsequent background checks, it's courteous – and required in some states – to inform recalled employees that this is part of your process.

If you will be running drug screenings or background checks after the start date, make the provisional nature of the recall clear in your official letter. If you ultimately choose to terminate an employee as a result of unacceptable results, follow applicable laws and regulations when doing so.



Creating a return-to-work policy

Before your first recalled worker steps in the door, your entire workforce should be briefed on your company's return-to-work policy.

Develop a comprehensive plan that answers questions and offers guidance around coronavirus-related policies, including:

- Family and medical leave, sick pay and other benefits.
- New health and safety policies and precautions your company is implementing.
- Reconfigured work stations and other job site adjustments.
- Telecommuting policies and related tech and security procedures.
- Processes for how employees can voice concerns or request accommodations.

While your company adjusts to the post-COVID-19 new normal,

take this time to refresh other personnel policies

and share these with your workforce as well.



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https://www.fredlaw.com/news__media/employment-question-of-the-day-april-22-2020-part-1/

<https://www.littler.com/publication-press/publication/next-normal-littler-insight-returning-work-recalling-furloughed>

<https://www.shrm.org/ResourcesAndTools/legal-and-compliance/employment-law/Pages/coronavirus-recall-furloughed-workers-lawfully.aspx>



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