

New York Return to Work Checklist

Considerations for Employers Preparing to Bring Employees Back to Work

This is not an exhaustive list. It is an addendum to the [SurePayroll Return to Work Checklist](#). Employers should consult with their HR professionals, legal counsel where appropriate, as well as [the New York Department of Labor](#) and COVID-19 websites.

Guidance on re-opening businesses

- The state has announced a [plan to re-open](#) and it divides New York into regions. Check with your local jurisdiction to learn whether they might have additional requirements.

What date should employees be recalled or rehired?

- This impacts employers seeking loan forgiveness for their Paycheck Protection Program loan.

Know how to address any changes that have been made to state or local paid leave laws.

- The state has passed legislation to provide paid leave to employees who are subject to a mandatory or precautionary order of quarantine or isolation issued by a covered government agency – [SB 8091](#) / [AB 10153](#) – on paid leave. For additional information, [check out this website](#).

Understand the obligations under a collective bargaining agreement (CBA) if you have unionized employees.

- Check CBA for rehire/recall language, including agreed upon factors in order to bring employees back. Most changes will need to be negotiated with the union.

If an employee was terminated and signed a separation agreement, check the language to see if the rehire requires an amendment to the separation agreement.

Consider providing letter offering return to work or re-hire to employees.

Review and adhere to internal policies on rehiring to determine any reinstatement of accrued PTO or vacation time.

Provide a new Form W-4 in case the employee wants to make changes upon returning to work.

Ensure “new hire” employee documents (i.e. employee handbook, arbitration agreement, etc.) are updated and properly executed.

Does the employee need to update an existing Form I-9 or complete a new Form I-9?

- Review and compliance requirements for [Form I-9](#).

- Did employee elect COBRA, State Continuation, or other health insurance conversion rights?**
- Determine status of health plans, cafeteria plans, and other fringe benefit plans, such as vision and dental insurance.**
- Determine implications for 401(k), 403(b), and pension plans.**
- Evaluate executive compensation and severance arrangements.**
- Consider appropriate actions related to COVID-19 health pandemic.**
 - Learn what new supplemental policies on safety are recommended or required to be followed and documented. For example, what measures to promote social distancing in the workplace and safety equipment such as masks and gloves will be provided.

Additional considerations as you prepare to return employees to work include applicable wage and hour laws, especially if employees have different work schedules, pay, and classification under state and federal laws. Check out our [Return to Work resource hub](#) for helpful information.

Please note – This content is considered accurate as of the date of publication and provided for informational purposes only and is not intended to be legal advice.