Coronavirus (COVID-19): Jobs That Require On-Site Attendance

Employers must consider how best to lower the impact of COVID-19 on their worksites and teams. One way in which to contain the spread of the novel coronavirus is to promote [remote work](https://www.xperthr.com/editors-choice/coronavirus-covid-19-remote-work/44203/). However, not all jobs lend themselves to remote work.

Employers should take the following steps to address jobs that require on-site attendance during the pandemic.

Workplace Policies

Employers should institute policies and practices to monitor employee attendance and keep track of employee work time. An effective attendance policy should track employee absences as well as explain [employee discipline](https://www.xperthr.com/topics/employee-management/employee-discipline/) procedures for excessive absenteeism or tardiness.

These policies should be reviewed in light of a pandemic, and any changes should be implemented and communicated to staff.

Note that attendance policies should not be overly strict. Statements should be written broadly so as to comply with a variety of laws, including the federal Americans with Disabilities Act (ADA), the Family and Medical Leave Act (FMLA), the Fair Labor Standards Act (FLSA) and any other federal, state or local law that provides individuals with protections for related absences or breaks.

Attendance policies should be harmonized with policies that would come into play during a pandemic, including flexible workplace, telecommuting, emergency communications and leave policies. EEO and anti-bullying policies should also be reviewed.

While governmental authorities may encourage greater latitude with respect to usual benefits (e.g., offering paid instead of unpaid leave), it may be difficult for a business to offer anything over what is usually offered.

* Based on an employer's particular business circumstances, it should follow its existing [sick](https://www.xperthr.com/policies-and-documents/sick-leave-policy/12378/) or [PTO](https://www.xperthr.com/policies-and-documents/paid-time-off-policy/5984/) pay policies and comply with all applicable federal, state and local laws and regulations.
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Issues Specific to Pandemics

An employer should consider issues specific to pandemics.

Prepare for possible increased numbers of employee absences due to:

* Illness in employees and their family members;
* Recommended or mandatory quarantines;
* Dismissals of early childhood programs and K-12 schools; and
* Governmental shelter-in-place orders.

In addition, anticipate employee fear, anxiety, rumors and misinformation, and plan communications accordingly.

Anticipate any potential for discrimination against or bullying of certain groups. For example, Asian employees may experience certain hostilities in the workplace. Ensure that all employees are supported and protected from discrimination or harassment during this time.

Essential Business Functions, Jobs or Roles

Business continuity plans should be implemented in the event of higher-than-usual absenteeism.

Identify essential business functions, jobs or roles, and critical elements within the organization's supply chains that are required to maintain business operations.

Plan for how the business will operate if there is increasing absenteeism or if supply chains are interrupted. Critical elements within supply chains include:

* Raw materials;
* Suppliers;
* Subcontractor services or products; and
* Logistics.

Identify those employees with particularized knowledge or a special relationship related to any critical element of supply chains and ensure that there is a continuity plan in place.

When determining whether employees need to be present, assess the essential functions and the reliance that others and the community have on the organization's services or products. The jurisdiction in which the business operates deems certain businesses essential and nonessential during a pandemic, which may affect which workers would be required to be on site.

Being agile with respect to business practices may maintain critical operations. For example:

* Identify alternative suppliers;
* Prioritize customers (and teams/employees serving those customers); or
* Temporarily suspend certain operations or close certain worksites.

For more information:

Communications

Communicate plans with respect to business continuity and those positions that have been deemed essential. Plans may be published in employee handbooks, policy manuals and other company-wide communications. These processes should be reviewed with staff in the event of a pandemic to ensure every employee understands their role.

Employees should be upskilled and cross-trained with respect to essential functions so that work may continue in the event that key personnel are absent, unavailable or ill.

Be transparent about business continuity plans and instill in employees - especially those deemed essential - their importance to the ongoing viability of the organization.

In addition, follow best practices in [addressing concerns about performing job functions](https://www.xperthr.com/editors-choice/coronavirus-covid-19-workplace-resource-center/43072/#addressing-concerns-about-performing-job-functions), including:

* How the employees can protect themselves from infection; and
* What protective measures the employer will take to keep the workplace safe.

Sick or Exposed Employees

An employer should actively encourage sick employees to stay home. This should be the practice at all times, but especially during a pandemic.

If an employee who must be on site exhibits any signs of illness, or the employee may have been exposed to the novel coronavirus, then the employee should go or remain home.

While not at work, employers [may require employees to use PTO, sick or vacation time](https://www.xperthr.com/employment-law-manual/employee-classification-federal/27/#what-is-allowed). If no paid time is available through company policy, verify whether a [state and local law](https://www.xperthr.com/fifty-state-charts/paid-sick-leave-by-state-and-municipality/10193/), private or collective agreements dictate payment.

As a general rule, for employees who are nonexempt under the [federal Fair Labor Standards Act (FLSA)](https://www.xperthr.com/employment-law-manual/employee-classification-federal/27/) and [state wage and hour laws](https://www.xperthr.com/employment-law-manual/wage-and-hour/employee-classification/#stateRequirementsSection), employers are not required to compensate for any time not worked. However, it may be a best practice to provide some sort of compensation during a pandemic (if the business can afford to do so).

Exempt employees, in contrast, if they work any part of a workweek, must be paid their salary for the full week. If an exempt employee does not work at all during a workweek, salary payment is not required.

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Absences

Chronic absenteeism can really hurt a business during a crisis.

However, consider [alternatives to discipline](https://www.xperthr.com/employment-law-manual/employee-discipline-federal/2256/#alternatives-to-discipline) during a public health emergency, when many employee undergo [stress and other mental health challenges](https://www.xperthr.com/employment-law-manual/employee-health-federal/3225/#mental-health-concerns) during a time of personal and professional uncertainty.

Alternatives include:

* [Additional training opportunities](https://www.xperthr.com/employment-law-manual/employee-discipline-federal/2256/#additional-training-opportunities) if an employee is covering duties not usually assigned;
* [Counseling](https://www.xperthr.com/employment-law-manual/employee-discipline-federal/2256/#counseling);
* [Accommodations and alternate work arrangements](https://www.xperthr.com/employment-law-manual/employee-discipline-federal/2256/#accommodations-and-alternate), if workable, such as reduced shifts; or
* [Referrals to employee assistance program (EAP)](https://www.xperthr.com/employment-law-manual/employee-discipline-federal/2256/#referrals-to-employee), if one is available.

For more information:

* Learn [How to Correct an Attendance Problem](https://www.xperthr.com/how-to/how-to-correct-an-attendance-problem/5457/).
* Supervisors should consult our [Employee Attendance - Supervisor Briefing](https://www.xperthr.com/supervisor-training/employee-attendance-supervisor-briefing/6332/).
* If some disciplinary action is warranted, consider sending a [Coronavirus (COVID-19): Poor Attendance Caution Letter](https://www.xperthr.com/policies-and-documents/coronavirus-covid-19-poor-attendance-caution-letter/44285/).
* Consider whether to take [adverse action against employees on family and medical leave](https://www.xperthr.com/employment-law-manual/fmla-federal/2500/#terminating-or-taking).

Government Orders, Rules and Declarations

As the Equal Employment Opportunity Commission (EEOC) has advised, employers should remember that guidance from public health authorities is likely to change as the COVID-19 pandemic evolves. Therefore, employers should continue to follow the most current information on maintaining workplace safety.

This may include the evolution from a recommendation for employees to work from home, to a curfew that may affect business operations, to a shelter-in-place order that may interrupt all operations.

An employer should follow these rules and should not require employees' on-site attendance if it would be in contravention of a direct governmental order.