

MANAGING CONTINGENT WORKERS & STAFFING AGENCIES DURING COVID-19

STAFFING AGENCIES FILLING THE VOID

On any given day there are more than three million temporary/contingent workers on active assignments in the United States. These temporary workers are filling a major labor force void from coast to coast and touch nearly every industry.

This leaves many host employers questioning who owns the responsibility for informing and training the temporary worker surrounding the COVID-19 Pandemic. During this unprecedented time, it is imperative to have open lines of communication with your staffing agency. It is important that host employers are leveraging their agency to utilize key practices during the recruitment process to ensure we are all doing our part to stop the spread of this world changing outbreak.

THE RECRUITMENT PROCESS

Many staffing agencies have gone to a complete remote recruiting concept or have reduced hours at branch locations to abide by social distancing guidelines. Now more than ever, staffing agencies need to place an emphasis on asking critical questions during the recruiting process to ensure they are doing their part to place qualified and healthy candidates into the workforce at a host employer.

I-9 VERIFICATIONS: The Department of Homeland Security has granted a special allowance that gives employers the ability to verify documents for I-9 purposes through the means of video conferencing, email, fax, etc. There is specific guidance that must be followed if this process is being utilized and should be referenced by following this link. [Homeland Security Document Verification](#)

PRE-SCREENING QUESTIONNAIRE: One recommended practice is to use a prescreening questionnaire before temporary workers arrive at the worksite location. A form with the applicable questions may be found on the U.S. Compliance website or by following this link: [Visitor Infection Control Questionnaire](#).

- If a candidate/prospect answers **YES** to any of the questions on the form it is a valid basis for **temporarily** denying access to the facility or refusing to place a worker on an assignment. The agency should emphasize the temporary nature of the denial and that future opportunities will not be affected. A staffing agency cannot ban workers from personal travel, but they can require them to adhere to the 14-day self-quarantine before allowing placement or returning to the work site. As a reminder any documents that contain specific health information, symptoms, or diagnoses must be kept confidential and still need to remain compliant with HIPPA.

HOST EMPLOYERS: Staffing agencies may also ask host employers whether they have had a recent case of the virus and if the position is replacing an ill worker. Staffing agencies have an obligation to take reasonable steps to ensure they are sending workers to a safe working environment.

COMMUNICATION: Host employers and staffing agencies should communicate with each other on their plans to prevent the spread of COVID-19. Both the staffing agency and host employer have a duty to align with (or exceed) CDC guidance.

PREPARATION FOR TEMPORARY WORKER ARRIVAL

It is extremely important to prepare for the arrival of the temporary worker to minimize any risk of a potential exposure. Here are some best practices that both the staffing agency and the host employer can utilize.

STAFFING AGENCY:

1. Establish an effective line of communication with the host employer.
2. Utilize [Visitor Infection Control Questionnaire](#) as part of the recruitment process.
3. Request information from host employer on processes/policies that have been put into place regarding COVID-19. Sharing this information with the candidate will instill an immediate level of comfortability with actions and processes the host employer has put into place.
4. Identify an exact meeting location and time for the host employer and the temporary worker. If possible, provide a map with the meeting spot clearly identified.
5. Provide accurate contact information for both the temporary worker and the host employer should the need for direct communication occur.
6. Ensure there is open communication with the host employer regarding confirmed COVID-19 cases at the worksite and communicate with the associate prior to arrival.
7. Ensure the host employer has identified an arrival process for the associate.
8. Ensure the associate is aware of who they should ask for upon arrival to the host employers' site.
9. Inform the associate about any potential PPE and additional items they may be utilizing in the position to ensure they are able, capable, and willing to use the provided personal protective equipment.

HOST EMPLOYER:

1. Provide staffing agency with an accurate and a current job description.
2. Ensure required and/or optional PPE is readily available upon arrival.
3. Schedule new associate arrivals strategically (15-minute increments or more) to minimize congregation and potential exposure at the host employer entrance.
4. Verify that the agency has communicated any confirmed COVID-19 cases with the associate.
5. Create a training document(s) tailored to your workplace with COVID-19 specific procedures that are being utilized during the pandemic.
6. Utilize [Visitor Infection Control Questionnaire](#) as part of the arrival process.
7. Train the associate per the host employer normal process (be sure to allow enough adequate room for safe social distancing) and be sure to add the additional COVID-19 materials into the training process adding emphasis to infection control policies.
8. Document all training(s) in writing. Typically, the host employer retains all training documentation. Ideally, this should be outlined in the contract/terms of agreement. If this is not specified in the agreement it is a recommendation that a documented process is identified, documented, and agreed to by all parties.

WHILE ON ASSIGNMENT

Should a temporary worker start to display signs and/or symptoms of COVID-19, it is imperative that you contact the staffing agency **immediately** to report the information. Additionally, if information surfaces once the temporary worker is on-site that the worker has been exposed through an infected person (outside of the workplace) or traveled to an area identified by the CDC as having sustained spread of the virus, contact the staffing agency so they can follow their established protocols. This may include a 14-day self-isolation of the temporary worker. The staffing agency is the employer on record and therefore has an obligation to act on the information. The staffing agency should communicate all information allowable by law to the host employer, so they stay informed of any possible exposure(s) and follow



established facility protocols. For additional guidance refer to the [Infected Employee In Facility](#) document located on the U.S. Compliance website.

Employers cannot force employees to seek medical attention or obtain a COVID-19 test, although they can encourage them to do so. They can, however, require that they demonstrate a “fitness for duty” as a condition of returning to work. This is with the understanding that obtaining a note may be difficult due to an overwhelmed health care system during the crisis. Accordingly, some flexibility may be necessary on a case-by-case basis.

If a contingent worker tests positive for the COVID-19 virus while on assignment, the staffing agency should notify the host employer **immediately**. It is a dual responsibility of the staffing agency as well as the host employer to notify their own respective affected labor groups. You must advise those that have been in contact with the worker that an individual with whom they may have had contact with has been diagnosed with COVID-19. Those coworkers who had close contact with the infected worker should be instructed to self-quarantine for 14 days.

STAYING INFORMED

As developments continue to surface there will be continuous updates and recommendations from many worldwide regulatory agencies. Having a clear channel of communication between host employer and the staffing agency remains to be a vital tool in the co-employment relationship. It is important to relay the latest information to your employee groups and provide any additional training on changes to policies and/or procedures. Ensuring constant communication, proper use of PPE, heightening of personal hygiene habit awareness, while practicing social distancing will ensure that we are all doing our part in the global alliance against COVID-19.

Thank you for visiting our COVID-19 Resource Center. We are committed to identifying, developing and updating resources to help the manufacturing community respond to the coronavirus pandemic. If you need more information, please email: covidresponse@uscompliance.com. Thank you for your support and we look forward to working through this challenge together!