# Checklist for Health and Safety Planning as Business Resumes

## Review Available Guidance

☐ Review available government guidance (particularly OSHA and CDC)

☐ Review industry/third-party guidance (e.g., National Association of Homebuilders, National Restaurant Association, Lear Corp.'s sample Safe Work Playbook)

## Consider PPE/Facilities/Cleaning Protocols

☐ Investigate whether applicable state order(s) require employees to wear face masks/coverings in the workplace and/or when dealing with the public. Employers must pay for any such mandatory PPE.

☐ Evaluate and communicate heightened cleaning requirements and expectations for employees and vendors with primary sanitation responsibilities

☐ Evaluate and/or renegotiate new or existing contracts with vendors

☐ Ensure cleaning is undertaken according to current CDC recommendations

☐ Ensure workplace common areas and/or customer-facing areas receive additional cleaning on a regular basis

☐ Communicate to employees and third parties who will appreciate reassuring communications regarding heightened sanitation efforts

☐ Make cleaning/sanitizing supplies available to employees and third parties (i.e., visitors/customers)

☐ Require employees to take personal responsibility for sanitation, even if it is not among their normal duties:

  ☐ Communicate protocols for shared areas, tools, and equipment
  ☐ Enforce sanitation and cleaning protocols
  ☐ Maintain flexibility to adapt to best practices

- [ ] Plan for potential supply shortages, at least in the short term

- [ ] Create and display signage reminding employees and third parties of the importance of regular and proper handwashing

## Employee Monitoring and Screening

- [ ] Review EEOC guidance

- [ ] Require employees experiencing COVID-19 symptoms (CDC guidance) to leave work, promptly seek testing, and report results (note paid leave requirements for FFCRA-covered employers)

- [ ] Evaluate whether and how to screen and/or monitor employees and third parties

- [ ] ADA-covered employers may measure employee body temperature, so long as CDC and state health authorities continue to find heightened threat of transmission
  - [ ] Implement any monitoring or screening protocols uniformly for similarly situated employees
  - [ ] Screening or monitoring results and illness information must be kept confidential
  - [ ] Records of testing may demonstrate employer took reasonable measures to prevent spread
  - [ ] But testing is intrusive, time consuming, and may be of limited actual value (*e.g.*, some with COVID-19 do not have a fever)

- [ ] Draft and promulgate policies and signage regarding staying home when feeling sick

## Social Distancing Plan

- [ ] Create and promulgate a written social distancing plan

- [ ] Evaluate employees' unique duties and the physical positioning of work locations

- [ ] Evaluate use of common areas, such as conference and break rooms and public spaces

- [ ] Create signage reminding employees and third parties of need to maintain social distancing

- [ ] Re-evaluate social distancing plan on a regular basis as guidance evolves and to maintain consistency with federal (OSHA, CDC, etc.) and state-level guidance

- [ ] Consider staggered scheduling or "soft" opening
  - [ ] Staggered schedules may allow time for testing and create less crowded locker rooms, entryways or other common areas
  - [ ] Opening or expanding operations incrementally will allow employers to test and adjust plans and procedures

- [ ] Consider modified employee schedules to reduce the number of employees present in the workplace (*e.g.*, alternating teams, staggered shifts or start times, continued teleworking)

- [ ] Plan ahead of time for the policy on dealing with clients, customers or vendors coming into the workplace who are not wearing PPE and whether to apply different standards to employees vs. clients, customers or vendors.

## Remote Work

- [ ] Solicit feedback and evaluate what worked and what did not during recent closures and periods of teleworking

- [ ] If appropriate, continue telework for certain positions and evaluate whether teleworking is temporary or permanent, including alternating or staggered teleworking

- [ ] Evaluate what, if any, long-term restructuring of positions may be beneficial

- [ ] Employees may request to continue teleworking by choice temporarily or permanently

## Communications, Training and Monitoring

- [ ] Communication and training is key to effective planning and risk mitigation

- [ ] Internal communications should educate and encourage employees, while external communications reassure customers and other third parties

- [ ] Train managers and employees on new policies, procedures and protocols

- [ ] Identify managers responsible for implementing plan and monitoring compliance

- [ ] Name point person(s) to whom employee questions and concerns may be directed

- [ ] Train managers on patience and risk of retaliation issues

- [ ] Monitor effectiveness and compliance on an ongoing basis, a plan that is not followed may actually create more risk than no plan at all

## Flexibility

- [ ] Employers must continue to monitor applicable orders as they evolve or are lifted

- [ ] Orders will likely be lifted in phases and a patchwork of restrictions will continue

- [ ] Multi-state employers must comply with evolving orders in multiple locations

- [ ] Monitor changing guidance and best practices

- [ ] Create planning materials that could be used if there is a second wave of infections and closures or a future pandemic or other event

- [ ] Evaluate relevance and application of existing policies in the wake of the COVID-19 shutdown, and, where relevant, create new policies arising based on plan

- [ ] Create, review, and revise pandemic preparedness plans to prepare for a second wave of COVID-19-related shutdowns or other future pandemics

042220

DELAWARE   FLORIDA   ILLINOIS   MARYLAND   MASSACHUSETTS   MINNESOTA   NEW JERSEY   NEW YORK   PENNSYLVANIA   WASHINGTON, DC          saul.com