



Return To Work/School Post-COVID

Action Plans to Safely Bring Employees Back to a Healthy Workplace

Presentation Overview

This presentation is designed to:

- The New “Normal” – Working from home – how long should it last? HR Considerations.
- Explore Federal and State guidelines and phased reopening plans.
- Educate employers on best practices for returning to work as the coronavirus disease (COVID-19) pandemic flattens out and temporary laws, guidelines and restrictions are lifted.
- Prepare employers on how to mitigate risks, and establish best practices for working in a post-coronavirus workplace.
- Provide appropriate and accurate resources for employers regarding COVID-19, and employee health and wellness.
- Liability & Insurance concerns related to: Employment Practices, Workers Compensation and Business Interruption.

Workplace Implications of COVID-19

The coronavirus disease (COVID-19) pandemic has changed many aspects of the current workplace. As employers prepare best return to work practices, there are various considerations.

These include topics such as:

- Updated workplace layouts
- Social distancing measures and behavioral changes
- Education on common COVID-19 symptoms, and planned responses to COVID-19 related symptoms and positive tests
- Updates to cleaning procedures
- Use of masks and face coverings
- Role, organization and industry-specific topics
- Creating plans for future pandemics

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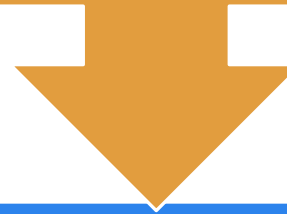
Work From Home.. the New 'Normal' ?

- As businesses reopen, it's not as simple as flipping a switch;
- Every company and industry is unique and will have to decide what's best for their business, employees and customers;
- For many companies, prolonging a remote work policy is not just a safety measure. As summer approaches, it's a logical approach to help employees with young children;
- With daycares, schools and after-school or recreation programs closed, parents are figuring out how to entertain young children at home while still working;
- Continuing remote work policies can also provide management some more time to reconfigure office floor plans and procedures to be a safer environment;
- Some companies may extend working from home for employees simply because it's been working out well



Work From Home Dealing with Requests

As the decision is made for employees to come back to the office, employees may begin to have remote work requests



Employees may have personal reasons for requesting to work from home instead of coming into the office every day. Keep in mind the following common reasons:

- Fearing contraction and spread of COVID-19 to family members or their household

- Caring for children or other family members

- Complying with social distancing mandates

- Saving on commute time

- Being more productive

Work From Home Compliance Considerations

If remote work policies weren't created when employees were sent home to work as the COVID-19 outbreak picked up, they should be now;



Make sure your return-to-work or transition plan is consistent with local and state regulations;



It's also important to ensure compliance with the Families First Coronavirus Response Act when responding to work-from-home requests;



Employers should have justified and documented explanations when reviewing and responding to requests

Work from home – legal considerations

- Along with legal and business considerations, employers should keep the following factors in mind when granting work-from-home requests:
 - The request is due to an issue related to the Americans with Disabilities Act. If that's the case, employers should discuss possible reasonable accommodations with the employee;
 - The employee has been able to meet expectations while working remotely during the pandemic. If expectations have not been met, consider whether the performance issues can be managed remotely once the pandemic subsides;
 - Business needs have changed in a way that physical presence in the workplace is or is not required;
 - The company has discovered that productivity has increased. Remote working has been proven to be so effective that the company wants to encourage employees to continue to work remotely, if they'd like to;
 - Employers should consider how similar workflex requests have been handled in the past

“Reopening” Call to Action

**This is a Serious Matter – Please Pay Close Attention
(Sample Language to Employees – Option 1)**

Dear Employees/Students,

Our reopening plan will be fluid, requiring agility, flexibility and the ability to pivot at a moment's notice. We will have health and safety measures in place for our teams and clear guidance on how you can help us maintain a healthy and safe workplace. We will be closely following guidance from national, state and local authorities to make sure we are operating in compliance with any restrictions in our area. We anticipate several phases to our reopening, after which time we will have reached our new “normal” where certain procedures, rules and guidelines may remain permanent. We'd like to thank you in advance for your adherence to these protocols and your full cooperation and understanding. We encourage your feedback and communication about workplace conditions, especially if you see threats emerging that we don't.

“Reopening” Call to Action

**This is a Serious Matter – Please Pay Close Attention
(Sample Language to Employees – Option 2)**

Dear Employee/Student,

Welcome back to work! We’ve been looking forward to the day we’d be able to reopen our doors to our employees/students. [Sample text regarding the decision to reopen: The decision to reopen our business/school was not taken lightly—we carefully reviewed federal, state and local reopening guidelines and considerations. After much discussion, we decided that we could reopen our doors and created a plan that will help us do so while preserving your health and safety.]

At ABC Corp, it is our priority to keep our employees/students and their families healthy, especially in the midst of the COVID-19 pandemic. As such, we will abide by governmental guidelines when possible as we strive to balance public health concerns with the needs of our business. Some notable workplace changes include the following:

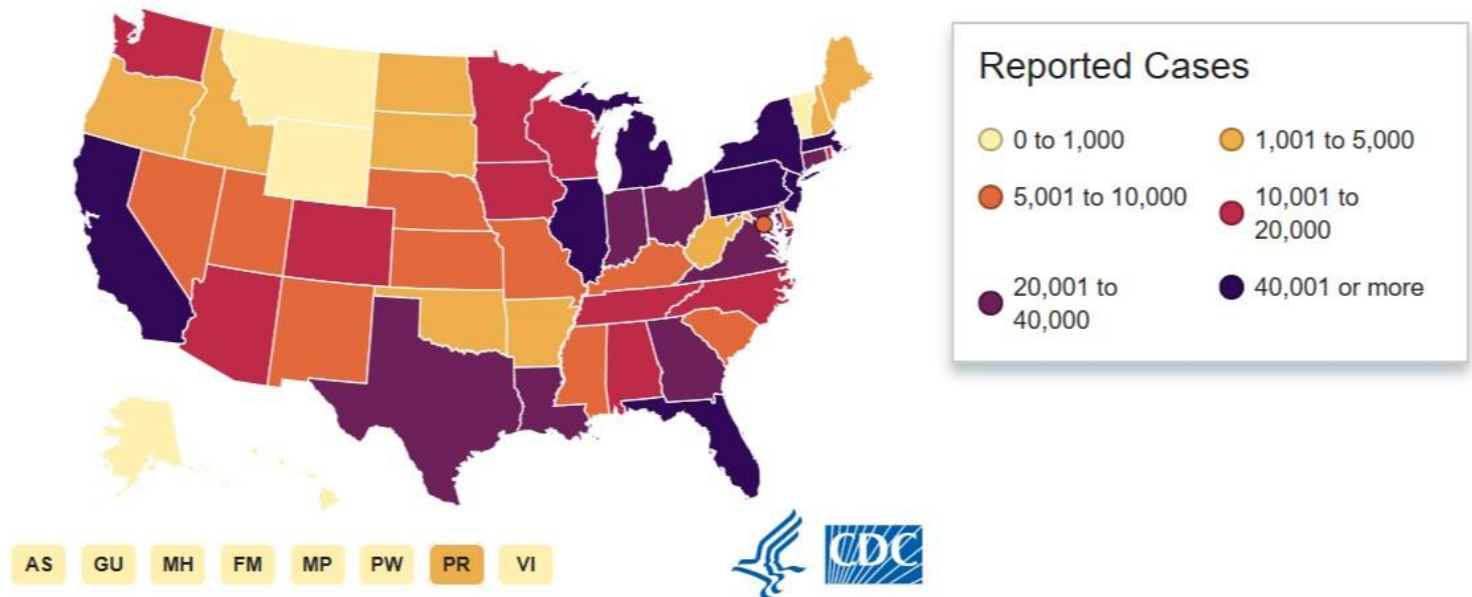
CDC Guidance: March – May 2020

From Total Shutdown to Partial Reopening

Based on guidance of the CDC and public health authorities as of March 2020, the COVID-19 pandemic meets the direct threat standard. The CDC and public health authorities have acknowledged community spread of COVID-19 in the United States and have issued precautions to slow the spread, such as significant restrictions on public gatherings. In addition, numerous state and local authorities have issued closure orders for businesses, entertainment and sport venues, and schools in order to avoid bringing people together in close quarters due to the risk of contagion. These facts manifestly support a finding that a significant risk of substantial harm would be posed by having someone with COVID-19, or symptoms of it, present in the workplace at the current time. At such time as the CDC and state/local public health authorities revise their assessment of the spread and severity of COVID-19, that could affect whether a direct threat still exists. As of May, 2020, with evidence of the curve flattening and outbreaks being contained, CDC released guidance for reopening America which is similar to Federal and State guidance in the following slides.

COVID-19 Deaths Per State

This map shows COVID-19 cases and deaths reported by U.S. states, the District of Columbia, and other U.S.-affiliated jurisdictions. Hover over the map to see the number of cases and deaths reported in each jurisdiction. To go to a jurisdiction's health department website, click on the jurisdiction on the map.



COVID-19 Cases & Deaths a/o 5.25.20

Last updated on May 25, 2020

TOTAL CASES

1,637,456

15,342 New Cases*

TOTAL DEATHS

97,669

620 New Deaths*

*Compared to yesterday's data

[About the Data](#)

Process to Reopen America

Criteria that will help guide decisions about reopening

<https://www.whitehouse.gov/openingamerica/>



Process to Reopen America

Criteria that will help guide decisions about reopening

 OPENING UP AMERICA AGAIN

Core State Preparedness Responsibilities

TESTING & CONTACT TRACING

- ✓ Ability to quickly set up safe and efficient screening and testing sites for symptomatic individuals and trace contacts of COVID+ results
- ✓ Ability to test Syndromic/ILI-indicated persons for COVID and trace contacts of COVID+ results
- ✓ Ensure sentinel surveillance sites are screening for asymptomatic cases and contacts for COVID+ results are traced (sites operate at locations that serve older individuals, lower-income Americans, racial minorities, and Native Americans)

HEALTHCARE SYSTEM CAPACITY

- ✓ Ability to quickly and independently supply sufficient Personal Protective Equipment and critical medical equipment to handle dramatic surge in need
- ✓ Ability to surge ICU capacity

PLANS

- ✓ Protect the health and safety of workers in critical industries
- ✓ Protect the health and safety of those living and working in high-risk facilities (e.g., senior care facilities)
- ✓ Protect employees and users of mass transit
- ✓ Advise citizens regarding protocols for social distancing and face coverings
- ✓ Monitor conditions and immediately take steps to limit and mitigate any rebounds or outbreaks by restarting a phase or returning to an earlier phase, depending on severity

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Proposed Phased Approach

BASED ON **UP-TO-DATE DATA** AND READINESS

MITIGATES RISK OF RESURGENCE

PROTECTS THE MOST VULNERABLE

IMPLEMENTABLE ON **STATEWIDE OR COUNTY-BY-COUNTY** BASIS AT GOVERNORS' DISCRETION

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Guidelines for All Phases: Individuals

CONTINUE TO PRACTICE GOOD HYGIENE

- ✓ Wash your hands with soap and water or use hand sanitizer, especially after touching frequently used items or surfaces.
- ✓ Avoid touching your face.
- ✓ Sneeze or cough into a tissue, or the inside of your elbow.
- ✓ Disinfect frequently used items and surfaces as much as possible.
- ✓ Strongly consider using face coverings while in public, and particularly when using mass transit.

PEOPLE WHO FEEL SICK SHOULD STAY HOME

- ✓ Do not go to work or school.
- ✓ Contact and follow the advice of your medical provider.

Continue to adhere to State and local guidance as well as complementary CDC guidance, particularly with respect to face coverings.

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Guidelines for All Phases: Employers

Develop and implement appropriate policies, in accordance with Federal, State, and local regulations and guidance, and informed by industry best practices, regarding:

- ✓ Social distancing and protective equipment
- ✓ Temperature checks
- ✓ Testing, isolating, and contact tracing
- ✓ Sanitation
- ✓ Use and disinfection of common and high-traffic areas
- ✓ Business travel

Monitor workforce for indicative symptoms. Do not allow symptomatic people to physically return to work until cleared by a medical provider.

Develop and implement policies and procedures for workforce contact tracing following employee COVID+ test.

Process to Reopen America

Criteria that will help guide decisions about reopening



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Phase One

EMPLOYERS

Continue to **ENCOURAGE TELEWORK**, whenever possible and feasible with business operations.

If possible, **RETURN TO WORK IN PHASES.**

Close **COMMON AREAS** where personnel are likely to congregate and interact, or enforce strict social distancing protocols.

Minimize **NON-ESSENTIAL TRAVEL** and adhere to CDC guidelines regarding isolation following travel.

Strongly consider **SPECIAL ACCOMMODATIONS** for personnel who are members of a **VULNERABLE POPULATION.**

EACH PHASE OF THIS GUIDANCE ADDRESSES THOSE ASPECTS OF DAILY LIFE FOR WHICH RESTRICTIONS REMAIN APPROPRIATE DUE TO COVID.

Process to Reopen America

Criteria that will help guide decisions about reopening



OPENING UP AMERICA AGAIN

Phase Two

EMPLOYERS

Continue to **ENCOURAGE TELEWORK**, whenever possible and feasible with business operations.

Close **COMMON AREAS** where personnel are likely to congregate and interact, or enforce moderate social distancing protocols.

NON-ESSENTIAL TRAVEL can resume.

Strongly consider **SPECIAL ACCOMMODATIONS** for personnel who are members of a **VULNERABLE POPULATION**.

EACH PHASE OF THIS GUIDANCE ADDRESSES THOSE ASPECTS OF DAILY LIFE FOR WHICH RESTRICTIONS REMAIN APPROPRIATE DUE TO COVID.

Process to Reopen America

Criteria that will help guide decisions about reopening



OPENING UP AMERICA AGAIN

Phase Three

INDIVIDUALS

VULNERABLE INDIVIDUALS can resume public interactions, but should practice physical distancing, minimizing exposure to social settings where distancing may not be practical, unless precautionary measures are observed.

LOW-RISK POPULATIONS should consider minimizing time spent in crowded environments.

Phase Three

EMPLOYERS

Resume **UNRESTRICTED STAFFING** of worksites.

EACH PHASE OF THIS GUIDANCE ADDRESSES THOSE ASPECTS OF DAILY LIFE FOR WHICH RESTRICTIONS REMAIN APPROPRIATE DUE TO COVID.

Process to Reopen America

Criteria that will help guide decisions about reopening



OPENING UP AMERICA AGAIN

Appendix Vulnerable Individuals

1. *Elderly individuals.*
2. *Individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy.*

Assessing Employee Readiness

Criteria that will help guide decisions about reopening

- Are your employees ready to come to work during a pandemic?
- How many are dependent on child care services?
- How many are providing dependent care for family or elderly?
- How many rely upon public transportation?
- How many are 'high risk' from a health and wellness perspective?
- Is it legal to survey your employees to find out?
- What questions can you ask?

EEOC Guidance – Employee Survey

What questions can you ask

ADA-COMPLIANT PANDEMIC EMPLOYEE SURVEY

Directions: Answer "yes" to the whole question without specifying the factor that applies to you. Simply check "yes" or "no" at the bottom of the page.

In the event of a pandemic, would you be unable to come to work because of any one of the following reasons:

- If schools or day-care centers were closed, you would need to care for a child;
- If other services were unavailable, you would need to care for other dependents;
- If public transport were sporadic or unavailable, you would be unable to travel to work; and/or;
- If you or a member of your household fall into one of the categories identified by the CDC as being at high risk for serious complications from the pandemic influenza virus, you would be advised by public health authorities not to come to work (e.g., pregnant women; persons with compromised immune systems due to cancer, HIV, history of organ transplant or other medical conditions; persons less than 65 years of age with underlying chronic conditions; or persons over 65).
- Answer: YES _____ , NO _____

CDC Guidance – At Risk Population

Based on what we know now, those at high-risk for severe illness from COVID-19 are:

- People 65 years and older
- People who live in a nursing home or long-term care facility
- People of all ages with underlying medical conditions, particularly if not well controlled, including:
 - chronic lung disease or moderate to severe asthma
 - serious heart conditions
 - immunocompromised
 - including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications
 - severe obesity (body mass index [BMI] of 40 or higher)
 - diabetes
 - chronic kidney disease undergoing dialysis
 - liver disease

Enforcing the New “Normal”

Criteria that will help guide decisions about reopening

- What can you do with an employee who has symptoms of COVID-19?
- How much information can you request from an employee who calls in or reports that they are sick?
- Can you measure employees body temperatures before allowing them to enter the workplace?
- Can you require an employee to work from home after they return from travel to certain locations, whether for business or personal reasons?
- Can you ask employees who don't exhibit flu-like symptoms if they have any health condition that puts them at greater risk of infection?
- Can you require employees to adopt infection control measures in the workplace like regular hand-washing?
- Can you require employees to wear Personal Protective Equipment in the workplace ?

EEOC Guidance – Employee Survey

Criteria that will help aid decisions about reopening

May an ADA-covered employer send employees home if they display influenza-like symptoms during a pandemic?

Yes. The CDC states that employees who become ill with symptoms of influenza-like illness at work during a pandemic should leave the workplace. Advising such workers to go home is not a disability-related action if the illness is akin to seasonal influenza or the 2009 spring/summer H1N1 virus. Additionally, the action would be permitted under the ADA if the illness were serious enough to pose a direct threat.

Applying this principle to current CDC guidance on COVID-19, this means an employer can send home an employee with COVID-19 or symptoms associated with it.

EEOC Guidance – Employee Survey

Criteria that will help aid decisions about reopening

During a pandemic, how much information may an ADA-covered employer request from employees who report feeling ill at work or who call in sick?

ADA-covered employers may ask such employees if they are experiencing influenza-like symptoms, such as fever or chills and a cough or sore throat. Employers must maintain all information about employee illness as a confidential medical record in compliance with the ADA.

If pandemic influenza is like seasonal influenza or spring/summer 2009 H1N1, these inquiries are not disability-related. If pandemic influenza becomes severe, the inquiries, even if disability-related, are justified by a reasonable belief based on objective evidence that the severe form of pandemic influenza poses a direct threat.

Applying this principle to current CDC guidance on COVID-19, employers may ask employees who report feeling ill at work, or who call in sick, questions about their symptoms to determine if they have or may have COVID-19. Currently these symptoms include, for example, fever, chills, cough, shortness of breath, or sore throat.

EEOC Guidance – Employee Survey

Criteria that will help aid decisions about reopening

During a pandemic, may an ADA-covered employer take its employees' temperatures to determine whether they have a fever?

Generally, measuring an employee's body temperature is a medical examination. If pandemic influenza symptoms become more severe than the seasonal flu or the H1N1 virus in the spring/summer of 2009, or if pandemic influenza becomes widespread in the community as assessed by state or local health authorities or the CDC, then employers may measure employees' body temperature.

However, employers should be aware that some people with influenza, including the 2009 H1N1 virus or COVID-19, do not have a fever.

Because the CDC and state/local health authorities have acknowledged community spread of COVID-19 and issued attendant precautions as of March 2020, employers may measure employees' body temperature. As with all medical information, the fact that an employee had a fever or other symptoms would be subject to ADA confidentiality requirements.

EEOC Guidance – Employee Survey

Criteria that will help aid decisions about reopening

When an employee returns from travel during a pandemic, must an employer wait until the employee develops influenza symptoms to ask questions about exposure to pandemic influenza during the trip?

No. These would not be disability-related inquiries. If the CDC or state or local public health officials recommend that people who visit specified locations remain at home for several days until it is clear they do not have pandemic influenza symptoms, an employer may ask whether employees are returning from these locations, even if the travel was personal

Similarly, with respect to the current COVID-19 pandemic, employers may follow the advice of the CDC and state/local public health authorities regarding information needed to permit an employee's return to the workplace after visiting a specified location, whether for business or personal reasons.

EEOC Guidance – Employee Survey

Criteria that will help aid decisions about reopening

During a pandemic, may an ADA-covered employer ask employees *who do not have influenza symptoms* to disclose whether they have a medical condition that the CDC says could make them especially vulnerable to influenza complications?

No. If pandemic influenza is like seasonal influenza or the H1N1 virus in the spring/summer of 2009, making disability-related inquiries or requiring medical examinations of employees *without* symptoms is prohibited by the ADA.⁽³²⁾ However, under these conditions, employers should allow employees who experience flu-like symptoms to stay at home, which will benefit all employees including those who may be at increased risk of developing complications.⁽³³⁾

If an employee voluntarily discloses (without a disability-related inquiry) that he has a specific medical condition or disability that puts him or her at increased risk of influenza complications, the employer must keep this information confidential. The employer may ask him to describe the type of assistance he thinks will be needed (e.g. telework or leave for a medical appointment). Employers should not assume that all disabilities increase the risk of influenza complications. Many disabilities do not increase this risk (e.g. vision or mobility disabilities).

EEOC Guidance – Employee Survey

Criteria that will help aid decisions about reopening

During a pandemic, may an employer require its employees to adopt infection-control practices, such as regular hand washing, at the workplace?

Yes. Requiring infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal, does not implicate the ADA.

EEOC Guidance – Employee Survey

Criteria that will help aid decisions about reopening

During a pandemic, may an employer require its employees to wear personal protective equipment (e.g., face masks, gloves, or gowns) designed to reduce the transmission of pandemic infection?

Yes. An employer may require employees to wear personal protective equipment during a pandemic. However, where an employee with a disability needs a related reasonable accommodation under the ADA (e.g., non-latex gloves, or gowns designed for individuals who use wheelchairs), the employer should provide these, absent undue hardship

Process to Reopen Pennsylvania

Criteria that will help guide decisions about reopening

<https://www.pa.gov/guides/responding-to-covid-19/>



Governor Wolf's Statewide Response to COVID-19

Process to Reopen Pennsylvania

Criteria that will help guide decisions about reopening

- **Target Reopening Goal:** fewer than 50 new confirmed cases per 100,000 population reported to the department in the previous 14 days.
- **Additionally, the Commonwealth Must Ensure There is:**
 - *Enough testing available* for individuals with symptoms and target populations such as those at high risk, health care personnel, and first responders.
 - *Robust case investigation and contact tracing* infrastructure is in place to facilitate early identification of cluster outbreaks and to issue proper isolation and quarantine orders.
 - *Identification of area's high-risk settings* including correctional institutions, personal care homes, skilled nursing facilities, and other congregate care settings, and assurance that facilities have adequate safeguards in place such as staff training, employee screening, visitor procedures and screening, and adequate supplies of PPE to support continued operations

Process to Reopen Pennsylvania

Maintaining and cleaning buildings for businesses

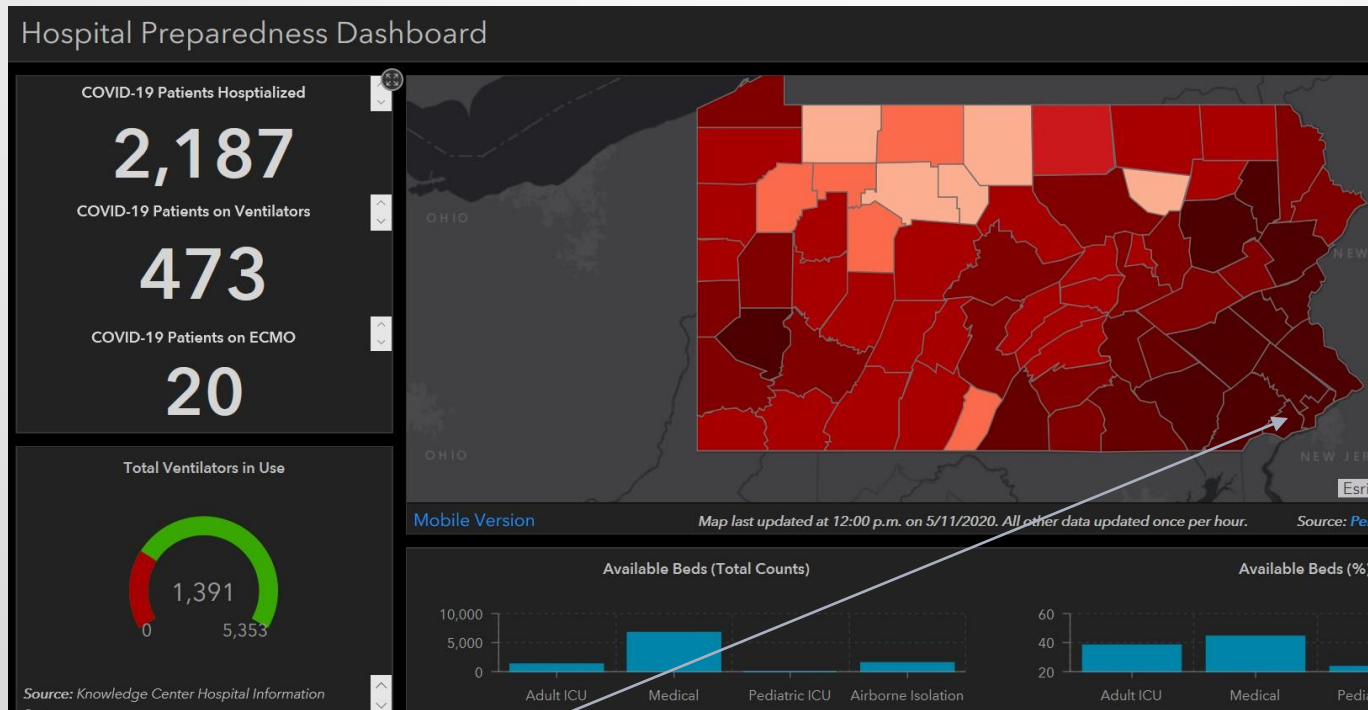
Additionally, the Order Outlines These New Protocols:

- Clean and disinfect high-touch areas routinely in accordance with CDC guidelines, in spaces that are accessible to customers, tenants, or other individuals.
- Maintain pre-existing cleaning protocols established in the facility for all other areas of the building.
- Ensure that the facility has a sufficient number of employees to perform the above protocols effectively and in a manner that ensures the safety of occupants and employees.
- Ensure that the facility has a sufficient number of security employees to control access, maintain order, and enforce social distancing of at least 6 feet, provided the security employees are otherwise responsible for such enforcement.
- The order went into effect at 12:01 a.m., April 6.

Process to Reopen Pennsylvania

Criteria that will help guide decisions about reopening

<https://experience.arcgis.com/experience/bc92e33cfd5d417795f7a7a1a5cb3b1d/>



As of 5/25/2020

Your Company or
School – Know the
Numbers

Delaware County
Positive: 6,210
Negative: 18,327
Deaths: 514

Process to Reopen Pennsylvania

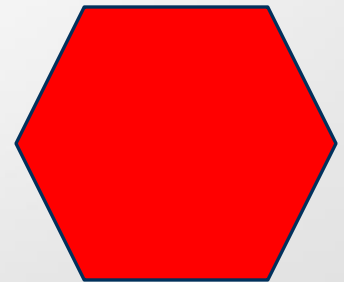
RED PHASE

Work & Congregate Setting Restrictions

- Life Sustaining Businesses Only
- Congregate Care and Prison Restrictions in Place
- Schools (for in-person instruction) and Most Child Care Facilities Closed

Social Restrictions

- Stay at Home Orders in Place
- Large Gatherings Prohibited
- Restaurants and Bars Limited to Carry-Out and Delivery Only
- Only Travel for Life-Sustaining Purposes Encouraged

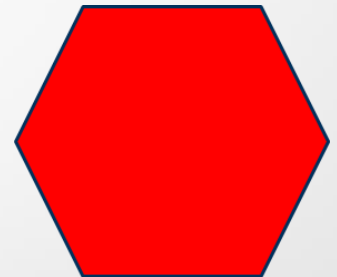


Southeastern PA Current Phase

RED PHASE

Stay At Home Order

- Order went into place March 19, 2020
- Original order deadline April 1, 2020
- Extended to June 4, 2020



Counties Moving To Yellow:

- 24 counties moved to yellow May 8, 2020
- An additional 13 counties in PA moved to yellow reopening phase on May 15, 2020
- Southeastern PA Region expected to move to yellow on June 4, 2020

Process to Reopen Pennsylvania

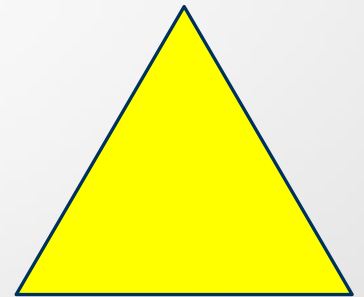
YELLOW PHASE

Work & Congregate Setting Restrictions

- Telework Must Continue Where Feasible
- Businesses with In-Person Operations Must Follow Business and Building Safety Orders
- Child Care Open Complying with Guidance
- Congregate Care and Prison Restrictions in Place
- Schools Remain Closed for In-Person Instruction

Social Restrictions

- Stay at Home Order Lifted for Aggressive Mitigation
- Large Gatherings of More Than 25 Prohibited
- In-Person Retail Allowable, Curbside and Delivery Preferable
- Indoor Recreation, Health and Wellness Facilities and Personal Care Services (such as gyms, spas, hair salons, nail salons and other entities that provide massage therapy), and all Entertainment (such as casinos, theaters) Remain Closed
- Restaurants and Bars Limited to Carry-Out and Delivery Only



Process to Reopen Pennsylvania

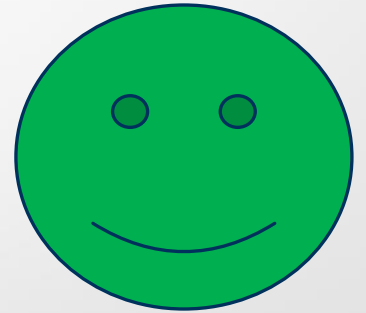
GREEN PHASE

Work & Congregate Setting Restrictions

- All Businesses Must Follow CDC and PA Department of Health Guidelines

Social Restrictions

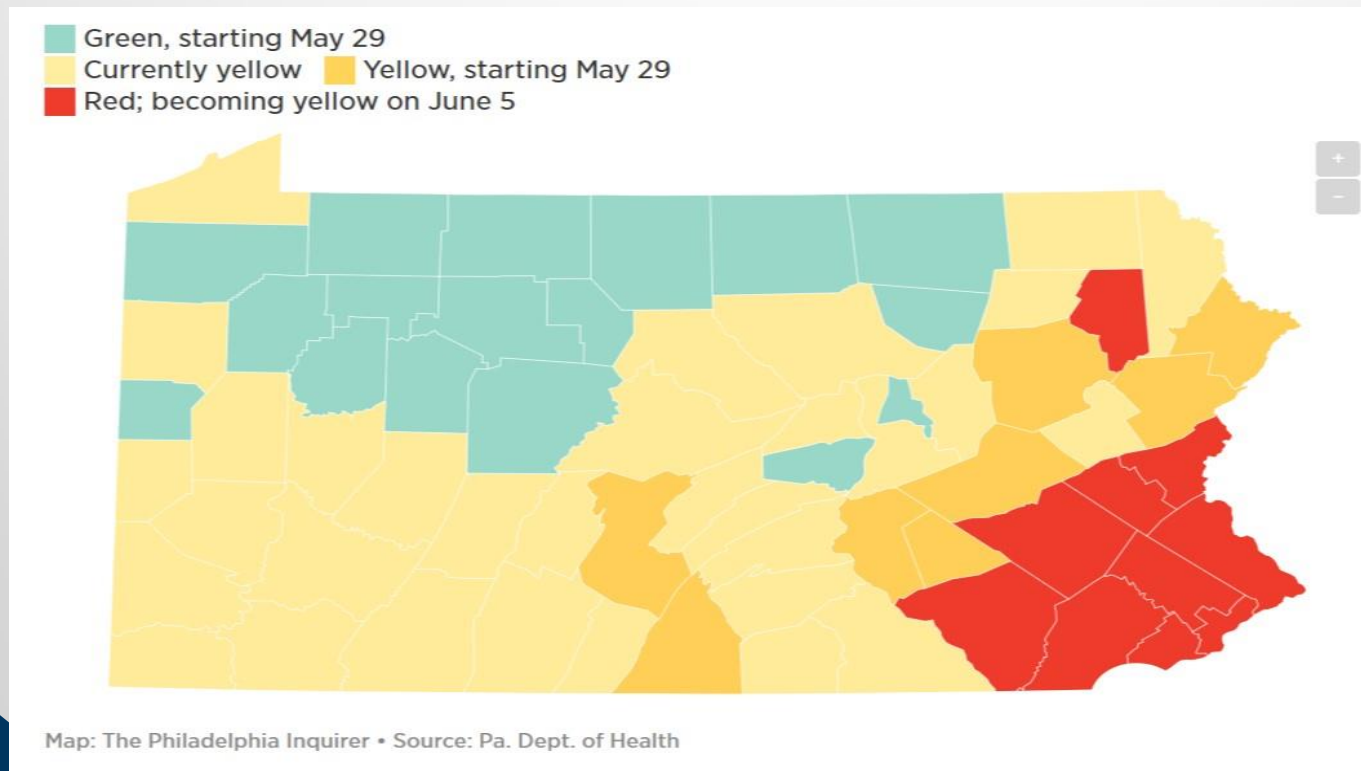
- Aggressive Mitigation Lifted
- All Individuals Must Follow CDC and PA Department of Health Guidelines



Process to Reopen Pennsylvania

Criteria that will help guide decisions about reopening

As the state of Pennsylvania makes progress on reopening and the easing of restrictions, ***we will work in phases, taking a regional approach***, with the expectation that this will not be a linear process. If indicators and criteria point to a spike in cases, the commonwealth, in coordination with local officials, will revert to previous restrictions and orders. Throughout all phases, there must be strict guidance in place to encourage social distancing.



New Jersey – Similar Plan

The Road Back: Restoring Economic Health through Public Health



**Maximum
restrictions**

STAGE 1

STAGE 2

STAGE 3

**New
normal**

««« If health metrics develop unfavorably, measures from the maximum restrictions stage or stages 1, 2, 3 may be reinstated

**What is
happening?**

Strict social distancing
Non-crucial industries
closed

Restrictions relaxed on
low-risk activities that may
be easier to safeguard

Moderate-risk activities
restarted with safeguarding

Higher-contact activities
restarting with significant
safeguarding

Widespread use of
vaccine or life-saving
treatment

In-person work can
resume for all

Measures from
previous stages may
be swiftly reinstated

**Which
precautions
apply across**

Work that can be
done from home
should be done

Clinically high-risk
individuals who
can stay at home

Residents and businesses should follow state and federal
safeguarding guidelines:



Wash hands



Respect social



Disinfect

New Jersey – Phased Reopening





Returning to Work/School

Steps Employers can Take to Prepare the
Workplace – Not One-Size-Fits-All

Workplace Layout Modifications

As employees begin to return to work, employers may want to begin by considering updates to physical workplaces post-coronavirus. These updates may include:

- **Create a walk-traffic flow that discourages congestion.** Encourage employees to navigate the workplace in specific directions, such as a counterclockwise walk-traffic flow or creating pedestrian lanes which can help prevent congestion and promote social distancing.
- **Increasing each employee's personal space.** By ensuring workstations are 6 feet or more apart, employees can properly social distance while completing everyday duties.
- **Create walls and barriers.** Discourage the spread of air particles by creating physical barriers between employees.
- **Update air-filtration systems.** Air pollutants such as bacteria and germs can build up quickly indoors—effective air ventilation systems can flush out bad air and keep indoor air clean.
- **Install no-touch soap dispensers,** sinks and paper towel dispensers in bathrooms. According to the Centers for Disease Control and Prevention (CDC), COVID-19 can remain on hard surfaces for up to 12 hours. While employees are being encouraged to wash their hands often, installing no-touch technology can reduce the number of surfaces that are being touched by employees.
- **Install automatic doors.** Door handles are frequently touched surfaces, and automatic doors can reduce the spread of COVID-19.

Employee Behaviors & Etiquette

When returning to work, it is important that employers create updated expectations of behaviors by employees. While every business is different, there are standard practices employers can consider implementing within the workplace. Common adjustments include:

- **Create expectations for hand-washing.** According to the CDC, one of the best actions to prevent spreading of coronaviruses is by washing hands with soap and water for at least 20 seconds. Encourage employees to wash their hands often, and consider creating policies to reinforce this behavior.
- **Ban or discourage shaking of hands.** While shaking hands is an instinct in many cases, this practice can spread germs, diseases and illnesses at an expedited rate.
- **Adjust meeting practices.** Encourage limited participants in meetings, advise them to spread out and avoid shared multi-touch devices.
- **Restrict unnecessary business travel.** Reducing travel can reduce the risk of COVID-19 being transmitted—define what types of business travel are acceptable.

Recognizing the Signs & Symptoms

Signs & Symptoms of COVID-19

According to the CDC, COVID-19 can have a wide range of symptoms. These symptoms may appear 2-14 days after an individual contracts the virus. These symptoms include:



- Fever
- Cough
- Shortness of breath or difficulty breathing
- Chills
- Repeated shaking with chills
- Muscle pain
- Headache
- Sore throat
- New loss of taste or smell

Individuals should seek immediate medical attention if they display the following advanced symptoms:

- Trouble breathing
- Persistent pain or pressure in the chest
- New confusion or inability to arouse
- Bluish lips or face



Employee Screenings for COVID-19

According to guidance from the Equal Employment Opportunity Commission (EEOC), employers may choose to screen employees for COVID-19. As with any mandatory medical test, screenings must be job-related and consistent with business necessity. To ensure compliance, considerations for employers include:

- **Any screenings must be conducted on a nondiscriminatory basis**—for example, this may mean screening all employees entering a facility or work location.
- **Test results should be treated as confidential** medical records, in compliance with the Americans with Disabilities Act (ADA).
- **Communications related to screenings should be delivered to all employees**, including details of what screening practices will entail, expectations of employees and assurance that all screening will be completed in compliance with regulatory laws

Mask & Face Coverings Overview

The CDC currently recommends wearing face coverings in public. In alignment with this guidance, many employers are expanding personal protective equipment to include masks or face coverings:

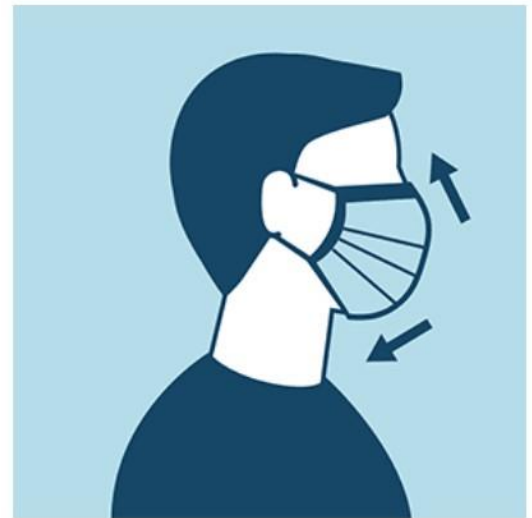
- What is the difference between masks and face coverings? A face covering refers to a cloth covering of the face, and is not a medical-grade mask. Masks refer to filtering respirators, such as an N95, K95, medical-grade or surgical mask. Masks are considered critical supplies that must continue to be reserved for health care workers and other medical first responders. Employers should review updated local guidelines to establish whether masks or face coverings are appropriate for their employees.
- Benefits of masks and face coverings. Studies show that people with minimal or no symptoms can still have COVID-19. According to the CDC, while wearing face coverings shouldn't replace social distancing, face coverings can help prevent the transmission of COVID-19.
- Guidelines vary based on location and industry—and some employers are required to provide face coverings to employees. Employers should check with local guidelines and laws regarding face coverings, and seek legal counsel when implementing any policies or changes.

Face Coverings

How to Wear a Cloth Face Covering

Cloth face coverings should—

- fit snugly but comfortably against the side of the face
- be secured with ties or ear loops
- include multiple layers of fabric
- allow for breathing without restriction
- be able to be laundered and machine dried without damage or change to shape



CDC on Homemade Cloth Face Coverings

Response After Employee Tests Positive

Should an employee test positive for COVID-19, employers should have a specific plan in place to respond. Next steps should include:

- Responding directly to the employee
- Isolating the employee
- Notifying employees, customers, vendors and guests
- Disinfecting appropriate work areas



Speaking to COVID+ Employee

Respond Directly to the Employee

- After a positive test, employers should address the affected employee calmly and empathetically.
- In these uncertain times, it can be easy to overreact. Reassure the employee that their identity will remain confidential, and be sure to help them coordinate taking leave or paid time off until they've recovered.
- You will also need to ask the employee some potentially difficult questions, including with whom the employee has been in contact within the last two weeks.
- Obtaining this information is essential so that you can directly notify customers and other employees that they may have been directly exposed to COVID-19.

Isolating the Employee

According to the CDC, employees who have COVID-19 should go into isolation immediately. Isolation should continue until the following conditions are met.

For employees who are not being tested for COVID-19, isolation should continue until the following three conditions are met:

72 hours of no fevers, without assistance of fever reducing medicines

Other symptoms have improved

At least seven days have passed since initial symptoms

For employees who are being tested for COVID-19 isolation should continue until the following three conditions are met:

No current fever, without assistance of fever reducing medicines

Other symptoms have improved

Two tests have come back negative, with at least 24 hours between tests

Employers should follow guidance of a health care provider, and their local health department when making any determinations.

Notify Employees, Customers, Vendors & Guests

- Directly notify any co-workers or customers with whom the ill employee had been in contact.
- Make determinations on who should be self-isolating.
- Be sure to notify the rest of the company by email or letter that an employee has tested positive for COVID-19. Remember to keep the employee's identity protected and be transparent about your response.
- Communications should include what steps your company will be taking to protect the health of other employees.
- If feasible, allow eligible employees to work from home during this time.
- If you plan on having employees work from home for the next 14 days or closing the office, this information should be disclosed in the communication.

Contact Tracing

CONTACT TRACING

Reaching out to anyone who came into direct contact with an individual who tested presumptive positive with COVID-19 to see if they have developed symptoms and if they need to be tested.



Closing for Cleaning

According to the CDC, COVID-19 can remain on hard surfaces for up to 12 hours.

- You may want to consider closing the office for a few days so that it can be thoroughly cleaned and disinfected.
- If necessary, evacuate the workplace for up to 72 hours, and advise employees who are able to work remotely.
- If the employee has not been in the office for seven days or more, additional cleaning may not be required to supplement standard cleaning procedures.

Plan for Future Pandemics & Second Wave of COVID-19

While employers plan their return to work practices, consideration should be made for future pandemics. Even after reopening, health experts warn that businesses should also be prepared for additional waves of COVID-19 in the future. According to the Society for Human Resource Management, when creating COVID-19-related return to work plans, employers may want to consider the following:

- **Business continuity plans.** For organizations that did not have a plan in place for the COVID-19 pandemic, return to work allows an opportunity for planning ahead for future pandemics and business disruptions.
- **Policy changes.** Considerations from this presentation may impact future policy changes, which employers can present to employees to reestablish best practices in the workplace. Policy changes may involve topics such as safety, remote work options and more.
- **Strategic communication strategies.** Most workplaces have gone through significant changes, and that trend will likely continue. Effective communication plans can keep employees informed, engaged and assured that you are taking appropriate steps as an employer.

Sample Return to Work Protocols

Companies are doing more to screen arrivals and prevent sick people from entering buildings in the first place. Some employers are now evaluating whether to *send a daily questionnaire to workers early every morning, asking staffers how they feel,*

Companies using software solutions to check-in visitors, track packages and book meeting rooms, etc.

Answers to the questionnaire could determine who gains access to the office. Those feeling ill would be reminded to stay home, while *employees who respond in a satisfactory way could be given a code to scan in an office lobby to gain entry.*

Companies might require employees who want to work in one of their global or national offices to register a day in advance and *go through a health and safety check that includes questions about their temperature and other potential symptoms.*

Example of Tech Platforms Available

How our COVID-19 solution works

Connectivity, screening, education, monitoring and real-time interventions

SELF-MONITORING

(can be launched immediately)

Employees



Real-time tracking of
key symptoms, vitals
and risk factors

Real-time guidance,
resources, reminders



ACTIVE MONITORING

(optional program capability)

Healthcare Professionals



Real-time alerts based
on patient-reported
values and risk level

Real-time interventions
(televisits and messaging)

Care Teams
Nurses / Providers
Health Navigators
Case Managers
Public Health Experts

*Program flexibility ranges from educational
messaging and self-monitoring for employees...*

*...to proactive, alert-based interventions
mobilized by healthcare providers*

Additional Guidance

For updates related to COVID-19, employers are encouraged to follow updates from the CDC and OSHA. Resources include:

- [Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 \(COVID-19\)](#)
- [OSHA Guidance for Employers](#)
- Specific guidelines exist for industries such as health care, laboratories, transportation and more. For specifics, employers can access up-to-date information from the [CDC's Coronavirus Disease-2019 Resource](#).
- [The Safeguard Group COVID-19 Resource Library](#)



Liability Concerns

Industry Brief: EPLI, Workers Compensation &
Business Interruption in a COVID-19 business climate

Workers Compensation Insurance

- Will employers be held liable for work comp claims associated with COVID-19?
 - The seasonal flu was never considered a compensable work comp claim or injury
 - The waters are murky at best to assume insurers will pay out WC benefits on a COVID-19 exposure
 - In order for the claim to be covered, the employee(s) will need to prove that he/she was not only infected with the virus via another employee, but the only way they were exposed COVID-19 was through that contact
 - The contraction has to be within the “course and scope of employment.”

Business Interruption

- Unfortunately, Business interruption (BI) policies don't cover pandemics. Instead, they require a physical trigger like a degree of damage to the insured's property for coverage to be triggered
- When endorsed into a policy, contingent business interruption coverage (CBI) may apply to losses due to the suspension of the insured's operations caused by direct physical loss of or damage to a dependent property
- It is critical to talk to an Safegard representative about your BI and CBI policy coverage to find out what parameters, limits and exclusions for virus and pandemics are in place and what to look out for ahead of a potential claim
- Failure to follow return to work protocols will lead to the likelihood of another uninsured interruption and closure of business. Knowing the magnitude of these losses from the initial shutdown orders, we strongly encourage a risk mitigation plan be followed.

Employment Practices Liability

- EPL claims tend to spike during an economic downturn
- Employers forced to make hurried decisions about their workforce
- Unemployment numbers massively increasing with CARES Act supplemental UEC payments ending 7/31/20
- The creation of limited paid sick leave (EPSL) and expanded FMLA until December 31, 2020
- Retaliation, unlawful termination, and general FMLA related litigation expected
- ADA related claims: medical exams, disability and risk questions, medical privacy concerns

Questions?

Thank You & Stay Safe

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