Health & Safety Screenings in Your Reopened Office

Stan Sterna, Esq. | Vice President

Joseph Wolfe | Risk Management Consultant

What we'll cover –

1. Property management health and safety protocols

2. Privacy concerns

3. Health screening considerations

4. Responding to calling in sick

5. Responding to sick at work

6. Leave requests

7. Return to work following COVID exposure

8. Workplace health safety

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Other Webinars in the Series

June 24th: Creating a Plan to Reopen Your Office

June 17th: Human Resources Basics

June 10th: Legal and Compliance Basics

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More COVID-19 Related Webinars and Resources

# cpai.com/covid19

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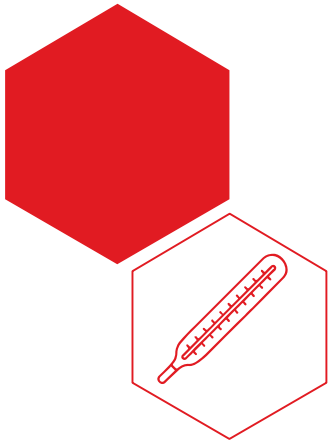
Workplace Health and Safety Screenings

1. Property management health and safety protocols
2. Privacy concerns
3. Health screening considerations
4. Responding to calling in sick
5. Responding to sick at work
6. Leave requests
7. Return to work following COVID exposure
8. Workplace health safety

1 Property Management Health and Safety Protocols

- Ask property management company about:
  - Health and security screening for building entry
  - Restrictions on occupancy, visitors, hours
  - Cleaning and disinfection
  - Access restrictions and controls over elevators, break rooms or cafeterias, bathrooms, and other common areas
- Obtain written confirmation of all protocols
- Share information with employees and building visitors

Privacy Concerns

- EEOC permits employers to take employee temperatures
- CDC and OSHA recommend taking temperatures
  - However:
    - HIPAA applies: personally identifiable information remains protected
    - State and local laws may impose additional privacy obligations for employee health screening and self assessment questionnaires

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2 Privacy Concerns

- Conduct no inquiry beyond that required for workplace health screening
- Protect the privacy of employees
  - Voluntarily sharing information regarding health of family members
  - Reporting symptoms of or exposure to COVID-19
  - Requesting leave due to symptoms, exposure, or child care obligations

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Health Screening Considerations

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- Consult state and local laws and orders on conducting health screenings
- CDC recommends daily or in-person health checks
  - CDC Restart Readiness Checklist

Use social distancing, barriers, or partitions and/or PPE to protect screeners	Use touchless thermometers if taking temperatures	Consider providing multiple screening entries
Consider designating doorways for entry/exit only	Keep screenings private and non-discriminatory	

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Health Screening Considerations

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- Fit for work screening: multi-layered approach
  - Privacy and confidentiality essential for all screening
    - Take temperatures of employees and visitors upon arrival
    - COVID-19 testing:
      - Antibody tests prohibited by EEOC, constitutes a medical examination under ADA
      - Viral tests permissible *only* if granted emergency use authorization by FDA
        - If mandatory, must be non-discriminatory: all or none
        - Consult with both medical experts and legal counsel prior to initiating

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Health Screening Considerations

- Fit for work screening: multi-layered approach
  - Staggered hours and screening processes
    - Provide access to touchless thermometer
    - Self assessment questionnaires
      - See Mayo Clinic self assessment tool
      - Consult with attorney prior to initiating
    - Check state and local employment laws and governmental guidance regarding acceptability of these methods

Health Screening Considerations

- Managing screening in a hybrid work environment
  - Create protocols to:
    - Capture and record temperature checks and self screening data in real time
    - Monitor data and respond promptly if employee:
      - Reports symptoms of or exposure to COVID-19
      - Requests leave due to symptoms, exposure, or child care obligations

Responding to Calling in Sick

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- Establish defined process for calling in sick
  - route call to designated HR representative to confirm and document any COVID-19 symptoms or exposure
  - provide employee with next steps including:
    - staying home
    - seeking medical care
    - other follow-up protocols and expectations

5 Responding to Sick at Work

- Employees that fail health screening tests or experience COVID-19 symptoms

  – send home

  – seek medical care

  – CDC recommends individuals be fever-free for 24 hours prior to returning to workplace

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Responding to Sick at Work

- Employees that report close contact with persons that have COVID-19 symptoms or have tested positive
  - 14 day self-quarantine period (CDC guidance)
  - Self monitor for symptoms

5 Responding to Sick at Work

- Employees that report testing positive for COVID-19
  - Seek medical care
  - Follow CDC guidance, *When You Can be Around Others After You Had or Likely Had COVID-19*
    - 10 days isolation following test if no follow-up testing
    - 2 consecutive negative tests at least 24 hours apart

5 Responding to Sick at Work

- Identifying employees with COVID-19 or symptoms to others
  - Communicate only with employees and others who were in close contact with individual
  - Provide no identifying information beyond their position with the firm
  - Provide only information needed to protect health and safety
  - Protect confidentiality and consult with human resource personnel or your attorney prior to providing updated information

Leave Requests

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- Leave requests governed by state and local laws as well as Families First Coronavirus Response Act (FFCRA)
  - States include California, Colorado, New York, New Jersey
  - Seattle and various California cities, including Los Angeles, San Francisco, San Jose

6 Leave Requests

- Families First Coronavirus Response Act (FFCRA)
  - ◆ Applies to leave taken 4/1/20 to 12/31/20
  - ◆ Applies to all firms with fewer than 500 employees
  - ◆ Contains *limited* exemptions applicable to small businesses with fewer than 50 employees
    - Mandates 2 weeks of paid sick leave when -
      - » unable to work due to quarantine or experiencing COVID-19 symptoms and seeking a medical diagnosis, or
      - » need to care for an individual subject to quarantine or a child whose school or child care provider is unavailable for reasons related to COVID-19

Return to Work Following COVID Exposure

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- Consider remote work if employee is quarantined but is not sick

- Certificate of fitness from health care provider can be required of sick employees upon return to work
  - See CDC guidance
    - *Discontinuation of Isolation for Persons with COVID-19 Not in Healthcare Settings* https://www.cdc.gov/coronavirus/2019-ncov/hcp/disposition-in-home-patients.html

- Follow OSHA *Guidance on Returning to Work* https://www.osha.gov/Publications/OSHA4045.pdf

- Maintain employee confidentiality

Workplace Health Safety

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- Designate and mark all entry and exit doors
- Provide face masks and require use when social distancing can not be maintained
- Clean and disinfect per CDC guidance
- Provide CDC approved disinfectants and cleaning supplies for bathrooms and common areas
- Stagger hours and provide remote work options

Resources

Government Resources

OSHA Guidance
- Guidance on Preparing Workplaces for COVID-19

CDC Guidance
- **COVID-19 Employer Information for Office Buildings**
- Resuming Business Toolkit

FDA Guidance
- **FAQs on Testing for SARS-CoV-2**

DOL Guidance
- **Return to Work Toolkit for Employees and Employers**

DOL Guidance
- FFCRA Questions and Answers

EEOC Guidance:
- What You Should Know About COVID-19 and the ADA, the Rehabilitation Act and Other EEO Laws

White House Guidance:
- Opening Up America Again Guidelines

Non-Government Resources

Aon Resources
- AICPA Coronavirus Resource Center

Aon Resources
- AICPA Member Insurance Programs COVID-19 Resource Center
- Aon COVID-19 Business Recovery Decision-Making Toolkit
- CNA, **Reopening the Workplace: Employment Law Considerations**
- Society for Human Resource Management (SHRM), **States and Cities Mandate Paid Sick Leave as Pandemic Continues**

Self Assessment Tools
- **Mayo Clinic COVID-19 Self Assessment Tool**

Law Firm Guidance

Fox Rothschild:
- To Test or Not to Test: An Employer's Guide to COVID-19 Testing

Littler:
- Health Screenings: A List of Statewide Orders, as of June 18, 2020

Mayer Brown:
- Reopening Your Business During the COVID-19 Pandemic: The New Normal for the U.S. Workplace

Ogletree Deakins:
- Orders and Guidance to Screen Employees for COVID-19 and to Provide Protective Measures

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Thank you

Stay Safe

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