PREPARING FOR THE NEXT PHASE:

Critical Considerations for a Return to Work Strategy

April 30, 2020
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Consult your attorney and/or professional advisor as to your organization’s specific circumstances and legal, tax or other requirements.
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Agenda

1. Managing Employee Risk in the Workplace
2. Employee Relations
3. Absence Management
4. Reasonable Accommodations Under the ADA
5. Employers’ Obligations and Liability for Safety
6. Q&A
Status of the United States as April 30, 2020

Partial Reopening
Order Lifting or Reopening Soon
Shutdown or Restricted

Source: The New York Times
## Opening America: Phase One

<table>
<thead>
<tr>
<th>Individuals</th>
<th>Employers</th>
<th>Specific Types of Employers</th>
</tr>
</thead>
<tbody>
<tr>
<td>- <strong>Vulnerable individuals should continue to shelter in place.</strong> Members of households with vulnerable residents should be aware that they may bring the virus home. Precautions should be taken to isolate from the vulnerable.</td>
<td>- <strong>Continue to encourage telework when possible.</strong></td>
<td>- <strong>Schools and organized youth activities</strong> that are currently closed should remain closed.</td>
</tr>
<tr>
<td>- <strong>All individuals, when in public should maximize physical distance from others.</strong> Social settings of more than 10 people, where appropriate distancing may not be practical, should be avoided unless precautionary measures are observed.</td>
<td>- <strong>Return to work in phases</strong> if possible.</td>
<td>- <strong>Visits to senior living facilities and hospitals should be prohibited.</strong> Those who interact with residents and patients must adhere to strict hygiene protocols.</td>
</tr>
<tr>
<td>- <strong>Avoid socializing in groups over 10 in circumstances that don’t readily allow for appropriate physical distancing (e.g., receptions, trade shows)</strong></td>
<td>- <strong>Close common areas where personnel are likely to congregate</strong>, or enforce strict social distancing protocols.</td>
<td>- <strong>Large venues</strong> (e.g., sit-down dining, movie theaters, sporting venues, places of worship) <strong>can operate under strict physical distancing protocols.</strong></td>
</tr>
<tr>
<td>- <strong>Minimize non-essential travel</strong> and adhere to CDC guidelines regarding isolation following travel.</td>
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<td>- <strong>Elective surgeries can resume</strong>, as clinically appropriate, on an outpatient basis at facilities that adhere to CMS guidelines.</td>
</tr>
<tr>
<td></td>
<td>- <strong>Consider special accommodations for vulnerable personnel.</strong></td>
<td>- <strong>Gyms can open</strong> if they adhere to strict physical distancing &amp; sanitation protocols.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- <strong>Bars should remain closed.</strong></td>
</tr>
</tbody>
</table>

Source: https://www.whitehouse.gov/openingamerica/
# Opening America: Phase Two

<table>
<thead>
<tr>
<th>Individuals</th>
<th>Employers</th>
<th>Specific Types of Employers</th>
</tr>
</thead>
<tbody>
<tr>
<td>o Vulnerable individuals should continue to shelter in place. Members of households with vulnerable residents should be aware that they may bring the virus home. Precautions should be taken to isolate from the vulnerable.</td>
<td>o Continue to encourage telework when possible.</td>
<td>o Schools and organized youth activities can reopen.</td>
</tr>
<tr>
<td>o All individuals, when in public, should maximize physical distance from others. Social settings of more than 50 people, where appropriate distancing may not be practical, should be avoided unless precautionary measures are observed.</td>
<td>o Close common areas where personnel are likely to congregate, or enforce moderate social distancing protocols.</td>
<td>o Visits to senior living facilities and hospitals should be prohibited. Those who interact with residents and patients must adhere to strict hygiene protocols.</td>
</tr>
<tr>
<td>o Non-essential travel can resume.</td>
<td>o Consider special accommodations for vulnerable personnel.</td>
<td>o Large venues (e.g., sit-down dining, movie theaters, sporting venues, places of worship) can operate under moderate physical distancing protocols.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>o Elective surgeries can resume, as clinically appropriate, on an outpatient and in-patient basis at facilities that adhere to CMS guidelines.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>o Gyms can remain open if they adhere to strict physical distancing and sanitation protocols.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>o Bars may operate with diminished standing-room occupancy.</td>
</tr>
</tbody>
</table>
## Opening America: Phase Three

<table>
<thead>
<tr>
<th>Individuals</th>
<th>Employers</th>
<th>Specific Types of Employers</th>
</tr>
</thead>
<tbody>
<tr>
<td>o 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.</td>
<td>o Resume unrestricted staffing of worksites.</td>
<td>o Visits to senior care facilities and hospitals can resume. Those who interact with residents and patients must be diligent regarding hygiene.</td>
</tr>
<tr>
<td>o Low-risk populations should consider minimizing time spent in crowded environments.</td>
<td></td>
<td>o Large venues (e.g., sit-down dining, movie theaters, sporting venues, places of worship) can operate under limited physical distancing protocols.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>o Gyms can remain open if they adhere to standard sanitation protocols.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>o Bars may operate with increased standing room occupancy</td>
</tr>
</tbody>
</table>

Source: [https://www.whitehouse.gov/openingamerica/](https://www.whitehouse.gov/openingamerica/)
1

Managing Employee Risk in the Workplace
<table>
<thead>
<tr>
<th>Employment Status</th>
<th>Furlough / Unpaid LOA</th>
<th>Reduced Hours</th>
<th>Layoff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remains an &quot;inactive&quot; W-2 employee</td>
<td>Ongoing employment relationship</td>
<td>Employment relationship ends</td>
<td></td>
</tr>
</tbody>
</table>
OSHA General Duty Clause

Workplace Arrangements & Employee Safety

Fearful Employees → High-Risk Employees → Exposed Employees → Diagnosed Employees

Personal Protective Equipment
OSHA General Duty Clause

Each employer

1. Shall furnish to each of his employees employment and a place of employment which are *free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees*;

2. Shall comply with occupational safety and health standards promulgated under this Act.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.
Mitigating Risk

**On-site employee screening** – only for practice team members who are **coming onsite** or exposed to other workers, clients, vendors, etc.

- Taking temperatures
- Asking exposure questions
- Asking medical questions
What You Can Ask About the EE’s Own Condition

Are you experiencing any of the following CDC - COVID-19 Symptoms or combination of symptoms:

- Cough
- Shortness of Breath

Or at least two of these symptoms:

- Fever – (100.4 degrees)*
- Chills
- Repeated shaking with chills
- Muscle pain
- Headache
- Sore throat
- New loss of taste or smell

* The employer may take the employee’s temperature. The person conducting the daily pre-screening should be provided PPE including an appropriate mask.
Employer-Administered Testing

- ADA - mandatory medical test of employees be "job related and consistent with business necessity."

- ADA standard - employers should ensure that the tests are accurate and reliable.

- EEOC Recommendation
  - Review guidance from the U.S. Food and Drug Administration about what may or may not be considered safe and accurate testing
  - Review guidance from CDC or other public health authorities and check for updates
  - Should consider the incidence of false-positives or false-negatives associated with a particular test

- EEOC Reminders
  - Testing only reveals if the virus is currently present; a negative test does not mean the employee will not acquire the virus later.
  - Employers should still require – to the greatest extent possible – that employees observe infection control practices (such as social distancing, regular handwashing, and other measures) in the workplace to prevent transmission of COVID-19.
Confidentiality and Medical Information

- Private & Confidential
- FMLA Work Comp
- Separate Records
- “Need to Know”

U.S. Equal Employment Opportunity Commission

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

Technical Assistance Questions and Answers - Updated on April 23, 2020

- All EEOC materials related to COVID-19 are collected at www.eeoc.pandemic.aaa.org

- The EEOC enforces workplace anti-discrimination laws, including the Americans with Disabilities Act (ADA) and the Rehabilitation Act (which includes the requirement for reasonable accommodation and non-discrimination based on disability, and rules about employer medical examinations and inquiries), Title VI of the Civil Rights Act (which prohibits discrimination based on race, color, national origin, religion, and sex, including pregnancy), the Age Discrimination in Employment Act (which prohibits discrimination based on age, 40 or older), and the Genetic Information Nondiscrimination Act.

- The EEOC laws, including the ADA and Rehabilitation Act, continue to apply during the time of the COVID-19 pandemic, but they do not interfere with or prevent employers from following the guidelines and suggestions made by the CDC or state/local public health authorities about steps employers should take regarding COVID-19. 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.

- The EEOC has provided guidance (a publication entitled Pandemic Preparedness in the Workplace and the Americans With Disabilities Act (PDF version)) consistent with these workplace protections and rules, that can help employers implement strategies to navigate the impact of COVID-19 in the workplace. This pandemic publication, which was written during the prior H1N1 outbreak, is still relevant today and identifies established ADA and Rehabilitation Act principles to answer questions frequently asked about the workplace during a pandemic. It has been updated as of March 19, 2020 to address examples and information regarding COVID-19; the new 2020 information appears in bold.

- The World Health Organization (WHO) has declared COVID-19 to be an international pandemic. The EEOC...
What You Can Ask About the EE’s *Exposure*

- Have you self-isolated? If so, how many days and why? (remaining in your home and outdoor activities without coming closer than 6-feet from others)
- Have you been exposed to anyone currently waiting for COVID-19 test results?
- Have you been exposed to anyone who has tested positive for COVID-19?
- Have you been exposed to anyone with any of the CDC specified symptoms?
- Have you traveled outside your state or regional area?
What You Can Share

If you’ve been informed by the employee that they have a confirmed positive test for COVID-19 you may:

- ask the employee that has tested positive for COVID19 to identify:
  - last time he/she was in the workspace
  - what parts of the workspace he/she may be been in
  - with whom the employee may have had direct contact

- share with the employees that an unidentified employee with whom they have had recent contact has tested positive.

- ask how the employees (with whom the diagnosed employee had contact) are feeling and if they have any symptoms?

- direct the exposed employees to monitor their own health COVID19 symptoms.

- ask employees to disclose if they have tested positive or have been in close contact with others who have tested positive for COVID19.

Depending on the job and local health department regulations, there may be mandatory reporting obligations and the employer should consult with that health department.
### When May Employees Return to Work?

Employees should not return to work until he or she has satisfied CDC post-diagnosis / illness criteria to return to work:

<table>
<thead>
<tr>
<th>Test-based strategy – exclude from work until:</th>
<th>Non-test-based strategy – exclude from work until</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ Resolution of fever without the use of fever-reducing medications and ✓ Improvement in respiratory symptoms (e.g., cough, shortness of breath), <strong>and</strong> ✓ Negative results of an FDA Emergency Use Authorized molecular assay for COVID-19 from at least two consecutive nasopharyngeal swab specimens collected ≥ 24 hours apart (total of two negative specimens)</td>
<td>✓ At least 3 days (72 hours) have passed since recovery defined as resolution of fever without the use of fever-reducing medications and improvement in respiratory symptoms (e.g., cough, shortness of breath); <strong>and</strong> ✓ At least 7 days have passed since symptoms first appeared</td>
</tr>
</tbody>
</table>
Negligence - The Legal Standard

The employer exercised the level of care which, under all the circumstances the reasonably prudent person would exercise in making the relevant decisions. Once it is established that the employer owed a duty to the particular plaintiff, the plaintiff must next allege that the employer breached that duty. This element concerns the standard of care required of the employer. In general, the test is whether the employer exercised the level of care which, under all the circumstances, the reasonably prudent person would exercise in choosing or retaining an employee for the particular duties to be performed.
The Litigation Begins! *Estate of Wando Evans v. Walmart*

- Failed to implement social distancing guidelines promulgated by the federal and state authorities.
- Failed to properly cleanse and sterilize the store to prevent infection, and failure to properly train personnel to implement and follow procedures designed to minimize the risks of contracting COVID-19.
- Failed to provide Wando Evans and other employees with personal protective equipment such as masks, latex gloves and other devices designed to prevent infection of COVID-19, as well as failure to provide employees with antibacterial soaps, antibacterial wipes and other cleaning agents as recommended by the CDC.
- Failed to periodically interview and evaluate its employees for signs and symptoms of COVID-19, as well as failure to warn Wando Evans and other employees that individuals at the store experiencing symptoms may have been infected by COVID-19.
- Failed to follow recommendations and descriptions for mandatory safety and health standards promulgated by the DOL and OSHA, and failure to conduct periodic inspections of the conditions and cleanliness of the store to prevent and/or minimize the risk others contracting COVID-19 as recommended by the CDC.
Estate of Wando Evans v. Walmart, cont.

- Failed to follow the guidelines promulgated by the CDC with regard to keeping a safe and healthy environment, including failure to prepare and implement basic infection prevention measures, failure to develop an infectious disease preparedness and response plan and failure to implement engineered-controlled devices designed to prevent COVID-19 infection, such as installation of high efficiency air filters and physical barriers such as sneeze guards

- Failed to develop policies and procedures for prompt identification and isolation of sick people and failure to cease store operations and close when employees were experiencing symptoms of COVID-19

- Hiring employees via telephone or other remote means in an expedited process without personally interviewing or evaluating employees to see if they were experiencing signs and symptoms of COVID-19
Guidelines for 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
- 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.
Employee Relations
**Title VII of the Civil Rights Act of 1964**

<table>
<thead>
<tr>
<th>Title VII prohibits discrimination on the basis of:</th>
<th>Title VII prohibits adverse employment actions against protected classes including:</th>
</tr>
</thead>
</table>
| ○ Sex (including pregnancy and gender nonconformity) | ○ Religion  
○ National origin  
○ Age Discrimination in Employment (ADEA)  
○ Genetic Information Nondiscrimination Act (GINA) |
| ○ Race  
○ Color  
○ Age | ○ Termination  
○ Failure to hire  
○ Demotion |
Fair Labor Standards Act (FLSA) Exempt Employees (Usually Salaried)

- Must receive guaranteed salary of at least $684 each week (may vary by state)
  - May be paid bi-weekly, semi-monthly, or monthly
  - May not reduce pay based on hours worked
  - May reduce annualized salary
- Required to be paid if they perform work at some point during the workweek
- May apply vacation / PTO / sick leave to days not worked to arrive at predetermined regular weekly compensation
- Be careful of substantial changes to job duties and preserving exempt status
Nonexempt Employees *(Usually Hourly)*

- Paid for work actually performed
- Minimum Wage: $7.25 (may vary by state)
  - Government: $10.80

- Overtime compensation
  - Time-and-one-half for all hours in excess of 40 in a workweek (may vary by state)

- If non-exempt employee does not perform any work you generally do not have to pay
Financial Considerations

- Paycheck Protection Program
- Employee Retention Credit
- Health Insurance
- Reduced Payroll EPSL & E-FMLA
- Furlough
- Layoff
Employee Handbooks

New standards of conduct and behavioral expectations

- Hand washing
- Elevators
- Washing hands before entering the office
- Frequency of cleaning work space
- Social distancing
- Use of common areas
- Consequences for failure to comply
- Acknowledgement of new policies
- “Employed at Will”
Comprehensive Risk Management

- Staggered Shifts
- Cleaning
- Limited Numbers of Visitors in Office
- Visitor and Vendor Management
- Reduced Gathering Places
- Disinfecting
- Daily EE Medical Questions
- Schedule Variations
- Taking Temperatures
- Testing
- Employee Social Distancing
Absence Management
## Interaction of Absence Programs

<table>
<thead>
<tr>
<th></th>
<th>Quarantine</th>
<th>Child School Closure</th>
<th>Disabled/Diagnosed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency FMLA</td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Emergency Paid Sick Leave</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>“Original” FMLA</td>
<td></td>
<td></td>
<td>✓ / possible</td>
</tr>
<tr>
<td>ADA</td>
<td></td>
<td></td>
<td>✓ / possible</td>
</tr>
<tr>
<td>State Leave (unpaid)</td>
<td>✓ / possible</td>
<td>✓ / possible</td>
<td>✓ / possible</td>
</tr>
<tr>
<td>State/Local Paid Sick Leave</td>
<td>✓ / possible</td>
<td>✓ / possible</td>
<td>✓</td>
</tr>
<tr>
<td>Employer Paid Time Off</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Short Term Disability</td>
<td></td>
<td></td>
<td>✓ / possible</td>
</tr>
<tr>
<td>Statutory Disability/PFML</td>
<td>✓ / possible</td>
<td></td>
<td>✓ / possible</td>
</tr>
</tbody>
</table>
Qualified Leave Reasons Under FFCRA

- **Emergency Paid Sick Leave (EPSL): Up to 2 weeks**
  - The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
  - The employee has been advised by a health-care provider to self-quarantine because of COVID-19;
  - The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
  - The employee is caring for an individual subject to or advised to be in quarantine or isolation;
  - The employee is experiencing substantially similar conditions as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

- **Expanded FML & EPSL: Up to 12 weeks combined**
  - The employee is caring for a son or daughter whose school or place of care is closed, or child-care provider is unavailable, due to COVID-19 precautions.
FMLA Requirements to Remember

<table>
<thead>
<tr>
<th>Employees must provide:</th>
<th>Employers must provide:</th>
</tr>
</thead>
<tbody>
<tr>
<td>o Notice of a need for FMLA</td>
<td>o Eligibility Notice</td>
</tr>
<tr>
<td>o Certification confirming a need for leave (except bonding)</td>
<td>o Rights and Responsibilities Notice</td>
</tr>
<tr>
<td></td>
<td>o Designation Notice</td>
</tr>
</tbody>
</table>

- Can require a doctor’s release under FMLA for an employee’s OSHC, but be practical on obtaining
# Employee Rights Under FMLA

<table>
<thead>
<tr>
<th>Maintenance of Benefits</th>
<th>Job Restoration</th>
</tr>
</thead>
<tbody>
<tr>
<td>o  Group Health Plan</td>
<td>o  Same or “equivalent” job</td>
</tr>
<tr>
<td>o  Employer Responsibilities</td>
<td>o  Equivalent pay</td>
</tr>
<tr>
<td>o  Employee Responsibilities</td>
<td>o  Limitations on an Employee’s right to return to work</td>
</tr>
</tbody>
</table>

- Same or “equivalent” job
- Equivalent pay
- Limitations on an Employee’s right to return to work
Reasonable Accommodations Under the ADA
What is a Disability Under ADA?

- An individual must have an “actual” or a “record of” a disability as defined by the ADA Amendments Act (ADAAA)

- **Disability**: an impairment that substantially limits a major life activity
  - Review the EEOC’s list of conditions
  - Definition is broad, so always err on the side of caution

- Must be a connection between the impairment and the specific accommodation requested

- Those not covered solely by ADA:
  - 65 or older or pregnant employees
  - Caregivers of individuals with disabilities
The Interactive Process

1. **Monitor**
   - Recognize an Accommodation Request

2. **Gather Information**

3. **Explore Options**

4. **Implement**
   - Choose an Option
Employer Actions Under the ADA

Engage in the interactive process

Ask employees now if they will need an accommodation in the future when they are permitted to return to the workplace

Employees who request an accommodation for something that is already provided to all employees

Confidentiality of medical information
Requesting Information from Employees

- To explain why an accommodation is needed
  1. How the disability created a limitation
  2. How the requested accommodation will address the limitation
  3. Whether another form of accommodation could address the issue
  4. How a proposed accommodation will enable continued ability to perform the “essential functions” of the position

- To determine if a condition is a “disability” under ADA
  - Only if the disability is not obvious or already known
Accommodation Challenges for Employers Amidst COVID

<table>
<thead>
<tr>
<th>Undue Hardship Considerations</th>
<th>Ability for employees to provide documentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>o Significant Difficulty</td>
<td>o Provide temporary accommodations on an interim or trial basis for urgent requests</td>
</tr>
<tr>
<td>o Significant Expense</td>
<td></td>
</tr>
</tbody>
</table>
Telework – Lessons Learned from Ford Motor Company

- Ford Motor Company was sued by the EEOC in 2011 for failing to provide a reasonable accommodation to a disabled employee.

- Employee requested an accommodation to telework due to a gastro-intestinal condition.

- Ford refused to allow the employee to participate in its liberal telecommuting program as a reasonable accommodation.

- In addition, Ford began to criticize her performance, placed her on a performance plan, and ultimately terminated the employee months after she complained about being denied for an accommodation.
Additional Considerations Under ADA

- Employees transitioning from telework back to the worksite
- Those without telework capabilities but are at a higher risk of COVID
  - Temporary, low cost options
  - Flexibility is key
- Mental illness or disorder exacerbated by COVID-19
- Employees with accommodations prior to COVID-19 requesting additional or altered accommodations
- Development of return-to-work programs for the future
Accommodation Resources

Job Accommodation Network (JAN)
  - Askjan.org

EEOC: What you should know about COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws
  - [https://www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitation_act_coronavirus.cfm](https://www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitation_act_coronavirus.cfm)
Employers’ Obligations and Liability for Safety

Best Practices To Address Before Your Employees Return to Work
Goals of Returning to Work Safely

- Protect people
- Protect property
- Manage the business through the crisis
- Sustain reputation
- Resume normal operations
- Suppliers
- Customers
Best Practices

1. Pandemic Plan
2. Employee Monitoring / Reporting
3. Rotational Jobs / Work
4. Contractor Management
5. Cleaning and Disinfecting
6. OSHA and CDC Guidelines
7. EEOC Guidelines
8. Plan, Organize, Evaluate, Respond
Pandemic Plan

Employees  Logistics  Scheduling  Deliveries  Contractors
Employee Exposure and Monitoring

These symptoms may appear **2-14 days after exposure to the virus:**

- **Fever**
- **Cough**
- **Shortness of breath or difficulty breathing**
- **Chills**
- Repeated shaking with chills
- **Muscle pain**
- **Headache**
- **Sore throat**
- **New loss of taste or smell**
When to Seek Medical Attention

- Sick employees should follow [CDC-recommended steps](#).
- If employees develop emergency warning signs for COVID-19 they should get medical attention immediately.

- Emergency warning signs include:
  - Trouble breathing
  - Persistent pain or pressure in the chest
  - New confusion or inability to arouse
  - Bluish lips or face

*This list is not all inclusive. Please consult your medical provider for any other symptoms that are severe or concerning*
## Workforce Planning

<table>
<thead>
<tr>
<th>Remote Workers</th>
<th>Onsite / Facility Work</th>
<th>OSHA / CDC Guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>o Consider continuation of employees working remotely to reduce the number of employees in the workplace.</td>
<td>o Limit the number of employees in the workplace to those of essential workers.</td>
<td>o Follow guidelines for social distancing, PPE and other areas to reduce the spread of the virus.</td>
</tr>
<tr>
<td>o Ensure employees have proper equipment to continue their productivity at home.</td>
<td>o Provide an area for employees to set-up, complete their daily job tasks and move back to working remotely as soon as possible.</td>
<td>o Testing for employees should be completed by a Medical Practitioner or Health Care Provider.</td>
</tr>
<tr>
<td>o If employees are required to come into the workplace – Complete a Health Screening Assessment via phone prior to arriving on-site.</td>
<td>o Determine job rotation, staggered shifts, adjusting job tasks, hours duration, work schedules etc.</td>
<td>o Commitment to stay current on all areas of Employee Health, Safety and Wellness.</td>
</tr>
</tbody>
</table>
Contractor Management

- **Develop a “Critical” Contractor Management List**
  - What are your contractors doing to monitor their employees?

- **Observe, Monitor and Review**
  - Provide an overview of your company protocol to the contractors and their employees
  - Obtain and agreement from your contractor on their firm’s protocols
  - Ensure the contractor works in the designated areas and does not interact with your employees
  - Contain movements of the contracted firm within the facility
# Cleaning and Disinfecting

<table>
<thead>
<tr>
<th>Document</th>
<th>Results</th>
<th>Common Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>o Identify affected areas and employees – quarantine as needed based on the Risk Assessment</td>
<td>o Provide notification of cleaning / disinfecting results to management and employees</td>
<td>o Public entry doors (handles, push bars, surface area) – a minimum of four times a day</td>
</tr>
<tr>
<td>o Provide thorough documentation on cleaning vendors, service, chemicals and affected areas</td>
<td>o Develop ongoing tracking of employ</td>
<td>o Elevator buttons – three times each day</td>
</tr>
<tr>
<td>o Review guidelines provided by CDC and OSHA to ensure compliance</td>
<td>o And (after a short shootout with the police) all the equipment was recovered.</td>
<td>o Public counters in lobbies and reception areas / Handrails – twice each day</td>
</tr>
<tr>
<td></td>
<td></td>
<td>o Copy-rooms, breakrooms and kitchen appliances (vending machines, microwaves and refrigerators) / Conference room light switches – twice each day</td>
</tr>
<tr>
<td></td>
<td></td>
<td>o Employee workspaces – three times each day</td>
</tr>
</tbody>
</table>
“the ability of an organization to anticipate, prepare for, respond, and adapt to incremental change and sudden disruptions in order to survive and prosper”
Coronavirus Resource Center

Be prepared. Know how to respond.

As Coronavirus (COVID-19) continues to evolve, HUB is here to help.

Get the latest information, guidance and resources to protect what matters most.

Business Continuity and Claims
Employee Relations and Benefits
Legal and Regulatory Considerations

Return to Work

There are several considerations for employers as they consider returning employees to the workplace or continue to manage employees who have been able to work. Each federal, state and county agency charged with the health and safety of workers have issued their own guidance regarding return to work policies and business operations in the COVID-19 crisis.

Employer’s Obligations and Liability for Safety

The OSHA General Duty Clause require that employers of all industries:

1. Shall furnish to each employee, employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to the employees.

Please refer to the HUB Crisis Resource Center for more information.

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Be prepared. Be safe.
Visit HUB’s Coronavirus Resource Center.

hubinternational.com/coronavirus
Q & A
Thank you.