

COVID-19 Workplace Checklist

Emerging Best Practices

Review Organizational Risks

- Consider the creation of a company committee consisting of representatives from senior management, legal, HR, and operation departments to oversee the planning and implementation of your COVID plan. Establish a designated point person (or department) to whom employees should report all COVID-19-related issues. This should be a human resource professional, or someone in a similar role, who is trained to maintain employee confidentiality.
- Conduct a risk/hazard assessment of the physical workplace, in accordance with federal OSHA and CDC recommendations, to identify potential COVID-19 risks/hazards and formulate a safety plan.

Maintain Workplace Safety

- Implement social distancing requirements for the workplace and limit large gatherings and meetings of employees and customers.
- Make available appropriate personal protective equipment (PPE) to employees as mandated or recommended by federal, state and local guidance.
- Document the efforts to conduct regular office cleanings, with a focus on high-touch surfaces, such as breakrooms, time clocks, kitchens, coffee makers, water coolers, shared printers and copiers, elevators, and restrooms. Consider limiting rooms and/or equipment that encourage virus transmission.
- Post social-distancing markers using tape and/or signs. Rearrange office space, conference rooms, and other spaces to ensure social distancing.
- Continue to educate employees and post notices regarding best practices for hygiene in the workplace. Provide employees with hand sanitizer and other disinfectant products at their workstations for individual use.
- Check HVAC systems to make sure they are functional and are in line with industry standards for your specific workplace.
- Close employer-provided cafeterias and salad bars where food is exposed. Move to individual sealed containers if food continues to be provided through the employer.
- Establish a protocol for deliveries and office visitors that keeps them distanced from the employee population.
- Train managers/supervisors how to appropriately respond to positive COVID-19 tests, symptomatic employees, and other sensitive medical situations related to COVID-19.
- Review office lease agreements and company insurance policies for provisions that would allow the employer

to seek reimbursement for expenses associated with office safety changes, especially regarding common areas shared by multiple tenants (e.g., installing automatic door openers, changes to the elevator system or common restrooms).

Employment Policies, Communication & Leave

- Establish an open-door policy with employees around COVID-19 concerns where they are encouraged to ask questions. This will help maintain a safe workplace and help employees exercise their rights under applicable sick and other leave policies. Ensure employees are not being retaliated against or treated unfairly for raising concerns and complaints.
- Carefully track each employee's use of statutory and company-provided leave, including the duration and reasons for the leave. Do not retaliate against an employee for exercising their COVID-19 rights.
- Instruct employees to self-report symptoms and concerns and to stay home when not feeling well. Employees who are not experiencing COVID-19 symptoms but who have been in close contact with a person who has tested positive for COVID-19 (e.g. a family member at home) should be instructed to self-report, get tested and follow CDC guidelines.
- Consider proactively inquiring whether employees are experiencing COVID-19 related symptoms through a questionnaire issued to all employees on a non-discriminatory basis. Ensure that any information obtained from such a survey is kept confidential in compliance with federal and state privacy laws.
- Employers may ask all employees who are physically entering the workplace: (i) if they have COVID-19-related symptoms, and (ii) if they have been tested for COVID-19.
- For employees who are continuing to telecommute, employers may ask an employee these same questions if the employer has a reasonable belief, based on objective evidence (e.g., if the person has a hacking cough), that the employee might have COVID-19.
- Consider requiring a test to determine whether employees have an active case of COVID-19 prior to their return to work, which the EEOC has opined is permissible. Be aware that COVID-19 tests may not be readily available and that the waiting time for test results may be extended to several days.
- When conducting employee symptom screening and/or body temperature checks, designate a testing site to preserve privacy and implement measures to protect the individual conducting the screening (i.e., social distancing protocols, partitions and PPE). Limit recordkeeping to only suspected or confirmed cases and maintain a log of employees not permitted to enter the office based on the results of screenings/tests. Store records separately from personnel files and treat such records as confidential.
- Upon request, consider renewed or modified reasonable accommodations for employees with disabilities (e.g. higher risk employees) in light of COVID-19 challenges and issues, including for those employees who need to continue to telecommute. Note that an employer may not exclude an employee from the workplace solely because the employee has a disability that the CDC has identified as placing that employee at a higher risk of severe illness in connection with COVID-19 (e.g., chronic lung disease, heart conditions and diabetes). Rather, an employer may do so if such disability poses a "direct threat" to the employee's own health that cannot be eliminated or reduced by a reasonable accommodation (which is a high standard that would likely not be met in most cases). Employers should engage in the interactive process with any such employees and

conduct an individualized assessment taking into consideration the nature of the employee's work, and the risk of COVID-19 exposure in the workplace, to determine appropriate accommodations.

- Consider inviting self-disclosure for high-risk employees (e.g., those who have been identified by the CDC as being at higher risk for severe illness if they contract COVID-19, based on their age, underlying medical conditions or other factors) and provide appropriate accommodations.
- If an employee has a confirmed case of COVID-19 (or has been exposed to someone in their home with a confirmed case), they should not return to the office until: (i) they have been cleared by a medical professional to do so, or (ii) they have self-quarantined for the specified number of days advised by the CDC.
- An employer may request a medical note releasing the employee to return to work, but this may not be practical given the strain on the healthcare system.
- If an employee is exhibiting symptoms consistent with COVID-19, the company should send the employee home and direct them to get tested and self-quarantine for a certain number of days.
- Encourage mask wearing, especially when in more public or populated areas of the workplace.

Confirmed/Suspected COVID-19 Infection & Exposure

- For confirmed cases of COVID-19, employers should:
 - If it has been less than seven days since the employee has been in the office, close off any areas used for prolonged periods of time and, if possible, wait at least 24 hours before cleaning the impacted areas to reduce additional exposure.
 - Interview the employee to identify other company personnel with whom the employee may have had close contact for a prolonged period of time.
 - Notify company personnel who may have been exposed (without identifying the employee by name, gender or any other descriptor).
 - Consider sending an email to the entire office site that was exposed stating that the company has a confirmed case of COVID-19 (again, the employer should not identify the employee by name, gender or any other descriptor).
 - Notify public health authorities about any confirmed employee cases of COVID-19 as required by federal, state and local guidance.
 - Continue to monitor federal, state and local government guidance on testing, isolating and contact tracing measures.
 - Follow the most recent guidance issued by OSHA (as well as state and local occupational health and safety agencies) to evaluate whether the employee may have contracted COVID-19 in the workplace, and if so, comply with all applicable recordkeeping and other requirements.
- Review applicable insurance policies (i.e., workers' compensation insurance, employers' practices liability insurance and general liability insurance), and engage with your insurance broker regarding coverage for potential employee claims of COVID-19-related illness, bodily injury and/or wrongful death.