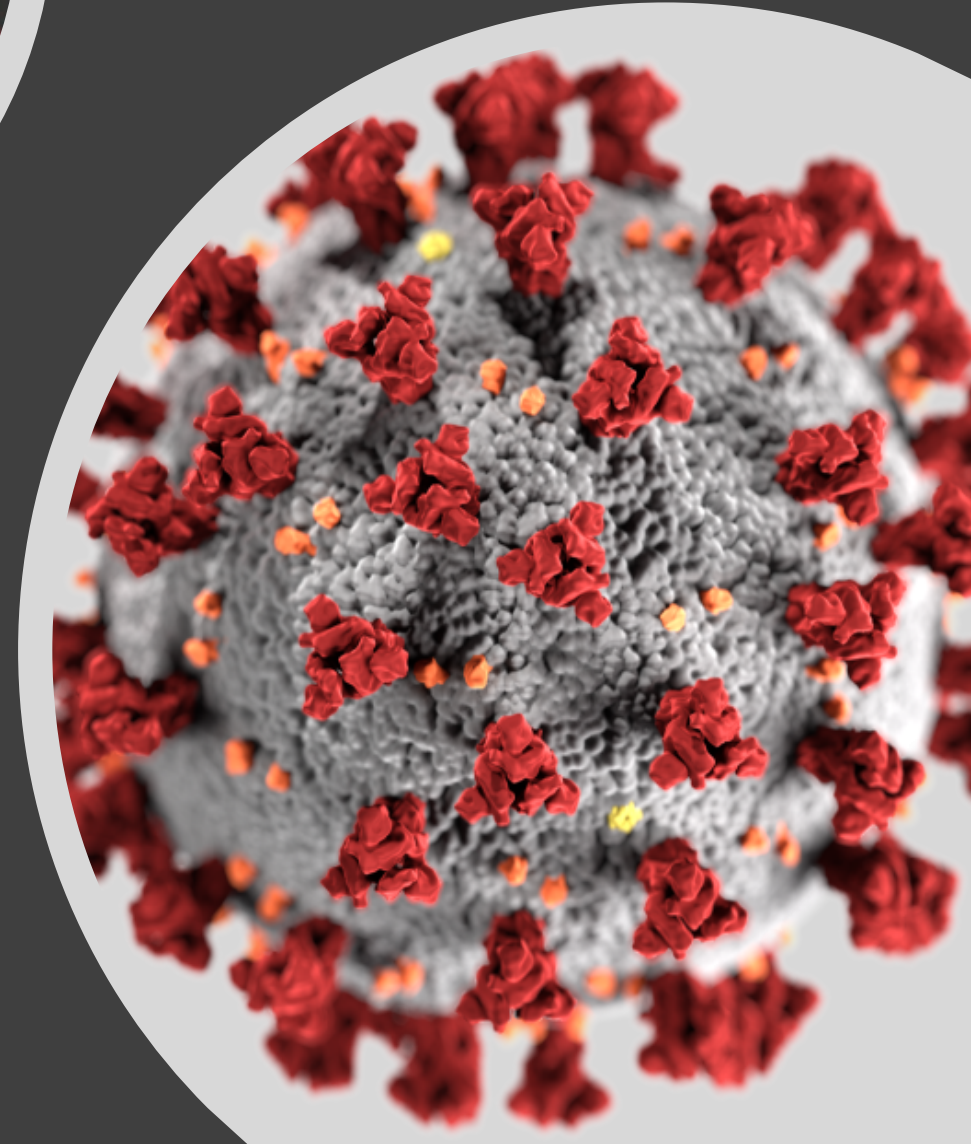
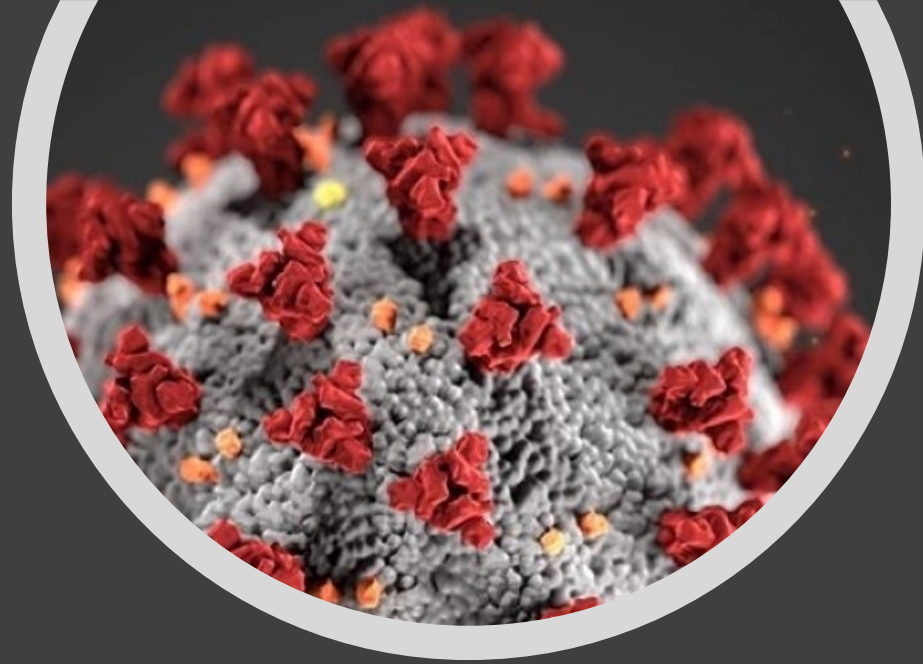
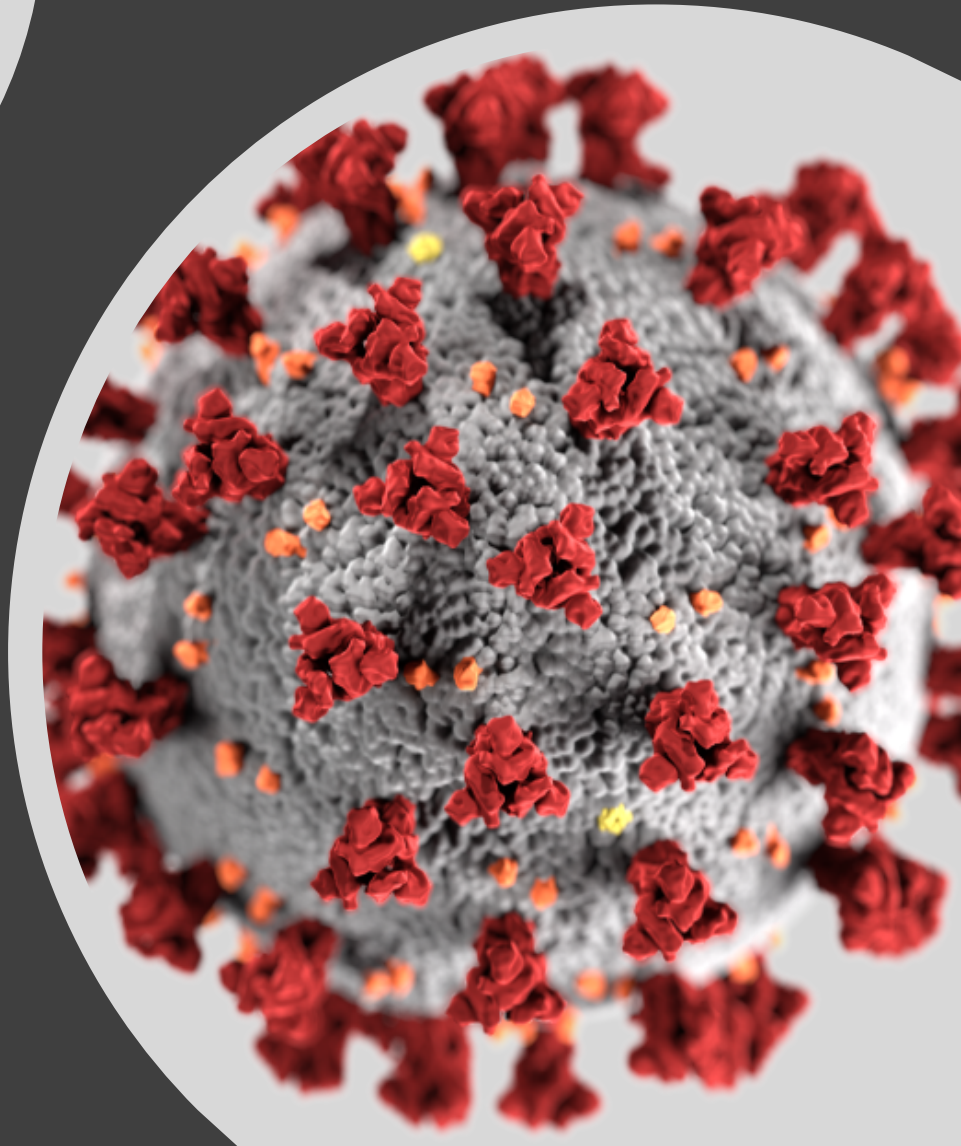
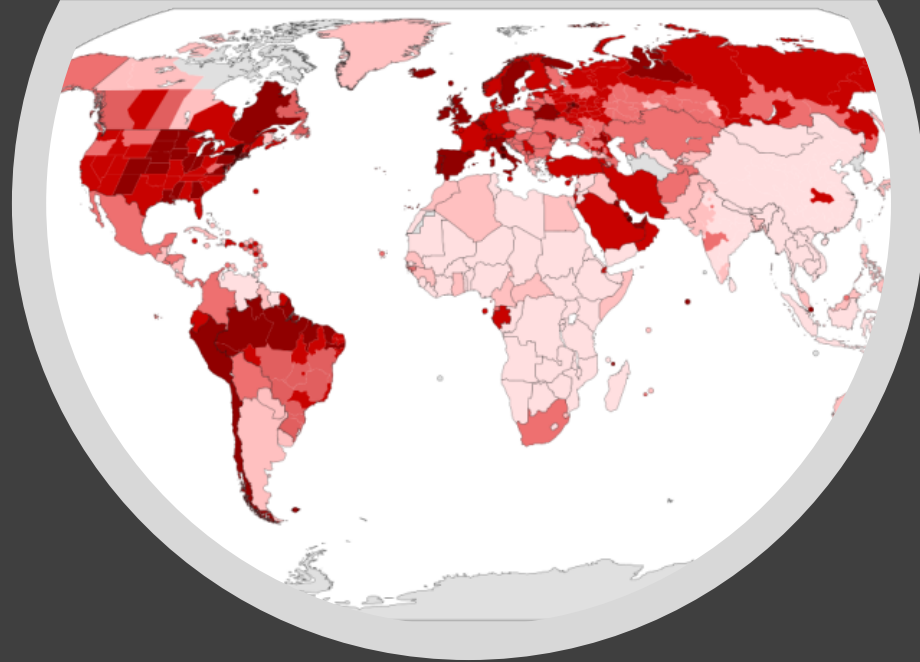


VA Emergency Temporary Standard - Covid 19 Prevention

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Emergency Temporary Standard

- Effective as of date of publication 7/27/2020
- Classify/assess risk levels of positions
- Handwashing stations and hand-sanitizers
- Must provide COVID-19 training within 30 days of effective date, if have 11 “medium risk” employees
- Infectious disease preparedness response plan within 60 days if have more than 11 “medium risk” employees
- Provide VOSH agency-prepared COVID-19 information to all employees
- HVAC standards are required
- Notification of positive tests to VOSH and VA Department of Health
- Expires in 6 months

Application of Standard

- Applies to every employer, employee, and place of employment in the Commonwealth of Virginia within the jurisdiction of VOSH program.
- Employer means any person or entity engaged in business who has employees but does not include the United States
- Employee means an employee of an employer who is employed in the business of employer

Emergency Temporary Standards

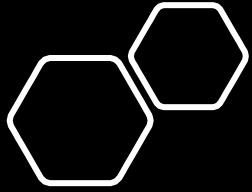
- Standard is in Addition To -- Not in Place of Existing Rules & Regulations:

- PPE
- Respiratory Protective Equipment
- Sanitation
- Chemical safety compliance (labels, instructions, logs)
- Conflicts between ETS and other rules resolved with more stringent requirement governing.

-

ETS Mandatory Requirements – All Employers

1. Assess workplace for hazards and job tasks for COVID-19 exposure; Classify each job task according to hazards
2. Control risk of exposure from employees
 - Self-monitoring for symptoms general
 - Self-monitoring for symptoms due to exposure
3. Develop and implement procedures for reporting COVID-19 symptoms. (Employee is suspected to be infected once has symptoms)
4. Prohibit employees or other persons suspected to be infected from coming to work site until cleared to return



ETS Mandatory Requirements cont'd

5. Provide Flexible Sick Leave Policies to the extent feasible and in accordance with applicable law – FFCRA, mandated state leave laws (none in VA), ADA, FMLA
6. Discuss with subcontractors/other entities your and their policies regarding handling of workers that are infected or have been exposed to COVID-19 that will have interaction with employees

ETS
Mandatory
Requirements,
cont'd -
Notification

7. Establish confidential system to receive reports of positive COVID-19 tests of employees or others present at the place of employment within the previous 14 days prior to positive test.
 - a) Employees who may have been exposed of possible exposure (name of infected employee not disclosed)
 - b) Notify other employees that there was possible exposure on job site (those at work during same period).

Must notify with 24 hours of discovery:

ETS Mandatory Requirements - Notification

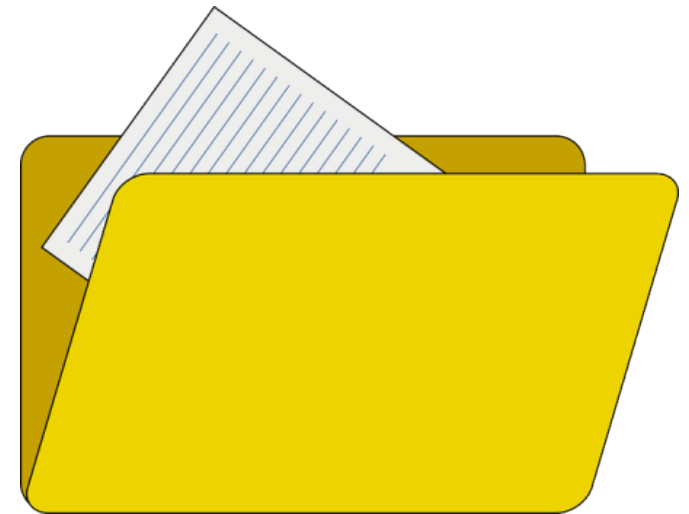
c) Notify building/facility owner of occurrence of positive test

d) Virginia Department of Health (24 hours) of discovery of positive test

e) Virginia DOLI (24 hours) of discovery of 3 or more employees present at work site within 14-day period testing positive

ETS Mandatory Requirement – Access to Records

- Provide employees with access to his/her own COVID-19 disease and exposure records applicable to its industry.



ETS Mandatory Requirements, cont'd.

- Adopt flexible sick leave policies (FFCRA) that are consistent with public health guidance – publish these policies
- Allow employees to use vacation leave for COVID-19
- Notify subcontractors or other companies that provide contract employees to keep employees or others with suspected COVID-19 to stay home and not report back until cleared

Compliance with CDC Guidelines



- Employers that comply with CDC recommendations/guidelines to mitigate COVID-19 hazards and job tasks applicable to their business/workers will be deemed in compliance with ETS, if CDC standards are greater or equal to ETS
- Actual compliance is required
- Actual compliance is evidence of good faith even if standard is not greater or equal to ETS

VOSH COVID-19 PUBLICATIONS

- <https://www.doli.virginia.gov/wp-content/uploads/2020/03/Coronavirus-Hazard-Alert.pdf>
 - This document is the template for establishing a program
- VOSH Resources found at <https://www.doli.virginia.gov/vosh-programs/coronavirus-covid-19-resources/>
- Local consultant:
<https://www.doli.virginia.gov/vosh-programs/coronavirus-covid-19-resources/>
- <https://www.doli.virginia.gov/covid-19-outreach-education-and-training/>

Developing the Program

- Workplace Safety
- Education
- Training
- Prevention
 - Screening
 - Sick/exposed employees stay home
 - Hygiene

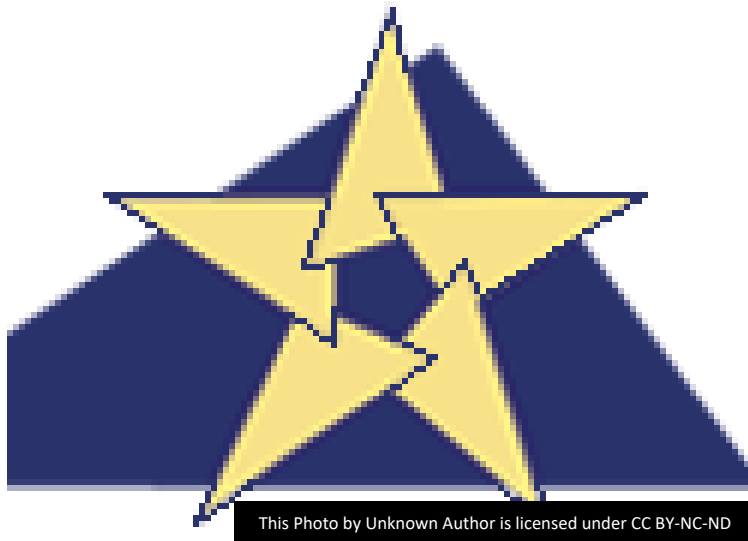


Elements of Program

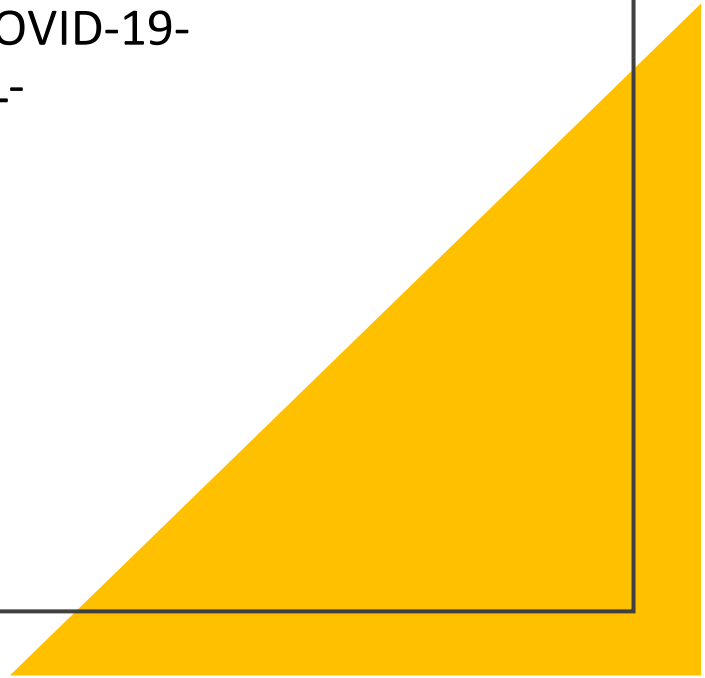
- Identification of Risks
- Infection Prevention/Control Plan
- Procedure for identification and isolation of sick/exposed persons
- Communication/Training
- Workplace Controls
- PPE



9-Steps to Compliance



- <https://www.doli.virginia.gov/wp-content/uploads/2020/07/COVID-19-ETS-EMPLOYER-GUIDE-FINAL-7.23.2020-English.pdf>





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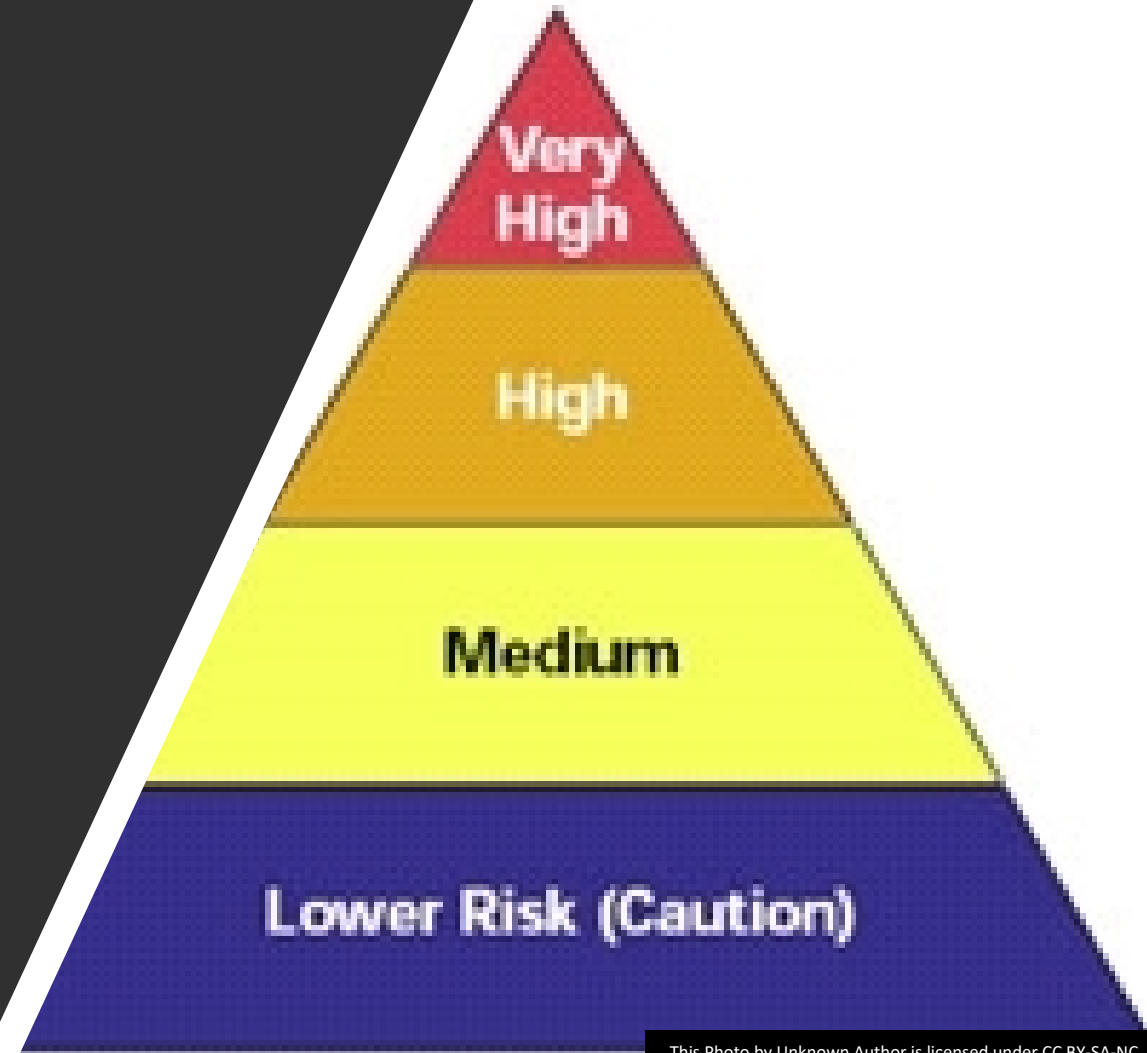
STEP 1

Assess workplace for hazards and job tasks for potential exposure of employees to COVID-19

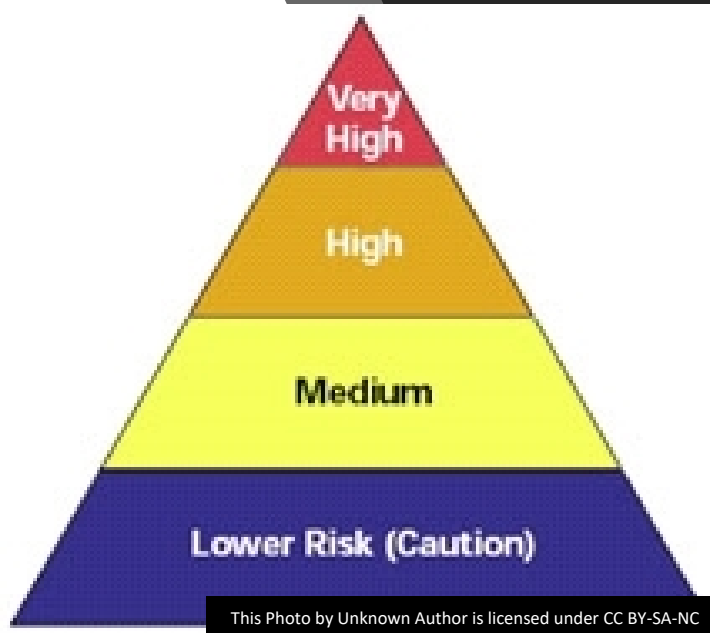
- Very High Risk
- High Risk
- Medium Risk
- Lower Risk

Step 1 - Rate Employee Exposure by Job Task

- Indoor/outdoor work environment
- Known presence of COVID-19
- # of employees in relation to size of work area
- Working distance between employees
- Duration and frequency of contact inside 6 feet over workers



Rate Employee Risk by Hazards Encountered



- Airborne transmission
- Contact with contaminated surfaces/objects
- Shared work vehicles
- Shared transportation (ride-share vans, work trucks), public transportation
- Exposure to others (workers from other companies or general public)

Very High Risk Jobs

High potential for employee exposure inside six feet to known or suspected sources of COVID-19 during the performance of specific medical (e.g., aerosol generating procedures), postmortem, or laboratory procedures with specimens from a known or suspected source of COVID-19.

High Risk Job

High potential for employee exposure inside six feet to known or suspected sources of COVID-19

Examples: hospital workers, first responders, medical transport providers, mortuary services workers, medical and dental staff, non-medical support staff, long term care facility staff, home healthcare workers, etc.

Medium Risk Job

1. Require more than minimal occupational contact
2. Contact inside six feet with other employees or other persons that may be, but are not known or suspected to be, infected with COVID-19
3. Examples: waiters, grocery store workers, agricultural workers, construction workers, domestic service workers, hairdressers, fitness instructors, workers in poultry and meat processing facilities, manufacturing workers, correctional facilities, and healthcare workers in settings without known or suspected sources of COVID-19.

Medium Risk Additional Examples

- Meat, poultry, seafood processing
- Agricultural/hand labor
- Commercial transportation of passengers (air, land, water)
- Daycare, school, restaurants, bars, grocery stores, etc.
- Jails
- Spas, hair salons
- Gyms
- Indoor and outdoor construction settings
- Work done on customer premises
- Retail stores
- Packaging processing (Amazon)
- Airports, train and bus stations
- Doctor's offices not involving known exposure, dentist offices

Lower Risk Jobs

1. Do not require contact inside six feet with persons known to be, suspected of being, or that may be infected with the SARS-CoV-2 virus.
2. Have minimal occupational contact with other employees or the general public; or
3. Can achieve minimal occupational contact through the implementation of work practice controls.

Assessing the Risk - Lower

Or can achieve the distancing through controls:

- Floor to ceiling physical barriers
- Telecommuting
- Staggered work shifts
- Mandatory physical distancing
- Use of face coverings for contact inside 6 feet



Step 2- Self-Assessment + Screening Protocols

Establish and implement a system for employee self-assessment and screening for COVID-19 signs and symptoms (see specific requirements by risk classification)

- Prescreening prior to shift commencement
- Symptom checking system



Symptoms of COVID 19

Per CDC symptoms may appear **2-14 days after exposure to the virus**. People with these symptoms may have COVID-19:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

Step 2 - Options

1. Pre-screening - Require employees to screen/symptom check prior to coming to work

- Employee records:
 - Temperature
 - Lack of Symptoms (dry cough, etc.)
 - Consider adding travel to “hot spot”
- Employee reports to designated person
- Records are confidential

2. Surveying - Implement worksite screening protocols

- Temperature is taken
- Lack of Symptoms determined
- Employee looks/does not look ill
- Consider adding travel question
- Records are confidential

Step 2 – Dealing with Suspected Infection

Pre-shift self-screen

- Employees with high-temperature, other symptoms, travel* are advised to contact designated person and not report to work
- Instruct employee to seek guidance of healthcare professional
- *Consider adding to address personal travel to hot spots

On-site surveyance:

- Provide face covering (if employee not already wearing)
- Move employee to location away from others (at least 6 feet)
- Advise employee to leave site, return home and seek advise of healthcare professional.

Step 2 - What can you ask?



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Can ask only about symptoms that relate to COVID -19

- fever
- chills
- cough
- shortness of breath
- sore throat
- loss of taste or smell, etc.

Step 3 Reduce or Eliminate Risk of Potential Exposure

- Encourage employees to report symptoms by notifying employees of:
 - Available paid leave – employer policies and/or sick leave available through the Families First Coronavirus Response Act (FFCRA).
 - Available alternative work schedules:
 - telework
 - staggered shifts
 - Other administrative/work practice controls when feasible to reduce or eliminate contact with others inside six feet (see Work Practice Control Step).



Step 4 – Establish Procedures to Minimize Sick Employees/Others From Infecting Healthy Employees

- Engineering and Work Practice Controls
- Require and enforce physical distancing
- Require employees to observe barriers, conduct sanitation, disinfection, and hand-washing
- Require PPE when above procedures do not provide sufficient protection



Step 4 – Workplace Practice Controls to Reduce Risk - General

- Telework, staggered shifts
 - Physical distancing rules where possible (including other non-employer personnel)
 - Physical barriers (if possible)
 - Remote meetings and eliminate non-essential travel
- Face covering requirements (when physical distancing not possible) and for customer interaction
 - Issue PPE as required, train employee in use, verify proper fit

Step 4 - Physical Distance – Access to Common Areas

Must be closed or controlled

- Consume meals at workspace
- If not possible must:
 - Post signs limiting occupancy
 - Post signs handwashing, cleaning of shared surfaces
 - Arrange space so physical distance is observed and enforce the physical distance
 - Employees must clean and disinfect area which they used prior to leaving
 - Clean and disinfect regular intervals (throughout the day, between shifts)
 - Handwashing facilities and hand sanitizers where feasible



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Step 4 –Physical Distancing

Employers shall ensure that employees observe physical distancing (while working and on breaks on employer's property) by:

1. Using verbal announcements, signs, visual cues
2. Decreasing work site density (limit non-employee access or restrict non-employee access)
3. Complying with Executive Orders on occupancy limits



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Step 4 – Physical Distancing Cannot Be Met

- Respiratory protection
- Personal protective equipment
- All as standard to the industry.



Step 4 - Vehicles

If multiple employees are occupying vehicle, must ensure compliance with respiratory protection and personal protective equipment standards applicable to industry

- Masks
- Ventilation
- Gloves



Step 4-PPE Assessment Component

- Employer is required to verify, in writing, that COVID-19 hazard assessment has been performed to determine need for PPE
- Requires employee representative
- Identifies
 - Workplace evaluated
 - Dates of assessment
- Certification document signed by person(s) performing hazard assessment
- PPE must properly fit each employee



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ETS- Employee Refuses PPE Requirements/Religious Waivers

- Exception from requirement of respirator, surgical mask or face covering if –
 - Contrary to employee's health or safety because of a medical condition
- Employer must still comply with obligation to provide and require PPE required by applicable industry standards
- Process for religious waivers from use of respirators, surgical/medical masks, or face coverings follow applicable state and federal laws



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Step 4 Require Hand Washing/Hand Sanitizer

“Employees shall have easy, frequent access, and permission to use soap and water, and hand sanitizer where feasible, for the duration of work”

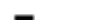
“Employees working less than 6 feet from each other provided with hand-sanitizer at each workstation”

Mobile crews shall be provided with hand sanitizer where feasible for duration of work site and immediately available to nearby toilet facilities

Must comply with VOSH laws and standards and regulations dealing with sanitation.

Safety Warnings

- Hand-sanitizers are flammable – use and storage in hot environments can create hazard
- Training on use and storage of hand-sanitizers
- Must comply with VOSH Hazard communication applicable to employer industry for cleaning and disinfecting materials and hand-sanitizers.





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Step 4 - Sanitation and Disinfecting

- Require employers to follow ETS Standard and standard applicable to its industry
- <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19>
- CDC Guidance

Step 4 - Cleaning and Disinfecting Products

- Employer responsibility to have “readily available” to employees to accomplish required cleaning and disinfecting
- Only use EPA List N for use against SARS-CoV-2
- Ensure compliance with Manufacturer labels and instructions (concentration, application method, contact time, PPE)



Step 4 - Sanitizing by Employee Interaction with:

- General Public
- Contractors
- Other Persons
- Other Employees

- Clean surfaces immediately after contact with these individuals with supplies that clean and disinfect
- Including after exposure with employees
- SARS-CoV-2 compliant
- VOSH hazard communication standards applicable to industry for cleaning and disinfecting materials and supplies

Step 4 - Cleaning and Disinfecting

- Employees must clean and disinfect immediate area where they were located prior to leaving; or may provide regular cleaning intervals throughout the day; or between shifts
- Common areas (bathrooms, kitchens, copy rooms) at a minimum must be cleaned and disinfected at end of each shift
- Handwashing facilities and hand-sanitizer where feasible available to all employees
- Shared tools, equipment, workspaces, and vehicles must be cleaned and disinfected prior to transfer from one employee to another.



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Step 4 - Cleaning and Sanitizing After Known Exposure

- Any areas where person known or suspected to be infected with COVID-19 or which others also accessed
 - Cleaned and disinfected prior to allowing other employees to access
 - At least 24 hours prior to cleaning and disinfecting; or
 - Leave area unoccupied for 7 or more days



Step 5- Keeping Known or Suspected Infected Employees from Coming to Work

- Establish and implement procedures to keep known or suspected employees from coming to work
- Establish and implement return to work plan and procedures



Step 5 -ETS Mandatory Requirements – Return to Work

Symptom-based strategy

- 3 days since recovery with no fever (without fever reducing medicine), improvement of respiratory symptoms, 10 days have passed since symptoms first appeared

Time-based strategy/Asymptomatic Positive

- Employee cannot return to work until at least 10 days have passed since date of first positive test (assuming no symptoms). If symptoms develop use symptom or test-based strategy



Step 5 - ETS Mandatory Requirements – Return to Work

- Testing Strategy
 - Resolution of fever (no medicine)
 - Improvement respiratory symptoms
 - Negative result of FDA Emergency Use Authorized COVID-19 molecular assay for detection of COVID-19 from at least 2 consecutive respiratory specimens collected 24 hours apart – 2 negative tests





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Testing

- If employee refuses test
 - Can rely upon symptom strategy
 - But employer can require the test under ETS guidelines and employer pays
- Under EEOC/ADA cannot require employee to obtain a test unless employer is administering the test.

Step 5 - Require Doctor's Note to Return to Work



Regulation repeats that the best strategy is to implement a policy that:

“involves consultation with appropriate healthcare professionals concerning when employee has satisfied time-based strategy”

Reliance on return to work note from Healthcare Provider satisfies the requirement

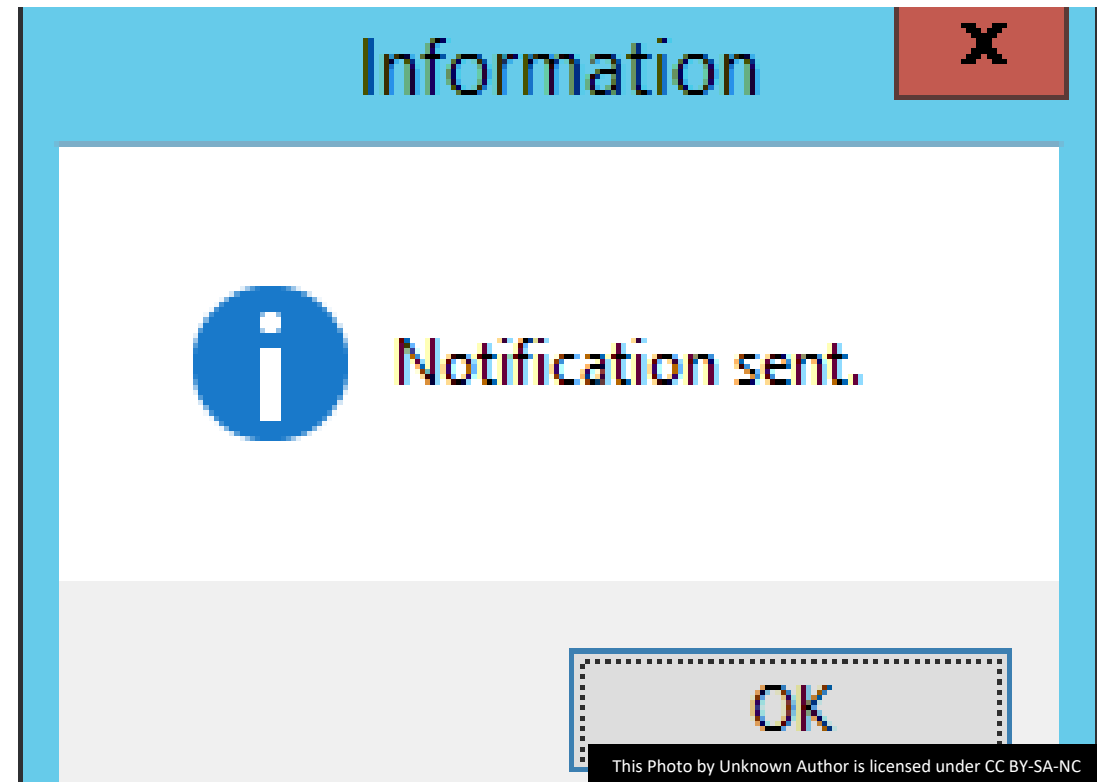
Step 6 – Establish Notification Procedures – Positive or Suspected Positive Employee

- Follow #7 Mandatory Notification Requirements Slide 9
- Must develop procedures for receiving notice of positive test (who does employee notify; who do subcontractors/others notify at company of positive test) – Confidentiality of information required (Covers 14-day period prior)
- Notify
 - Employees who may have been exposed 24 hours of exposure (do not disclose name)
 - Notify other employees that there was exposure on job site
 - Notify other company(ies), customers, whose workers may have been exposed.

Step 6 – Notification Procedures

Remember must notify

- Virginia Department of Health (24 hours) of discovery of *positive test*
- Virginia DOLI (24 hours) of discovery of 3 or more employees present at work site within 14-day period testing *positive test*
- Notify building/facility owner of occurrence of *positive test*



What to tell
contractors,
subcontractors
and customers
if employee
has Covid-19?

We recommend the following notification be provided to customer, prime or subcontractors:

- That an employee has contracted COVID-19;
- The Employer cannot identify the person who has contracted COVID-19;
- The Employer will clean equipment or vehicles which the affected employee touched or had close contact with;
- All personnel that were in close contact with the employee have been notified.

Step 7 –Anti-Discrimination/Retaliation Policy

- Include anti-discrimination/anti-retaliation provisions in COVID-19 Procedures provided to employees
- Reference protections from adverse employment actions in training for employees that have raised a reasonable concern about infection control regarding COVID-19 in the workplace.
- Protections extend to concerns raised with employer, other employees, government agency, or to the public through any form of media.



Step 8 – Disease Preparedness Response Plan/Training in Plan



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- Required if have 11 or more employees and jobs classified as medium risk; or
- Any number of employees and jobs classified as high or very high risk
- In place and employees trained on the practices in the plan within 60 days of the effective date of the ETS.

Step 9 – Training for Employees

- Medium, high, and very high risk workplaces must provide COVID-19 training to employees within 30 days of the effective date.
- Lower risk places of employment must provide employees with basic written or oral information on COVID-19 hazards and measures to minimize exposure.
- Must post COVID-19 workplace poster – Free of charge by VOSH at www.doli.virginia.gov.

Amy
Questions

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