

PREPAREDNESS AND WORKPLACE REOPENING CHECKLIST



AS WORKPLACES AROUND THE COUNTRY

begin to reopen or resume operations, the below checklist offers useful guidance on how to navigate and mitigate many of the health, safety and workplace challenges employers may face.*

DESIGNATE individual(s), office(s) or committee to develop, administer and oversee the company's COVID-19 response and policies.

DESIGNATE regional COVID-19-responsible persons, if appropriate, to implement and monitor COVID-19 policies at regional offices, and coordinate on the company's national and regional COVID-19 policies.

DEVELOP and implement process for monitoring state, federal and local guidance and requirements, as well as federal, state and local orders related to returning to work.

- Track guidance from the Center for Disease Control and Prevention (CDC), U.S. Department of Labor (DOL), Occupational Safety and Health Administration (OSHA) and Equal Employment Opportunity Commission (EEOC).
- Track guidance from state and local governments, public health authorities, and other agencies.
- Designate individual(s) to periodically review policies and ensure continued compliance with evolving guidance.

DEVELOP and implement process for workforce training and education and any other company communications to employees and external parties related to the company's COVID-19 policies, including:

- Develop a plan for initial and ongoing communications with employees and external parties.
- Establish hotline, telephone number, email address or other internal resource (including a central repository for policies, procedures and other information) (collectively, the "Internal Resource") to:

- Provide information and updates about COVID-19 developments;
 - Field questions and suggestions related to COVID-19 policies;
 - Receive employee self-reports regarding COVID-19 symptoms or diagnoses; and
 - Receive reports of potential hazards, unsafe conditions or any other issues or concerns.
- Create a process (if there is not one already) to ensure that personal employee information (e.g., COVID-19 diagnosis information) received through the internal resource is kept confidential to the greatest extent practicable and maintained separately from employee personnel files.
- Perform a test of the Internal Resource to ensure that it is active and can receive employee feedback.

CONDUCT workplace safety assessment, and engage with appropriate medical and/or public health expert(s) to review assessment.

- Assess the physical workspace, and identify known risks for COVID-19 transmission unique to each work environment.
- Assess job tasks and working processes, and identify risks for COVID-19 transmission in the performance of such tasks as well as opportunities to reduce risk of infection.
- Develop and implement safe work procedures using OSHA and CDC guidance focused on administrative controls, engineering controls and appropriate personal protective equipment (PPE).
- Develop mitigation strategies and tactics where compliance with recommended guidance is not possible or practicable.

*Please note that this is a template checklist and should be tailored to reflect applicable state and local laws, regulations and guidance, as well as to reflect any changes or developments in federal laws, regulations and guidance.

DEVELOP and implement applicable administrative and engineering controls (including workplace signage) and mitigation strategies to minimize the risk of COVID-19 transmission in the workplace, including:

- Conduct deep cleaning of workplace, including common areas and high-traffic spots, a schedule for recurring cleaning and disinfection, and a plan for deep cleaning in the event of a positive case in the workplace.
- Install or otherwise implement physical improvements in the workplace needed to reduce the transmission of COVID-19 (e.g., partitions, shields, ventilation, modifications to open workspaces, etc.).
- Ensure that any supplies necessary for administrative controls (e.g., disinfectant wipes, soap, PPE) are available and distributed according to developed policies and procedures (see below).
- For buildings and spaces that have been closed for extended periods, take measures to ensure the safety of the building prior to employee return (e.g., ensure that the water system is safe to use after a prolonged shutdown to minimize the risk of Legionnaires' disease and other diseases associated with water).

DEVELOP and implement protocol for tracking employees' COVID-19 cases that complies with OSHA's recordkeeping and reporting requirements.

- Investigate and determine work-relatedness of an employee's COVID-19 illness.

DETERMINE whether return to work should be phased in, and, if so, which categories of employees should return first.

- Consider whether there are employees who can perform their duties remotely, in whole or in part, and need not return to the workplace.
- Consider alternative work scheduling (e.g., flexible hours, staggered shifts or start times, compressed workweeks, alternating workdays).

CONSIDER how employees will be screened before/upon return to the workplace, how ongoing screening will take place and whether employees will need to be compensated for their time submitting to such screening under applicable law.

■ Determine whether to offer COVID-19 tests in the workplace, including both diagnostic and antibody/serology training, and consider:

- Whether testing will be required or simply made available, and how frequently; and
- Which laboratory will be engaged to perform clinical testing, and the accuracy of the test.

■ Determine whether to implement employee temperature checks, and develop policy for such checks that takes into account:

- Notice requirements under applicable law;
- Selection of qualified personnel and equipment used to take employee temperatures;
- Selection of location and time periods during which employees will be available for temperature checks;
- Social distancing and other logistics during testing hours;
- Use of PPE in connection with temperature checks;
- Reporting of temperature check results and communications with relevant employees; and
- Recordkeeping relating to temperature checks and confidentiality obligations relating to use/disclosure of such information.

■ Determine whether to require all employees to submit a daily COVID-19 symptom attestation form (which could also require employees to take their own temperatures at home), and consider:

- Logistics for completing, submitting and evaluating attestation forms.

DETERMINE whether and how customers, vendors, delivery persons and other visitors to the workplace will be screened, and whether all such visitors should be required to submit to temperature checks and/or complete and sign a screening questionnaire before entering the premises.

- Develop procedure to maintain a log of all visitors to the workplace to assist with contact tracing in the event of a positive case in the workplace.

DEVELOP and implement protocols around use of PPE, including:

- Its acquisition, inventory, quality control, distribution, use and disposal (including compliance with OSHA standards, where applicable);
- Whether the cost of PPE will be borne by the company; and
- Whether the company is required to perform regular hazard assessments and training on proper equipment usage, provision and replacement pursuant to OSHA standards.

DEVELOP and implement workplace conduct policy that complies with OSHA standards, and consider:

- Recommending (or requiring, under certain circumstances, including where mandated by law) that employees wear masks or other face coverings;
- Requiring employees to stay six feet apart from each other or wear masks in the event that employees are not able to maintain at least six feet of distance;
- Promoting frequent and thorough handwashing;
- Suspending the use of common areas and establishing occupancy protocols for high-traffic areas;
- Discouraging the shared use of work tools and equipment;
- Limiting visitors and in-person meetings, and encouraging the use of conferencing and phone conferencing; and
- Suspending non-essential work travel.

ESTABLISH protocol for addressing confirmed or possible cases of COVID-19:

- Create process through which employees can confidentially disclose potential exposure;
- Create immediate isolation/stay-at-home policy and consider which employees will be required to comply with the policy (e.g., employees who test or are presumed positive for COVID-19, employees who exhibit symptoms consistent with COVID-19, and employees who have been in close contact with workers or others who have tested positive for or are exhibiting symptoms consistent with COVID-19);

- Develop protocol for return to work, considering applicable CDC criteria for employees' return to work ("symptom-based strategy" and "test-based strategy"), and whether to require physician clearance for return to work or other certification of ability to safely return to work;
- Develop protocol for communications to workforce about employees who have confirmed or suspected cases of COVID-19;
- Draft template notices to employees and other third parties who have been exposed to COVID-19; and
- Implement contact assessment protocol in the event of COVID-19 positive case in the workplace (including notifications to public authorities and solicitation of assistance for contact assessment); consider engaging a medical expert to assist with such process.

DEVELOP any specific plans or protocols required by state or local law; for example:

CALIFORNIA

- Pursuant to its "[Resilience Roadmap](#)," California has issued statewide [industry guidance](#) and [industry-specific checklists](#) for businesses to follow and post at their worksites once permitted to reopen.
- Before reopening, all businesses must (1) perform a detailed risk assessment and implement a site-specific protection plan; (2) train employees on how to limit the spread of COVID-19, including how to screen themselves for symptoms and stay home if they have them; (3) implement individual control measures and screenings; (4) implement disinfecting protocols; and (5) implement physical-distancing guidelines.

ILLINOIS

- Pursuant to its "[Restore Illinois](#)" plan, Illinois has issued statewide [industry guidance](#) for businesses to follow once permitted to reopen.
- The guidance advises employers to, among other things, establish and communicate to employees an Infectious Disease Outbreak Response Plan, including protocols for social distancing, minimizing exposure in the workplace, communicating information to employees and business partners, and coordinating with local health authorities.

MASSACHUSETTS

- Pursuant to its “[Reopening Massachusetts](#)” plan, Massachusetts has issued statewide [sector-specific guidance](#) and [sector-specific checklists](#) for businesses to follow once permitted to reopen.
- Before reopening, all businesses must (1) develop and keep on premises a written COVID-19 control plan outlining how its workplace will comply with the mandatory safety standards for operation in the COVID-19 reopening period (based on this [template](#)), including protocols for social distancing, hygiene, staffing and operations, and cleaning and disinfecting; (2) print, sign and conspicuously post a [compliance attestation poster](#); and (3) print and conspicuously post an [employer poster](#) and a [worker poster](#), each describing the rules for maintaining social distancing, hygiene protocols, and cleaning and disinfecting.

NEW YORK

- Pursuant to its “[New York Forward](#)” plan, New York has issued statewide [industry-specific guidance](#) and [industry-specific Business Safety Plans](#) for businesses to follow once permitted to reopen.
- Before reopening, all businesses must develop, implement and post conspicuously at their worksites a written Business Safety Plan in accordance with the industry-specific template, which includes protocols for physical distancing, protective equipment, hygiene and cleaning, communication, training, contact tracing, and screening.

REVIEW anti-discrimination and accommodations policies.

- Determine and develop accommodation policy for employees with disabilities who indicate an inability to safely return to work, considering remote work accommodations, flexible hours and shifts, additional PPE, or other safety measures.
- Determine whether to provide remote work accommodations at the request of employees who do not have disabilities, particularly with respect to employees with comorbidities and employees with child/elder care responsibilities.
- Determine and develop accommodation policy for medical- and faith-based refusals to undergo clinical testing for COVID-19, submit to temperature checks, provide daily attestations, utilize required PPE or otherwise comply with workplace safety measures.

REMINDE employees and managers that the company’s anti-discrimination policies continue to apply.

REVIEW existing sick leave and other leave policies to ensure compliance with federal, state and local law, including the Families First Coronavirus Response Act (FFCRA) and other state and local leave laws.

- Consider whether employees who are sent home from the workplace are entitled to pay under a state or local “reporting-time” law or “predictable scheduling” law, employment agreement, company policy, or collective bargaining agreement.

CONSIDER modifications to attendance policies to account for increased absences.

- Determine how the company will operate in the event of increases in absenteeism due to employees who need to quarantine or stay home due to caregiving responsibilities.

DEVELOP and implement disciplinary process for employees who refuse to return to work or undergo COVID-19 testing, submit to temperature checks, provide daily attestations, or otherwise refuse to comply with workplace conduct and safety protocols and who are not legally entitled to a modification of such requirement or protocol as a reasonable accommodation.

- Consult with legal counsel to determine whether a work refusal is protected under the National Labor Relations Act, Labor Management Relations Act, and/or Occupational Safety and Health Act.

IF APPLICABLE, consult or bargain with labor unions regarding changes to working conditions as required by law or collective bargaining agreement.

FINALIZE and distribute workplace conduct and safety policies to employees before reopening the workplace; provide necessary training regarding same.