

PLEASE RETURN TO YOUR HOMES:

Planning for COVID-19 At Your Site Regulatory changes, Employee Safety And What You Need To Know

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1

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2

What do we know today

COVID-19, the disease caused by the novel coronavirus is an area of uncertainty and quickly changing information.

14 day incubation period.

Symptoms: Fever, Shortness of breath, Dry Cough.

Highly infectious through coughing and sneezing.

COLORADO STAY-HOME ORDER

Issued yesterday (March 25, 2020).

Took effect this morning at 6am.

Limiting travel to essential functions (groceries), essential industries, and essential government functions.

Impact on the industries: The order makes two allowances for critical business that apply to parts of member businesses.



Stay-at-Home Order Exceptions

- Transportation and infrastructure necessary to support critical businesses, including road, rail and oil and gas infrastructure.
- Critical Manufacturing
- And
- Any business that produces products critical or incidental to the construction or operation of the categories of products included in this subsection.
- As well as “Construction.”

Industry leaders and other businesses who feel they fall under these critical exceptions have been issuing letters to employees stating the exemption under which they are operating and the fact that they are traveling to or from work.

OSHA Requirements

OSHA has issued guidance on appropriate preventative measures based on an assessment of risk of exposure by industry or job type.

Examples:

COVID-19 Medical Care Provider – Extreme Risk, significant precautions.

Grid Monitor for local power utility – Low Risk, social distancing and sanitation.

OSHA has also classified COVID-19 as a recordable workplace illness.

MSHA Requirements

MSHA has adopted the standards laid out by OSHA and applied them to mine sites.

Additional guidance:

The Mine Safety and Health Administration will work with mine operators when it comes to the following recertifications:

- Annual refresher training certification (30 CFR Part 46)
- Surface and underground annual refresher training certification (30 CFR Part 48)
- Certified person; sampling (30 CFR §§ 70/71/90.202)
- Certified person; maintenance and calibration (30 CFR §§ 70/71/90.203)

Exemptions to recertifications will not be granted; however, their due dates will be extended by at least the time the government is operating under the President's emergency declaration.

Other Dept. of Labor Guidance

- There have been no notices of inspection suspensions by any DOL agency.
- Permission has been granted to employers to ask employees about any symptoms and require that employees and visitors to sites have their temperature taken.
- All symptom/temperature data must be treated as confidential medical information.
- New posters are available on the DOL website to fulfil notice requirements around new sick leave, FMLA, and unemployment.

Federal Legislation

New Federal Paid Sick Leave & Paid Family & Medical Leave

- Both apply to employers with fewer than 500 employees. However, the Sec. of Labor may exempt small businesses with fewer than 50 employees from both provisions (to some extent)
- Both take effect on April 2, 2020
- Both sunset on December 31, 2020
- Both are paid for with tax credits

New Coronavirus Stimulus Bill Recently Passed by the Senate

Currently a \$2.2 Trillion Dollar effort to blunt the economic fall out.
Still needs to pass the House and receive presidential approval.

What if an Employee is Sick?

- Employees who exhibit symptoms should be interviewed to establish contact patterns and then sent home for quarantine.
- People who have been in contact with ill workers should be informed of their exposure while protecting the identity of the employee.
- Employees with symptoms should quarantine at home for 14 days or until they test negative if a test is available.
- Any illness on site should be recorded in accordance with agency guidelines, and prevention guidelines should be included in HazCom briefings.

Workers' Compensation

Workers' Compensation is dependent on the injury or illness occurring at work or during activities required for work.

Due to the long incubation period of COVID-19 and the number of possible contamination sites, successful claims for COVID-19 infection are unlikely at this point.

Issues to be aware of: Required travel, Direct interaction with a person known by the employer to be infected, maintaining a clean work environment.

New Sick Leave Rules

Who is covered: Most employers with fewer than 500 employees.

What is required: Must provide 2 weeks (80hrs.) paid sick leave at the regular rate of pay for employees under quarantine or isolation order.

Must provide 2 weeks (80hrs.) paid sick leave at 2/3 regular pay rate for employees unable to work for the other reasons listed below.

Must provide an additional 10 weeks paid family and medical leave at 2/3 regular pay for employees caring for children unable to attend school due to COVID-19 closures.

Reasons for leave:

- is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- has been advised by a health care provider to self-quarantine related to COVID-19;
- is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
- is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
- is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
- is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Furloughs and Layoffs

What is the difference?

Furloughs are generally used when an employer cannot pay an employee for a short amount of time but expects to bring them back as soon as possible.

Layoffs are a termination of employment, although they can have an expectation of rehire if conditions permit. (work attached layoffs).

Why does it matter?

Furloughed employees may be eligible to continue to collect benefits such as health insurance.

Furloughed and work attached workers are generally exempt from work search requirements. (Changes in Federal Workers' Comp. Law may make this irrelevant.)

New Federal Unemployment Guidance

- Increased funding to the unemployment insurance
- Increased payments. (Up to an additional \$600 per week)
- Removal of job search requirements, pending state guidance.
- Applies to workers who are quarantined, have their job closed by COVID-19 response measures, or leave work for concern of COVID-19 exposure.

Best Practices for Prevention

- Ensure that your work force is as spaced out as possible.
- Stagger start times or commuting schedules, limit indoor gatherings for breaks, meals, or training.
- Provide employees with the tools to wipe down and sanitize equipment after use. This includes vehicles, equipment, keys, etc.
- Prevent any stigma or motivation that would make employees hesitant to report illness or concerns.

Questions?



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