Welcome!

The webinar will begin shortly…

While you wait, here are some fast facts about HR outsourcing:

3:00

minutes

until the webinar starts

Companies that outsource HR to a professional employer organization (PEO) are **50% less likely** to go out of business.

OPEN

"Professional Employer Organizations: Keeping Turnover Low & Survival High" *McBassi & Company, 2014*

The webinar will begin shortly…

While you wait, here are some fast facts about HR outsourcing:

2:00

minutes

until the webinar starts

Companies that use a professional employer organization (PEO) are **28% more satisfied** with their available selection of employee benefits.

"PEOs: Taking Outsourcing a Step Beyond Pays off for Small & Mid-Sized Companies" *Aberdeen Group, 2011*

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HR   Benefits   Payroll

The webinar will begin shortly…

While you wait, here are some fast facts about HR outsourcing:

1:00
minute
until the webinar starts

G&A Partners has an average Net Promoter Score (NPS) that is **35x higher** than that of the HR outsourcing industry.

"NPS Benchmarks for B2B" Inavero, *2014*

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Before we begin…

- ⊕ **We are recording this webinar.** The on-demand recording will be available on our website by the end of the week.

- ⊕ This webinar has been pre-certified by HRCI and SHRM for 1 hour of HR general recertification credit.

- ⊕ If, at any time during the presentation you have a question you'd like us to answer, send it to us using the "Questions" tab in the GoToWebinar menu bar.

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About G&A Partners

G&A Partners delivers **world-class HR solutions** that help build thriving businesses and make a differences in the lives of the clients and employees we serve.

G&A Partners has a local presence in the following markets:

Minneapolis

Salt Lake City

Chicago

Denver

Los Angeles

Oklahoma City

Dallas

Phoenix

College Station

Houston

Austin

San Antonio

San Jose

Bogotá

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Agenda

- OSHA's revised enforcement policies
  - Recordkeeping guidance
  - New enforcement Plan
- Determining if a case is work-related
- Determining the risk of exposure
- Guiding principles to follow when implementing a return-to-work plan

Jesse Valencia
Safety Consultant
G&A Partners

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Why Do You Need to Know?

- Confirmed cases of COVID-19 are essentially found in nearly all parts of the country
- Outbreaks in industries other than healthcare have been identified
- There is a need for swift and evolving steps to slow the spread of the virus, protect employees, and adapt to the new way of doing business

Recordkeeping Guidance

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What is a Recordable Case?

- Coronavirus is a recordable illness and must meet all the following criteria:
  - The case is a confirmed case of COVID-19
  - The case is work-related as defined by 29 CFR 1904.5
  - The case involves one or more of the general recording criteria in 29 CFR 1904.7

Is The Illness Work-Related?

+ When determining whether the case is work-related, you must consider the following:
  + How reasonable is the employer's investigation?
  + What evidence is available to the employer?

Is The Illness Work-Related?

- Illness is likely **work-related** if:
  - Several cases develop among workers who work closely together and there is no alternative explanation
  - The virus is contracted shortly after lengthy, close exposure to a particular customer or coworker who has a confirmed case of COVID-19 and there is no alternative explanation
  - The employee's job duties include having frequent, close exposure to the general public in a locality with ongoing community transmission and there is no alternative explanation

Is The Illness Work-Related?

- Illness is likely **not work-related** if:
  - The employee is the only worker to contract COVID-19 in their vicinity and their job duties do not include having frequent contact with the general public
  - The employee, outside the workplace, closely and frequently associates with someone who:
    - Has COVID-19
    - Is not a coworker, and
    - Exposes the employee during the period in which the individual is likely infectious

Recordability

- If after the reasonable and good faith inquiry the employer cannot determine that it is more likely than not that the exposure was work-related, the employer does not need to record that COVID-19 illness
- If it is determined to be work-related, COVID-19 is a respiratory illness and should be coded as such on the OSHA Form 300
  - Because this is an illness, if an employee voluntarily requests that their name not be entered on the log, the employer must comply as specified under 29 CFR 1904.29(b)(7)(vi)
- Reportability

Enforcement Guidance

Enforcement Response Plan

- On May 19, 2020, OSHA issued an Interim Enforcement Response Plan
- Plan will go into effect and remain in effect until further notice
- Eliminating hazards related to COVID-19 remains a top priority
- Provides general enforcement guidance

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Enforcement Response Plan

- ⊕ Workplace Risk Level
- ⊕ Complaints, Referrals, and Rapid Response Investigations (RRIs)
- ⊕ Inspection Scope, Scheduling, and Procedures
- ⊕ Coding and Point of Contact
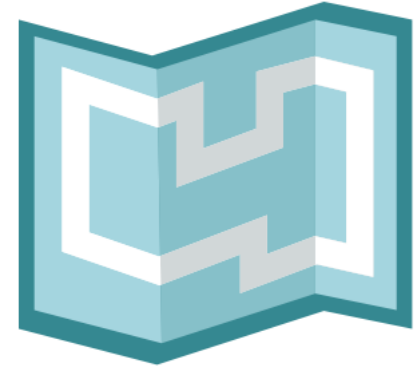
Workplace Risk Level

Very High Exposure Risk

- ➕ Healthcare workers performing aerosol-generating procedures

- ➕ Healthcare or laboratory personnel collecting and handling specimens

- ➕ Morgue workers performing aerosol-generating procedures

Workplace Risk Level

High Exposure Risk

- ⊕ Nursing homes
- ⊕ Home or hospice care
- ⊕ Healthcare delivery and support staff
- ⊕ Medical transport workers
- ⊕ Mortuary workers

Workplace Risk Level

Medium Exposure Risk

- Jobs that require frequent and/or close contact with people
- Frequent contact with travelers
- In areas with ongoing community transmission
    - Contact with the general public or coworkers
    - Schools
    - High-population-density work environments

Workplace Risk Level

Lower Exposure Risk

- Jobs that do not require frequent contact with people known to be infected with COVID-19, nor in frequent close contact, and within 6 feet of the general public

- Minimal occupational contact with the public and coworkers

POLL QUESTION

Applicable Regulations

- 29 CFR Part 1904, Recording and Reporting Occupational Injuries and Illness
- 29 CFR § 1910.132, General Requirements - Personal Protective Equipment
- 29 CFR § 1910.133, Eye and Face Protection
- 29 CFR § 1910.134, Respiratory Protection
- 29 CFR § 1910.141, Sanitation
- 29 CFR § 1910.145, Specification for Accident Prevention Signs and Tags
- 29 CFR § 1910.1020, Access to Employee Exposure and Medical Records
- Section 5(a)(1), General Duty Clause of the Occupational Safety and Health (OSH) Act of 1970

General Duty Clause

- Four Guiding Elements
  - Employer failed to keep the workplace free of hazards and employee was exposed
  - The hazard was recognized
  - Causing or likely to cause death or serious physical harm
  - There was a feasible and useful method to correct hazard

When OSHA Visits

- ⊕ Exposure Control Plan/Infection Control Plan

- ⊕ Pandemic Preparedness Plan

- ⊕ Injury and Illness Prevention Program (if applicable)

- ⊕ Program and Document Review

- ⊕ Hazard Assessment Review

- ⊕ Review of Records

Return to Work

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POLL QUESTION

Return to Work

Hazard assessment: Practices that determine when, where, and how workers are likely to be exposed in the course of their job duties

How to implement:
- Assess all job tasks to determine risk level
- Assess exposure to members of the public
- Account for outbreak conditions in the community

Return to Work

Hygiene: Practices for hand hygiene, respiratory etiquette, and cleaning and disinfecting

How to implement:
- Provide soap, water, and paper towels
- Provide hand sanitizer with at least 60% alcohol
- Promote respiratory etiquette
- Identify high-traffic areas and frequently used or shared items and surfaces

Return to Work

Social distancing: Practices for maximizing and maintaining distance between all people

How to implement:
- Limit business occupancy
- Mark the floor in 6-feet zones
- Post signage to remind occupants of maintaining social distancing
- Post directional or capacity signs

Return to Work

Identification and isolation of sick employees: Practices for worker self-monitoring or screening and the isolating and excluding of symptomatic employees

How to implement:

- Have employees evaluate their health constantly.
- Implement temperature checks.
- Provide questionnaires.
- Establish a protocol for managing people who become ill in the workplace.

Note: Employer may need to collaborate with SLTT health officials to facilitate contact tracing

POLL QUESTION

Return to Work

Return to work after illness or exposure: An employee may return after he or she recovers from COVID-19 or completes the recommended self-quarantine following exposure.

How to implement:
- Follow CDC guidance
- Ensure that workers who have been exposed to someone with COVID-19 routinely monitor themselves

Return to Work

Hierarchy of Controls: Engineering, administration, safe-work practices, and personal protective equipment (PPE) selected after conducting a hazard assessment

How to implement:
- Elimination
- Engineering Controls
- Administrative Controls
- Personal Protective Equipment

Return to Work

Workplace flexibilities: Remote work and sick leave

How to implement:

- ⊕ Evaluate existing policies and consider new ones that facilitate appropriate use of telework
- ⊕ Communicate about workplace flexibilities
- ⊕ Develop a communication policy

Return to Work

Anti-retaliation: Practices for ensuring that no adverse or retaliatory action is taken against an employee

How to implement:

- Ensure worker understands their rights to a safe workplace
- Ensure that worker understands their right to raise workplace safety and health concerns
- Ensure that supervisors are familiar with workplace flexibilities and HR policies, procedures, and workers rights

Return to Work

Training: Practices for ensuring employees receive training

How to implement:

- ⊕ Train workers in appropriate language and literacy level about their risk to COVID-19
- ⊕ Review plan(s)
- ⊕ Wear cloth face coverings in the workplace
- ⊕ Cover OSHA standards for PPE
- ⊕ Determine who, where, and when

Return to Work

- Evaluate effectiveness
- Encourage employee input
- Interdepartmental collaboration
- Accountability
- Confidence and comfort

Resources

- [OSHA 3990-3/2020: Guidance of Preparing Workplace for COVID-19](#)
- [OSHA 4045-6/2020: Guidance on Returning to Work](#)
- [Updated Interim Enforcement Response Plan for Coronavirus Disease 2019 (COVID-19)](#)
- [EEOC/ADA](#)
- [National Governor's Association- Public Criteria in Reopening Plans](#)
- [AIHA- Reopening: Guidance for General Office Settings](#)
- [White House: Opening Up America Again](#)

Questions
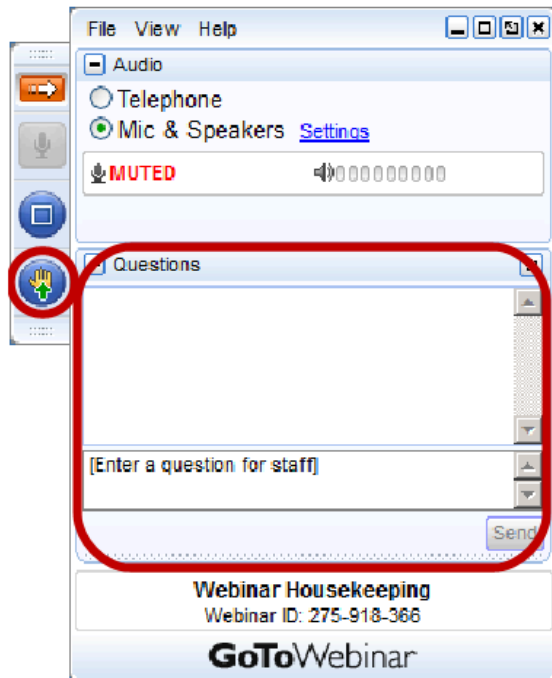
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