

This Sample Preparedness Plan is being provided by Bodman as a template and is not to be considered legal advice or establish an attorney-client relationship where one did not previously exist. Please contact Bodman’s Workplace Law Group if you have any questions about use of this template or the law’s applicability to your business, including whether you are an essential employer and whether an employee is a critical infrastructure worker.

[HIGH RISK EMPLOYER’S] COVID-19 Preparedness and Response Plan

In accordance with Executive Order 2020-145, [EMPLOYER] (“Company”) institutes this COVID-19 Preparedness and Response Plan (“Plan”).

Company aims to protect its workforce by enacting all appropriate prevention efforts. Company is continually monitoring guidance from local, state, and federal health officials and implementing workplace and Plan modifications where appropriate.

Employees with questions are encouraged to contact Human Resources via phone at _____ and/or email at _____.

Company designates the following worksite supervisors/employees to implement, monitor, and report on this Plan: [LIST SUPERVISORS/EMPLOYEES]. Company will designate additional individuals as needed.

This Plan is maintained and posted at all Company locations [AND JOB SITES, IF APPLICABLE].

[POST AND PROVIDE EMPLOYEES WITH COPY OF PLAN WITHIN TWO WEEKS OF RESUMING IN-PERSON ACTIVITIES.]

1. Prevention Efforts and Workplace Controls

a. Cleanliness and Social Distancing

Company limits the number of employees present on premises and the movement of employees between work sites to no more than is strictly necessary. Employees who are able to perform their essential duties remotely may be permitted to work from home in accordance with approved telework arrangements.

Only critical infrastructure workers performing necessary work, or workers permitted by Executive Order to resume duties, are directed to report on-site. For such workers, Company abides by the recommended social distancing and other safety measures and establishes the following:

- Gatherings where social distancing cannot be maintained are prohibited;
- Staff meetings are postponed, cancelled or held remotely;
- Employees are encouraged to maintain physical distance even when on break, as well as before and after working hours;
- Employees are required to maintain physical distance when reporting to work, clocking in, leaving work, and clocking out;

- Company utilizes ground markings, signs, and physical barriers, as appropriate, to further facilitate social distancing;
- Employees' work stations are no fewer than six feet apart;
- Whenever possible, Company utilizes flexible and/or rotational scheduling, including staggered start and break times, to limit the number of employees simultaneously working on-site;
- Company assigns employees to dedicated entry points to reduce congestion at the main entrance;
- Company provides visual indicators of appropriate spacing for employees throughout the premises and outside of the dedicated entry points in case of congestion;
- Company restricts usage of non-essential common space;
- Company utilizes physical barriers, where possible and appropriate, separating work stations from cafeteria tables;
- Company posts this Plan to emphasize the importance of personal hygiene;
- Employees' interactions with the general public and delivery personnel are modified to allow for social distancing and additional physical space between parties; and
- Non-essential travel and in-person visits are postponed or cancelled.

Company provides employees with, at a minimum, non-medical grade face coverings, as well as appropriate personal protective equipment ("PPE") (e.g., gloves, goggles, face shields, face masks). Masks must be worn by employees when in shared spaces (e.g., in-person meetings, restrooms, hallways), and if they consistently maintain fewer than six feet of separation; face shields must be worn by employees if they consistently maintain fewer than three feet of separation. PPE is available at [REDACTED] and, when used, must be disposed of at [REDACTED].

In addition, Company is instituting the following cleanliness measures:

- Where possible, increasing ventilation rates and circulation throughout worksites;
- Implementing a cleanliness plan and infection-control measures in accordance with EPA Guidance for Cleaning and Disinfecting, performing routine environmental cleaning and disinfection with an EPA-approved disinfectant, especially of common areas and frequently touched surfaces;
 - Identifying what needs to be cleaned with soap and water, including visibly dirty surfaces;
 - Identifying what needs to be disinfected with an EPA-approved disinfectant or EPA-approved alternative, considering estimates that COVID-19 lasts in the air for 3 hours and on common surfaces for varying lengths of time (e.g., 5 days on glass; 4 days on wood; 3 days on plastic and stainless steel; and 24 hours on cardboard);
- Where available, providing hand-washing and/or hand-sanitizing stations in high-traffic areas to enable easy access by employees.

Company identifies the following locations as high-risk areas: [HALLWAYS, ELEVATORS, BREAK AREAS, LUNCH ROOMS]. Employees must maintain social distancing when occupying and/or passing through these areas. [ADD SPECIFIC MEASURES TO BE TAKEN BASED UPON COMPANY'S PARTICULAR HIGH-RISK AREAS (E.G., SET MAXIMUM CAPACITY IN BREAKROOM).]

Company provides employees with cleaning and disinfecting supplies that can be found at .

Employees are expected to minimize COVID-19 exposure by:

- Cleaning work stations at the beginning and end of each shift;
- Avoiding, when possible, the use of other employees' phones, desks, offices, or other work tools and equipment;
- Frequently cleaning and disinfecting tools and equipment;
- Frequently washing hands with soap and water for at least 20 seconds;
- Discontinuing the use of hand dryers;
- Utilizing hand sanitizer when soap and water are unavailable;
- Avoiding touching their faces with unwashed hands;
- Avoiding handshakes or other physical contact;
- Avoiding close contact with sick people;
- Practicing respiratory etiquette, including covering coughs and sneezes;
- Immediately reporting unsafe or unsanitary conditions on Company premises to designated Plan supervisors and/or Human Resources;
- Complying with Company's daily screening processes;
- Seeking medical attention and/or following medical advice if experiencing COVID-19 symptoms;
- Complying with self-isolation or quarantine orders; and
- Utilizing personal protective equipment and hand sanitizer on public transportation.

Employees are trained on the information contained within this Plan, as well as the CDC's "How to Protect Yourself and Others" and "How to Safely Wear and Take Off a Cloth Face Covering" posters, attached here and displayed on-site. Employees return a signed acknowledgement to Human Resources, confirming their receipt and review of the information.

b. Supplemental Measures Upon Notification of Employee's COVID-19 Diagnosis and/or Symptoms

An employee with a COVID-19 diagnosis or who displays symptoms consistent with COVID-19 must be immediately removed from the worksite.

In response to a confirmed diagnosis or display of COVID-19 symptoms, as defined by the Daily Screening process, by any individual who worked at or visited the worksite, Company:

- Informs all employees, owners, contractors, or suppliers who may have come into contact with the diagnosed/symptomatic individual in the 48 hours preceding the onset of symptoms of a potential exposure;
 - Notification is made within 24 hours of a confirmed case of COVID-19;
- Keeps confidential the identity of the diagnosed/symptomatic individual; and
- Implements its response plan and cleaning and disinfecting protocols, including shutting down appropriate areas of the workplace, increasing ventilation, and conducting a deep cleaning of both the diagnosed/symptomatic individual's workstation and those common areas potentially infected by the individual.

All employees who worked in sustained, close proximity to the diagnosed/symptomatic individual (i.e., those employees who worked within six feet of the diagnosed/symptomatic individual for at least ten minutes) in the 48-hour timeframe are also removed from the worksite for at least 14 days; however, should these exposed employees later develop COVID-19 symptoms and/or receive a confirmed diagnosis, they may not report on-site until all return-to-work requirements are met, defined below.

Company's Human Resources Department confidentially maintains a central log of diagnosed/symptomatic employees. If applicable, Company notifies Company leadership, contractors or owners of confirmed COVID-19 diagnoses among workers on premises.

Company immediately notifies the local public health department of a confirmed COVID-19 diagnosis.

Company's Human Resources maintains documentation related to exposure notifications.

Company completes an OSHA Form 300, as well as a Form 301, "if it is more likely than not that a factor or exposure in the workplace caused or contributed to the illness." If an employee infects a coworker, the coworker has suffered a work-related illness if one of the recording criteria (e.g., medical treatment or days away from work) is met.

c. Worker Exposure Classification

Employees' "worker exposure" is classified as high risk by the Occupational Safety and Health Administration's guidance because they have a high potential for exposure to known or suspected sources of COVID-19.

Given this classification, Company provides the following controls in addition to the above-summarized prevention efforts: offering appropriate personal protective equipment and complying with all infectious-disease requirements for healthcare facilities.

2. Identification and Isolation of Sick and/or Exposed Employees

Risk and exposure determinations are made without regard to employees' protected characteristics, as defined by local, state, and federal law.

Any health-related information and documentation gathered from employees is maintained confidentially and in compliance with state and federal law. Specifically, medical documentation is stored separate from employees' personnel documentation.

a. Employees' Self-Monitoring

The following employees should **not** report to work and, upon timely notification to their supervisor and Human Resources, will be removed from the regular work schedule:

- Employees who are currently and atypically suffering from symptoms of COVID-19, such as fever of 100.4 degrees or greater, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, sore throat, new loss of smell or taste,

congestion or runny nose, and/or gastrointestinal problems, including nausea, diarrhea, and vomiting, whether or not accompanied by a formal COVID-19 diagnosis;

- Employees who, in the last 14 days, have had close contact with and/or live with any person having a confirmed COVID-19 diagnosis; and
- Employees who, in the last 14 days, have had close contact with and/or live with any person who is atypically suffering from symptoms of COVID-19, such as fever of 100.4 degrees or greater, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, sore throat, new loss of smell or taste, congestion or runny nose, and/or gastrointestinal problems, including nausea, diarrhea, and vomiting.

Such employees may only resume in-person work upon meeting all return-to-work requirements, defined below.

b. Daily Screenings

To prevent the spread of COVID-19 and reduce the potential risk of exposure, Company screens employees and visitors on a daily basis at dedicated entry points; Company ensures that employees and visitors utilize these entry points by barring entry via other egresses.

Employees are asked the following questions before entering the worksite:

1. Are you currently and atypically suffering from any of the following symptoms – fever of 100.4 degrees or greater, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, sore throat, new loss of smell or taste, congestion or runny nose, and/or gastrointestinal problems, including nausea, diarrhea, and vomiting?
 - a. Temperature checks are performed. [TEMPERATURE CHECKS ARE REQUIRED FOR MANUFACTURING AND CONSTRUCTION EMPLOYERS, RESEARCH LABS, AND MEAT/POULTRY PROCESSING PLANTS; TEMPERATURE CHECKS ARE OPTIONAL FOR ALL OTHER EMPLOYERS.]
 - b. If yes, access is denied, and employee is advised to self-isolate/self-quarantine at home, until employee is permitted to return to work as defined below.
2. Have you lived with, or had close contact with, someone in the last 14 days diagnosed with or displaying the symptoms of COVID-19?
 - a. If yes, access is denied, and employee is advised to self-isolate/self-quarantine at home, until at least 14 days after the close contact.
3. Have you travelled internationally in the last 14 days? [BAY COUNTY HAS A LOCAL ORDER THAT REQUIRES EMPLOYERS TO ASK ABOUT DOMESTIC TRAVEL AS WELL; REVIEW COUNTY-LEVEL REQUIREMENTS AS SUCH ORDERS FREQUENTLY CHANGE.]
 - a. If yes, access is denied, and employee is advised to self-isolate/self-quarantine at home, until at least 14 days after the return from travel.

Visitors who reply “Yes” to any of the above questions are not permitted entrance.

Employees who develop symptoms during their shift must immediately report to their supervisor and/or Human Resources.

Company’s Human Resources maintains documentation related to daily screenings.

c. Return-to-Work Requirements

Employees who were themselves diagnosed with COVID-19, or experienced symptoms thereof, as defined by the Daily Screening process, may only return to work:

- Once released from any quarantine or isolation by the local public health department; and
- Upon confirmation of the cessation of symptoms and contagiousness, proof of which may be acquired via the test-based strategy or the symptom-based strategy.

The test-based strategy is preferred but relies upon the availability of testing supplies and laboratory capacity. Under this strategy, employees may discontinue isolation and return to work upon achieving the following conditions:

- Resolution of fever without the use of fever-reducing medications;
- Improvement in respiratory symptoms (e.g., cough, shortness of breath); **and**
- Two consecutive negative results from COVID-19 tests conducted at least 24 hours apart and in accordance with the current FDA/CDC-recommended procedure. [KEEP GENERALIZED LANGUAGE AS REQUIRED TEST MAY CHANGE.]

Under the symptom-based strategy, employees may discontinue isolation and return to work upon achieving the following conditions:

- At least 3 days (72 hours) have passed since recovery defined as resolution of fever without the use of fever-reducing medications;
- Improvement in respiratory symptoms (e.g., cough, shortness of breath); **and**
- At least 10 days have passed since symptoms first appeared.

Employees who came into close contact with, or live with, an individual with a confirmed diagnosis or symptoms may return to work after either 14 days have passed since the last close contact with the diagnosed/symptomatic individual, or the diagnosed/symptomatic individual receives a negative COVID-19 test.

Employees are typically required to submit a release to return to work from a healthcare provider; given the current stressors on the healthcare system, Company may accept written statements from employees confirming all the factors supporting their release.

3. Workplace Flexibilities and Potential Benefits for Employees Affected by COVID-19

Company is temporarily suspending the assessment of all attendance points for eligible employee absences.

In addition, employees may be eligible for paid and unpaid leaves of absence.

Employees may be permitted to utilize available paid-time off provided under Company policy concurrently with or to supplement any approved leave.

a. FFCRA

Employees may qualify for two different types of paid leave under the Families First Coronavirus Response Act (“FFCRA”).

Under the Emergency Paid Sick Leave Act (“EPSLA”), employees may seek up to two weeks (i.e., 10 business days) of paid leave for the following reasons:

1. Subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. Advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. Experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. Caring for an individual subject to a quarantine or isolation order or advised to self-quarantine due to concerns related to COVID-19;
5. Caring for a son or daughter whose school or childcare provider is closed or unavailable due to COVID-19 precautions; and
6. Experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor. (Please note, the Secretary of Health and Human Services has not defined conditions which trigger this subpart under the EPSLA.)

For full-time employees, two weeks of leave equates to 80 hours; for part-time employees, two weeks of leave equates to a number of hours equivalent to the number of hours usually worked in a two-week period.

Paid leave for reasons 1, 2, and 3, above, is paid at the employee’s regular rate of pay, capped at \$511/day. Paid leave for reasons 4, 5, and 6, above, is paid at a rate equivalent to two-thirds of an employee’s regular rate of pay or minimum wage, whichever is greater, capped at \$200/day.

Under the Emergency Family and Medical Leave Expansion Act, employees may seek up to twelve weeks of leave to care for a son or daughter whose school or childcare provider is closed or unavailable due to COVID-19 precautions. The first two weeks of leave, which run concurrently with the EPSLA leave, may be unpaid; the remaining ten weeks of leave are paid at a rate equivalent to two-thirds of an employee’s regular rate of pay or minimum wage, whichever is greater, capped at \$200/day.

b. Executive Order 2020-36

Employees who require leave beyond the EPSLA because of their own COVID-19 diagnosis/symptoms, or because they have had close contact or live with an individual with a COVID-19 diagnosis/symptoms, may be eligible for unpaid leave under Executive Order 2020-36 until permitted thereunder to return to work.

c. Unemployment Compensation Benefits

Under Executive Order 2020-76, and the federal CARES Act, unemployment compensation benefits are expanded in terms of eligibility, amount, and duration.

Employees who are unable to report to work for reasons related to COVID-19 are referred to Human Resources for information on unemployment compensation benefits. Such reasons include the following:

1. Being under self-isolation or self-quarantine in response to elevated risk from COVID-19 due to being immunocompromised;
2. Displaying at least one of the principal symptoms of COVID-19 (i.e., fever, atypical cough, atypical shortness of breath);
3. Having close contact in the last 14 days with a confirmed COVID-19 diagnosis;
 - a. [FOR HEALTHCARE EMPLOYERS] Contact for the purposes of healthcare exposures is defined as: a) being within approximately 6 feet of a person with COVID-19 for a prolonged period of time without appropriate PPE; or b) having unprotected direct contact with infectious secretions or excretions of a patient;
4. Needing to care for someone with a confirmed COVID-19 diagnosis; and
5. Fulfilling a family care responsibility as a result of a government directive (e.g., caring for a child whose school or childcare provider is closed or otherwise unavailable due to COVID-19).

d. FMLA and ADA

Employees may be entitled to unpaid leave under the Family and Medical Leave Act (“FMLA”) if their absence is related to their own serious health condition or that of a family member. COVID-19 may constitute a serious health condition where “complications arise.”

Company is also mindful of its obligations under the Americans with Disabilities Act (“ADA”). Specifically, if an employee requests an accommodation because of a condition that may be complicated by COVID-19 (e.g., cystic fibrosis, emphysema, COPD), then Company engages in the interactive process to provide a reasonable accommodation. This may mean allowing the employee to work remotely (if reasonable) or work an alternative schedule.

4. Plan Updates and Expiration

This Plan responds to the COVID-19 outbreak. As this pandemic progresses, Company will update this Plan and its corresponding processes.

This Plan will expire upon conclusion of its need, as determined by Company and in accordance with guidance from local, state, and federal health officials.

ACKNOWLEDGMENT

By signing below, Employee acknowledges receipt of and training on the following:

- Company’s COVID-19 Preparedness and Response Plan;
- CDC’s “How to Protect Yourself and Others” poster; and
- CDC’s “How to Safely Wear and Take Off a Cloth Face Covering” poster.

Employee understands it is his/her responsibility to review and understand the above. Employee acknowledges and agrees that he/she will comply with all safety and COVID-19 procedures implemented by Company.

Employee

Date