

May 27, 2020

In an effort to keep you updated during the COVID-19 pandemic, we will be sending you updates on the latest developments. Please do not hesitate to reach out to your Sheakley HR team member should you have additional questions or concerns!

What Employers Need to do to Comply with OSHA

- OSHA is increasing the number of “in-person” inspections in all workplaces related to COVID-19
- There is a revised OSHA policy for recording cases of COVID-19
- COVID-19 is a recordable illness if it is a confirmed case by a physician, is work-related, involves medical treatment beyond first aid or involves days away from work.
- OSHA expects employers to have an exposure/infectious disease plan

How do you determine if COVID-19 is work related?

OSHA states that: a problem arises when an employee reports symptoms of a contagious disease that affects the public at large and the workplace is one possible source of the infection. In these situations, the employer must examine the employee’s work duties and environment to determine whether it is more likely than not that one or more events or exposures at work caused or contributed to the condition. If the employer determines that it is unlikely that the precipitating event or exposure occurred in the work environment, the employer would not record the case. It is important that employers complete a “work-related analysis.”

What can you ask the employee?

- How he/she believes they contracted the COVID-19 illness
- Discuss the employee’s work and out-of-work activities that may have led to the COVID-19 illness
- Review the employee’s work environment or potential COVID exposure

OSHA states that COVID-19 illnesses are likely work related if:

- Several cases develop among workers who closely work together and there is no alternative explanation
- The illness is contracted shortly after lengthy, close exposure to a particular customer or worker who has a confirmed case of COVID-19 and there is no alternative explanation
- Job duties include having frequent, close exposure to the general public in a locality with ongoing community transmission and there is no alternative explanation

An employee’s in-patient hospitalization is only reportable to OSHA if the employer is able to determine that:

- The employee was exposed to the virus while performing work-related duties
- When that exposure occurred; and

May 27, 2020

- The employee was admitted to the in-patient service of the hospital within 24 hours of the exposure

What to do if OSHA calls?

Regardless of your industry, or whether you are open for work/business or are planning to soon be - you should have some sort of plan or procedure such as an infection/exposure control plan. Depending on the level of risk, the plan can be simple or more expansive. The CDC has produced several documents outlining steps that small businesses and manufacturers can follow. But first, and perhaps most importantly, you should determine your level of risk.

- High and very high exposure risk jobs are those with high potential for exposure to known or suspected sources of COVID-19 that occurs during specific medical, postmortem, or laboratory procedures.
- Medium exposure risk jobs include those with frequent and/or close contact with COVID-19 (i.e. within 6 feet of, people who may be infected).
- Lower exposure risk jobs are those that do not require contact with people know to be, or suspected of being infected with COVID-19.

The next step would be to determine if there are any cases previously or currently in the facility. If there are cases, determine whether there are any clusters in the facility. The third and final step would be to check with the city, county, and/or state health departments to look at the number of cases as well as the number of deaths in your city or county. This step helps to determine the general risk in the community.

Additional items to think about:

- Risk of potential or continuous exposure
- Hygiene protocols
- Enhanced housekeeping protocols
- Type of Personal Protective Equipment needed
- What are you doing to prevent/screen sick workers from entering the workplace?
- How will you respond to a confirmed or suspected case among your workforce?
- How will you communicate the above to your workforce and what training is needed?

Paycheck Protection Loan Forgiveness:

Congress is working on legislation that will make changes to the Paycheck Protection Program (PPP). Senators Marco Rubio (R-FL), Ben Cardin (D-MD), Susan Collins (R-ME) and Jeanne Shaheen (D-NH) agreed on legislation that would make changes to the PPP including extending the deadline to apply for a PPP loan and extending the amount of time borrowers have to use the loan.

May 27, 2020

This week, the House of Representatives is expected to vote on this bill (H.R. 6886, The Paycheck Protection Act), that will make several changes to the PPP including: Allowing forgiveness for expenses beyond the 8-week covered period; eliminating restrictions limiting non-payroll expenses to 25% of loan proceeds; eliminating restrictions that limit loan terms to 2 years; ensuring full access to payroll tax deferment for businesses that take PPP loans, and; extending the rehiring deadline to offset the effect of enhanced Unemployment Insurance.

NAPEO (National Association of Professional Employer Organization) is sending a letter in support of H.R. 6886. If the bills the House and Senate pass are different, they will have to be reconciled. We will continue to keep you informed on the progress of each of these proposals.

Unemployment Update

As of Friday, May 22 the total number of new and continued unemployment claims stands at 25.1 million, which is not including the 8.3 million individuals receiving the Pandemic Unemployment Assistance. Counting pandemic claims, over 20.2 % of the U.S. workforce has applied for unemployment benefits.

You may still have employees contacting you that payment has not been received. Unfortunately, all we can do is tell them to be patient. We have heard reports that once the claim is allowed, employees are receiving all back pay in one lump sum.

Sheakley HR COVID-19 Resource Page:

In addition to our daily email updates, we are also working diligently to keep our Sheakley HR COVID-19 Resource Page up-to-date. You can visit this page at <https://ww2.sheakley.com/coronavirus-update/>.