**Owners’ Reference Guide to COVID 19 Safe Work Plan and Requirements**

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**Overview: Prepare Your Small Business for an Outbreak**
*Source: CDC*

During an infectious disease outbreak, such as the current outbreak of COVID-19, small business owners must prepare for disruption in their business as well as prepare to protect their employees’ health and safety in the workplace. These steps are recommended to protect employees and prepare your business for disruption:

* **Identify a workplace coordinator** who will be responsible for COVID-19 issues and their impact at the workplace.
* **Examine policies for leave, telework, and employee compensation.**

Leave policies should be flexible and nonpunitive, and allow sick employees to stay home and away from co-workers. Leave policies should also account for employees who need to stay home with their children if there are school or childcare closures, or to care for sick family members.

When possible, use flexible worksites (e.g., telework) and flexible work hours (e.g., staggered shifts) to help establish policies and practices for social distancing (maintaining distance of approximately 6 feet or 2 meters) between employees and others, especially if social distancing is recommended by state and local health authorities.

* **Review your leave policies with all employees** and provide information about available employee assistance services. Share information on steps they can take to protect themselves at work and at home.
* **Identify essential employees and business functions, and other critical inputs** such as raw materials, suppliers, subcontractor services/ products, and logistics required to maintain business operations. Explore ways you can continue business operations if there are disruptions.
* **Prepare business continuity plans** for significant absenteeism, supply chain disruptions, or changes in the way you need to conduct business.
* **Establish an emergency communications plan**. Identify key contacts (with back-ups), chain of communications (including suppliers and customers), and processes for tracking and communicating about business and employee status.
* **Share your response plans with employees and clearly communicate expectations**. It is important to let employees know plans and expectations if COVID-19 occurs in communities where you have a workplace.

**Requirements and Best Practices for Safe Reopening**

**Check this website for updated Occupancy and Safety Regulations:**

<https://coronavirus.wa.gov/information-for/business>

**a. Employee rights**

**Employers must protect the rights of their employees**

* It is against the law for any employer to fire or retaliate against a worker for reporting concerns about health and safety.
* Employers cannot retaliate (fire, lay off, demote, etc.) against employees for engaging in activity protected under the WISH Act.
* Protected activity includes:
	+ Requesting or wearing personal protective equipment
	+ Reporting a work-related injury or illness, including COVID-19, to an employer or DOSH
	+ Reporting an unsafe condition or requesting guidance from an employer or DOSH

Gov. Jay Inslee issued a proclamation giving high-risk workers the right to protect themselves from COVID-19 without jeopardizing their employment status or loss of income.Rights and protections include:

* The choice of an alternative work assignment, including telework, alternative or remote work locations if feasible, and social distancing measures.
* The ability to use any accrued leave or unemployment benefits if an alternative work assignment is not feasible and the employee is unable to safely work. Employers must maintain health insurance benefits while high risk employees are off the job.
* Employers are prohibited from permanently replacing high-risk employees.

Employees may refuse work and continue to collect unemployment benefits and PUA for good cause reasons, such as:

* Being at high risk of or sick with COVID-19 or taking care of a household member who is at high risk of or sick with COVID-19 when there are no telework options.
* Staying home to take care of a young child because their school or daycare is closed.
* If you have substantially changed the job they are coming back to, such as you significantly cut their pay or moved the job location a significant distance away, or the worksite does not meet COVID-19 safety guidelines, they may refuse that work and continue to collect benefits.

**b. Update sick leave policy**

**Employee Leave Requirements if an Employee Gets Sick (through 12.31.20)**

<https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>

**The Families First Coronavirus Response Act** created two paid leave provisions for employers with fewer than 500 employees. The Emergency Paid Sick Leave Act provides up to two weeks of paid sick leave for qualifying reasons. The Emergency Family Medical Leave Act (EFMLA) expands the protections of the Family and Medical Leave Act (FMLA applicable to employers of 50 or more employees) to provide paid benefits in certain situations.

Small business employers (defined as fewer than 50 employees) that meet certain criteria as defined by the DOL, may consider an exemption from providing paid sick leave only if the leave request is because of the child’s school or place of care is closed, or childcare provider is unavailable, due to COVID-19 related reasons. For more information on the criteria and documentation instructions visit the Department of Labor website.

*Review and revise leave and sick policies*

* If you have not already, determine whether the Families First Coronavirus Response Act (FFCRA) applies to your organization and it affects on your existing policies and practices
* If needed, incorporate guidance for employees experiencing symptoms of COVID-19 or are diagnosed with COVID-19
* Consider whether there is a need for temporarily implementing PTO/vacation rollovers, grace periods and changes to expiring PTO terms
* If applicable, post the Families First Coronavirus Response Act (FFCRA) poster, as applicable, in a visible place, email it to remote workers and post it on intranet or employee websites

*Develop, Implement, and Communicate about Workplace Flexibilities and Protections*

* Actively encourage sick employees to stay home.
* Ensure that sick leave policies are flexible and consistent with public health guidance and that employees are aware of these policies.
* Talk with companies that provide your business with contract or temporary employees about the importance of sick employees staying home and encourage them to develop non-punitive leave policies.
* Do not require a healthcare provider’s note for employees who are sick with acute respiratory illness to validate their illness or to return to work, as healthcare provider offices and medical facilities may be extremely busy and not able to provide such documentation in a timely way.
* Maintain flexible policies that permit employees to stay home to care for a sick family member. Employers should be aware that more employees may need to stay at home to care for sick children or other sick family members than is usual.
* Recognize that workers with ill family members may need to stay home to care for them. See CDC’s Interim Guidance for Preventing the Spread of COVID-19 in Homes and Residential Communities: [www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-prevent-spread.html](http://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-prevent-spread.html)
* Be aware of workers’ concerns about pay, leave, safety, health, and other issues that may arise during infectious disease outbreaks. Provide adequate, usable, and appropriate training, education, and informational material about business-essential job functions and worker health and safety, including proper hygiene practices and the use of any workplace controls (including PPE). Informed workers who feel safe at work are less likely to be unnecessarily absent.
* Work with insurance companies (e.g., those providing employee health benefits) and state and local health agencies to provide information to workers and customers about medical care in the event of a COVID-19 outbreak.

**c. Educate employees about COVID-19 policies**

**Post signs and provide training about COVID-19 and your businesses COVID-19 safety procedures and requirements in languages that employees understand.** A training presentation plus posters for employee education can be found in the Toolkit in the Appendix, or [here](https://www.kingcounty.gov/elected/executive/constantine/covid-response/safe-start/workplaces.aspx#topic2-1).

**d. Screen employees daily**

At start of each shift, ask staff about COVID-19 symptoms or teach them to self-screen and report. If staff have symptoms, advise them to stay home and call their doctor about testing.

Employers and employees can use this [Screening Tool](https://www.kingcounty.gov/elected/executive/constantine/covid-response/safe-start/~/media/elected/executive/constantine/initiatives/covid/COVID_Screening_Tool_7%2C-d-%2C16.ashx?la=en), which is included in the Toolkit in the Appendix, and reference this [guidance.](https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/Employervisitorscreeningguidance.pdf)

**Guidance for Daily COVID-19 Screening of Staff and Visitors**

*What is screening?*

Screening employees is a strategy that employers can use to lessen the chance of allowing COVID-19

infected people into the workplace. Screening will not identify people who have been exposed but are

not yet showing symptoms (incubating) or who are infected but asymptomatic. Infection prevention in

the workplace is an important component to prevent workplace transmission of COVID-19.

*Who should be screened?*

Screen employees and visitors who enter the workplace. This does not include customers who are in a public-facing area (for example, restaurant or supermarket patrons).

*When should a business screen employees and visitors?*

Screen employees and visitors at the start of every shift or visit.

*How should a business set up screening?*

* If implementing in-person health checks, conduct them safely and respectfully. Employers may use social distancing, barriers or partition, or personal protective equipment (PPE) to protect the screener. However, reliance on PPE alone is a less effective control and is more difficult to implement, given PPE shortages and training requirements.
* Ensure any screening materials are provided in languages that employees understand.
* Complete the health checks in a way that helps maintain social distancing guidelines, such as providing multiple screening entries into the building.
* To prevent stigma and discrimination in the workplace, make employee health screenings as private as possible. Do not make determinations of risk based on race or country of origin and be sure to maintain confidentiality of everyone’s medical status and history.
* Follow guidance from the Equal Employment Opportunity Commission regarding confidentiality of medical records from health checks.
* Document these daily temperature, symptoms, and exposure checks.

*What should a business do if an employee has symptoms or been in contact with a person diagnosed with COVID-19?*

* Not let the staff or visitor enter the workplace.
* Immediately separate the employee from other people and arrange transport for home or to a medical facility if indicated.
* Strongly recommend timely testing. If they had close contact with a person with COVID-19, Employees should be tested no sooner than 48 hours after exposure. If the employee does not have a doctor or healthcare provider: free or low-cost testing is available at several locations to anyone, regardless of immigration status.

<https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/TestingSiteOnlineResourcesLHJ.pdf> .

* Not have the employee return to work until the person completed their quarantine or isolation period. Certain essential workers may be allowed to work with specific restrictions.

**e. Social distancing**
**Maintain at least six feet of separation** between employees and customers at all times, including between tables at restaurants, customers waiting in line, and people using elevators.

Businesses may need to print posters encouraging this behavior, such as only allowing 1-2 people per elevator depending on the size of the cab, or place tape or markers on the floor six feet apart.

When strict physical distancing is not feasible for a specific task, other measures are required, such as installing barriers, reducing staff or staggering worker hours.

**f. Personal Protective Equipment (PPE)**

**Employees must properly wear face coverings at all times.** Employers must provide personal protective equipment (PPE) such as gloves, goggles, face shields and face masks as appropriate or required for the activity being performed.

**Provide cloth face coverings**and require employees to wear them unless they are working alone or have a condition that makes wearing a face covering dangerous. Workers can wear their own face coverings, provided they meet minimum requirements.

Some jobs require higher levels of personal protective equipment because they have a [higher risk of exposure](https://lni.wa.gov/agency/_docs/wacoronavirushazardconsiderationsemployers.pdf) to COVID-19. You can find information about additional face coverings in Labor and Industries’ [Which Mask for Which Task](https://www.lni.wa.gov/forms-publications/F414-168-000.pdf?utm_medium=email&utm_source=govdelivery).

**More information about face coverings and King County's Face Covering Directive:**[kingcounty.gov/masks](https://www.kingcounty.gov/depts/health/covid-19/care/masks.aspx)

**g. Educate customers**

**Post signs educating customers about COVID-19 requirements in languages that customers understand.** Posters for customer education can be found in the Toolkit in the Appendix, or [here](https://www.kingcounty.gov/elected/executive/constantine/covid-response/safe-start/workplaces.aspx#topic2-1).

**h. Maintain occupancy to current phase requirements**

**Check the Requirements by Business Type here:** <https://www.kingcounty.gov/elected/executive/constantine/covid-response/safe-start/workplaces.aspx#topic1>

**i. Industry-specific additional procedures**
Some industries may have specific requirements you must meet that are not outlined above.

**For updated industry-specific guidance, refer to this website:** <https://www.governor.wa.gov/issues/issues/covid-19-resources/covid-19-reopening-guidance-businesses-and-workers>

**j. Sanitation and cleaning**

**Follow proper cleaning and disinfecting procedures:** <https://www.cdc.gov/coronavirus/2019-ncov/community/pdf/Reopening_America_Guidance.pdf>

**Require frequent handwashing.** Provide the necessary supplies. Supplies may include additional stations where employees can wash their hands. If regular handwashing with soap and water is not possible employers must supply hand sanitizer.

**Download handwashing posters in multiple languages:** [www.kingcounty.gov/stopgerms](https://www.kingcounty.gov/depts/health/communicable-diseases/stop-germs.aspx)

**Provide disposable gloves**where appropriate to prevent virus transmission on shared tools and other equipment.

**Regularly clean and sanitize** your workplace, especially frequently touched surfaces. Each workplace should establish a cleaning schedule and ensure that high-touch areas are routinely sanitized.

Examples of frequently touched surfaces and objects that will need routine disinfection following reopening are:

* tables,
* doorknobs,
* light switches,
* countertops,
* handles,
* desks,
* phones,
* keyboards,
* toilets,
* faucets and sinks,
* gas pump handles,
* touch screens, and
* ATM machines

Each business or facility will have different surfaces and objects that are frequently touched by multiple people. Appropriately disinfect these surfaces and objects. For example, transit stations have [specific guidance](https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/transit-station-workers.html)for application of cleaning and disinfection.

**k. Reporting cases and protecting employees' privacy**

At this time, most employers are not required to report a single COVID-19 case among employees to Public Health – Seattle & King County. The Health Department will be informed via the healthcare provider that conducted the employee's COVID-19 test.

**When employers must report cases to Public Health – Seattle & King County:**

* Employers who operate in healthcare and social service settings (e.g., senior living communities, homeless shelters, child care programs) should report cases to Public Health, while maintaining the confidentiality of anyone who is sick.
* Employers in King County in non-healthcare settings must notify Public Health – Seattle & King County **within 24 hours** if they suspect COVID is spreading in their workplace **or if there are two or more confirmed or suspected cases** among their employees in a 14 day period.
* If you are a non-healthcare or social services setting, but you think the virus may be spreading through your workplace, please contact Public Health. If one of your employees has been diagnosed with COVID-19 and may have been in close contact with other employees while infectious, notify other employees they may have been exposed, **but do not identify the person who is sick.**

**Cases can be reported online at:**

<https://redcap.iths.org/surveys/?s=C48H3AKJWR>

**l. Appoint a site supervisor**

Designate a site supervisor / workplace coordinator to monitor your COVID-19 safety plan and procedures.

**m. Create a COVID-19 safety plan**

After reviewing this guidance and best practices, customize the [COVID-19 Safe Work Plan Template](https://www.kingcounty.gov/elected/executive/constantine/covid-response/safe-start/workplaces.aspx#topic2-1) with the COVID-19 procedures for your business. Add the Safe Work Plan as an insert to your Standard Operating Procedure.

**APPENDIX**

**Small Business Printed Toolkit:**

[**Available online.**](https://www.kingcounty.gov/elected/executive/constantine/covid-response/safe-start/workplaces.aspx#topic2-1)

*The materials you need to print for reference and to display, to help reopen and operate your business*
*safely during COVID-19.*

**Operating Tools:**

* [Checklist: Reopening Requirements](https://www.kingcounty.gov/~/media/elected/executive/constantine/initiatives/covid/reopening_requirements_checklist_072020.ashx?la=en)
* [Employee Training Presentation](https://www.kingcounty.gov/~/media/elected/executive/constantine/initiatives/covid/Safe_Start_Employee_Slides__072020_FINAL.ashx?la=en)
* [Health Screening Tool](https://www.kingcounty.gov/elected/executive/constantine/covid-response/safe-start/~/media/elected/executive/constantine/initiatives/covid/COVID_Screening_Tool_7%2C-d-%2C16.ashx?la=en)

**Posters for Customers:**

* [Protect Yourself from COVID](https://www.kingcounty.gov/elected/executive/constantine/covid-response/safe-start/~/media/depts/health/communicable-diseases/documents/C19/COVID-Businesses-Reopening-Customer.ashx)
* [Face Covering Exceptions](https://www.kingcounty.gov/elected/executive/constantine/covid-response/safe-start/~/media/depts/health/communicable-diseases/documents/C19/face-coverings-exemption.ashx)

**Posters for Employees:**

* [Workplace Requirements](https://www.kingcounty.gov/elected/executive/constantine/covid-response/safe-start/~/media/depts/health/communicable-diseases/documents/C19/COVID-Businesses-Reopening-Staff.ashx)
* [Protect Yourself and Co-Workers](https://www.kingcounty.gov/elected/executive/constantine/covid-response/safe-start/~/media/depts/health/communicable-diseases/documents/C19/protect-yourself-coworkers-from-covid-19.ashx)
* [Face Covering Exceptions](https://www.kingcounty.gov/elected/executive/constantine/covid-response/safe-start/~/media/depts/health/communicable-diseases/documents/C19/face-coverings-exemption.ashx)
* [Families First Coronavirus Response Act, Employee Rights](https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf) - available in language

**Additional Guidance:**

* Face Covering Toolkit
* More [Posters to Print](https://www.kingcounty.gov/depts/health/covid-19/care/posters.aspx)
* Reopening Guidance for [Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, Schools, and Homes](https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html#:~:text=Routine%20cleaning%20and%20disinfecting%20are,on%20level%20of%20use.)
* [COVID-19 Glossary](https://www.kingcounty.gov/depts/health/covid-19/FAQ/glossary.aspx)