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# COVID-19, OSHA, and the In Home Service Provider

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## <u>Agenda</u>

- 1. OSHA Background
- 2. COVID-19 Regulations from OSHA
- 3. COVID-19 Guidance from OSHA
- 4. Inspections and Enforcement
- 5. Recording COVID-19 Infections

#### **OSHA**

- Agency within the U.S. Dept of Labor
- Affects businesses with employees
- Creates law surrounding workplace safety and health
- Drafts guidance to help employers comply with OSHA law
- Inspects workplaces
- Issues citations for violations
- Oversees 28 states



22 States, Puerto Rico, and the U.S. Virgin Islands

choose to run their own

workplace safety and health department.

Federal OSHA: Wisconsin, Illinois, Kansas

State Plans: Minnesota, Iowa, Michigan

## **COVID-19 Regulations**

No specific COVID-19 law from OSHA

#### **Existing Regulations that Apply to COVID-19**

- General Duty Clause employers must provide a workplace free from recognized hazards that cause or are likely to cause death or serious physical harm to employees.

  Example: you allow an employee with a positive COVID-19 diagnosis to work near others.
- Sanitation cleanliness, waste disposal, water supply, toilet facilities, washing facilities Example: you do not provide hand soap which prevents employees from frequently washing their hands for 20 seconds.
- Personal Protective Equipment (PPE) employers must provide PPE when necessary to minimize exposure to hazards, ensure its proper use, and train employees.

  Example: you send an employee to fix a hospital's lab sink and do not supply gloves.

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## **COVID-19 Regulations**

No specific COVID-19 law from OSHA

#### Existing Regulations that Apply to COVID-19 Workplace Programs

- Respiratory Protection must supply employees a proper respirator to protect them from insufficient oxygen environments, harmful dusts, fogs, smokes, mists, gases, vapors, and sprays. Must ensure proper fit and training.
  - Example: You send an employee to fix a hospital lab sink with a loose fitting mask.
- Injury and Illness Recordkeeping employers with more than 10 employees must record employee COVID-19 infections on their OSHA 300 forms.
  - Example: you know an employee contracted COVID-19 on the job and do not record it on your OSHA log.
- No Retaliation cannot fire or in any way punish an employee because they reported a safety concern or refused to work under conditions they have a good faith, reasonable belief will kill or seriously harm them or another person.
  - *Example:* an employee refused to fix a nursing home's sink because his wife developed a cough and shortness of breath last week, so you fired him.

## COVID-19 Guidance for In Home Service Workers

In depth webinar on Thursday, May 7

#### Low Exposure Risk

Do not require contact with people known to be, or suspected of being, infected with COVID-19, nor frequently within 6 feet of the general public. Workers in this category have minimal occupational contact with the public and other coworkers.

#### **Medium Exposure Risk**

Frequently within 6 feet of people who are not known to be infected with COVID-19. May have frequent contact with travelers returning from international locations with widespread COVID-19 transmission. Workers in this category include those who have contact with the general public (e.g. schools, high-population-density areas, airports, and high-volume retail settings)

#### **High Exposure Risk**

Settings occupied by people suspected or known to be COVID-19 positive or performing work on items that hold the blood or body fluids of these individuals (e.g. sinks, toilets).

### COVID-19 Guidance for In Home Service Workers

In depth webinar on Thursday, May 7

- 1. Determine employee risk level
  - During scheduling calls, ask customers
  - work urgent or can it be postponed
- occupants experiencing symptoms
- building occupiedgood air flow
- occupants agree to maintain a 6 foot distance with employee
- 2. Use controls associated with the risk level
  - close doors or hang plastic sheeting when working in occupied homes
  - provide PPE and sanitizing material
- 3. Train employees wear and maintain PPE recognize COVID-19 symptoms, stay home when ill good hygiene leave the job if the occupants do not maintain social distancing
- 4. Minimize paperwork and offer electronic payment options

## Inspections and Enforcement

Typically, OSHA investigates randomly, after someone files a complaint, another agency makes a referral, or after a workplace fatality or employee hospitalization.

Priorities in COVID-19 era → healthcare and first responder workplaces, deaths, and immediate dangers.

Low Exposure Risk = Low Priority for OSHA | High Exposure Risk = High Priority

No OSHA on-site inspections during pandemic for Low and Medium Risk Phone calls, emails, faxes, postal letters, video surveillance, video conference

#### Inspections and Enforcement

#### **Good Faith Effort**

OSHA gives inspectors the option not to issue citations if required training, audits, inspections, testing, or other services are not done because

- COVID-19 caused the unavailability of required employees, consultants or contractors (e.g. respirator trainer can't travel to your shop),
- 2. Employer thoroughly explored all options (e.g. virtual training),
- 3. Employer implemented engineering or administrative controls where possible (e.g. new employees won't do jobs that require a respirator)
- 4. Employer took steps to reschedule the activity as soon as possible, and
- 5. Employer provides documentation to support the above.



## Recording COVID-19 Infections

#### General Recordkeeping and Reporting Rules

WHO: Businesses with more than 10 employees

**WHAT:** Must record all work-related incidences involving employee death, loss of consciousness, days away from work, restricted work or job transfer, or medical treatment beyond first aid.

**ON WHAT:** OSHA 300, 300A, and 301

WHEN: within 7 days of discovering the incident

must sign and post 300A from February 1 – April 30

must keep forms for 5 years

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**WHO:** Certain businesses with 20+ employees (e.g. services to buildings and dwellings, building material and supply dealers, general merchandise stores)

WHAT: Must submit the 300A form via OSHA's website by March 2 every year.

## Recording COVID-19 Infections

Difficult to determine whether an employee's COVID-19 infection is work-related.

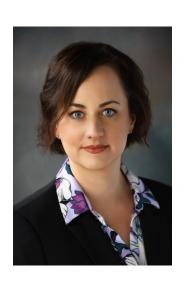
Do not need to record a COVID-19 positive employee on the OSHA form unless:

- Objective evidence that the infection is work-related
   Many cases among workers who work closely together without
   an alternative explanation (e.g. pork plants), and
- Objective evidence is reasonably available to the employer
   No special investigation necessary. What you learn from employees and through ordinary course of business.

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## **Questions**

**U.S. OSHA** (Wisconsin, Illinois, Kansas)

www.osha.gov

#### Minnesota OSHA

www.dli.mn.gov/business/safety-and-health-work

**Iowa OSHA** 

www.iowaosha.gov

Michigan OSHA

www.Michigan.gov/miosha