

THE IMPACTS OF COVID-19 IN PUBLIC WORKS

Risk Management Guidance



PLANNING AND OVERSIGHT

- Meet with your joint loss management committee, Emergency Management Director and others.
 - Review basic control measures, engineering controls, good work practices and available personal protective equipment and supplies.
- Consider implementing some or all of the measures recommended for Retail establishments and others.
- Assess and modify plans to include facility adaptation, employee concerns, mask requirements, sanitization and wearing of cloth face masks.

GUIDANCE

- Centers for Disease Control (CDC)



- Occupational Safety & Health Administration (OSHA)



- NH Department of Labor (NHDOL)



- State of NH Division of Public Health



NEW HAMPSHIRE WORKPLACE SAFETY LAWS

- Every employer shall provide employees with safe employment. Safe employment includes but is not limited to **furnishing personal protective equipment**, safety appliances and safeguards; ensuring that such equipment, appliances, and safeguards are used regularly; and adopting work methods and procedures which will protect the life, health, and safety of the employees. **RSA 281-A:64, I**
- All employers with 15 or more employees shall prepare, with the assistance of the commissioner, a current written safety program and file this program with the commissioner. **RSA 281-A:64, II**



NEW HAMPSHIRE WORKPLACE SAFETY LAWS

RSA 281-A:64, III

- ✓ Every employer of 15 or more employees shall establish and administer a joint loss management committee composed of equal numbers of employer and employee representatives. Employee representatives shall be selected by the employees.

NH Admin Code Lab 1403.01 Safety and Health Requirements:

- ✓ Employers shall furnish a place of employment free from recognized hazards causing or are likely to cause death or serious physical harm to its employees.
- ✓ Employees shall comply with all safety rules and regulations.
- ✓ Employer shall instruct each employee in the recognition and avoidance of unsafe conditions and in the rules applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

GENERAL MUNICIPAL PROPERTY MANAGEMENT

- **RSA 41:11-a** - The Select Board “shall have authority to manage all real property owned by the town and to regulate its use” *unless such management and regulation is delegated to other public officers by vote of the town, or is governed by other statutes, including but not limited to RSA 31:112, RSA 35-B, RSA 36-A:4, and RSA 202-A:6.*
- **RSA 47:5** - City Councils “shall have the care and superintendence of the city buildings, all city property and all public squares and streets.”
- **RSA 37:6, VII** - Town manager has charge, control and supervision, subject to direction of the select board, over maintenance of town buildings, parks, commons and playgrounds.

MANAGEMENT OF PARK & RECREATION AREAS

RSA 35-B:3 – Where the municipality has created a recreation or park commission, and where that commission has been conferred powers to “make and enforce rules and regulations governing the use of property, facilities or equipment and the conduct of persons thereon.”

TIMES CONTINUE TO CHANGE

- Reoccupying Spaces
- Increasing Occupancy (Staff Census)
- Increasing Programs and Services to the Public
- Meeting Public Needs & Expectations

All of this amid ever changing guidance!

COORDINATE YOUR PLANS

- Continue to involve local Emergency Managers (EMD's)
 - Local issues, case counts, hot spots
- Continue to involve other stakeholders
 - Elected Officials, Local Business Leaders, NHHSEM, etc.
- Be aware of local conditions
 - Just because a neighboring community is rolling out a service one way it may not work for yours.

AM I COVERED IF I GET SUED IN ASSOCIATION WITH COVID-19?

- It depends, claims are evaluated on their own individual merit.
- Assessment
 - Coverage Agreement - Generally outlines what we cover/pay for or not.
 - COVID-19 fits within the Primex³ Coverage Agreement.
 - Exclusions - Special form coverage - generally covered unless excluded.
 - COVID-19 is not and excluded cause of loss.

SO, AM I COVERED?

We can generally conclude that Primex³ Members would be covered against third party claims for damages, as long as their actions are in good faith and undertaken in the scope and course of their duties.

* All terms, conditions, exclusions and monetary limitations set forth by the Primex³ coverage documents and declarations apply.



WHAT'S NOT COVERED?

- Injunctive Relief/Non-Monetary Claims
- Intentional violation of existing local, state or federal laws

* All terms, conditions, exclusions and monetary limitations set forth by the Primex³ coverage documents and declarations apply.

WHAT ABOUT IMMUNITIES?

- RSA 507-B:4 Limit of Liability
 - Liability of a governmental unit for personal or bodily injury or property damage - limit \$325,000
- Case Law, Discretionary Function Immunity
 - Restores the government's immunity in situations where its employees are carrying out regulatory duties.
 - Those decisions made in good conscious related to the pandemic.



EMPLOYEE SCREENING

- Fever, respiratory symptoms, flu-like symptoms, fatigue, runny nose, muscle aches, sore throat, cough or changes in taste and smell.
- If they become sick at work, immediately separate from others, send them home and sanitize.
- Encourage a workplace culture that encourages proactive and socially responsible behaviors.

SCREEN EMPLOYEES FOR SYMPTOMS

- Develop a system
 - Checklist Questionnaire
 - Smart Phone App
 - Protect the Screener (PPE)
- Taking Employee Temperatures
 - Over 100° F - Do not allow entry



WHAT ABOUT TRAVEL AND EMPLOYEE QUARANTINE?

I have traveled outside of NH, ME, MA, CT, RI, or VT, within the last 14 days or, I have returned from international travel or travel on a cruise ship during that period.

- At Home?
- At Work?
- Paid Leave or Unpaid Leave?



	Household Contact (highest risk) to someone suspected or confirmed to have COVID-19 in past 14 days	Non-Household Close Contact with someone suspected or confirmed to have COVID-19 in past 14 days	Traveled outside NH, VT, ME, MA, CT, RI or by cruise ship	Traveled within NH, VT, MA, CT, RI or ME or No Travel
New or unexplained symptom of COVID-19	Isolate, Get Tested, If negative Self-Quarantine for 14 days from last day of exposure (no exceptions)	Isolate, Get Tested, If negative Self-Quarantine for 14 days from last day of exposure (unless essential employee as outlined above)	■ ■ ■ ■ ■ Isolate, Get Tested, If negative Self-Quarantine for 14 days from last day of travel (unless essential travel – see definition below)	Isolate, Get Tested, If negative then person can return to normal activities once without fever for at least 24 hours (off fever reducing medications) and other symptoms improving
Asymptomatic	Self-Quarantine for 14 days from last day of exposure (no exceptions), Get tested	Self-Quarantine for 14 days from last day of exposure (unless essential employee as outlined above), Get tested	Self-Quarantine for 14 days from last day of travel (unless essential travel – see definition below)	No restrictions
Positive Test for COVID-19	Self-Isolate	Self-Isolate	Self-Isolate	Self-Isolate

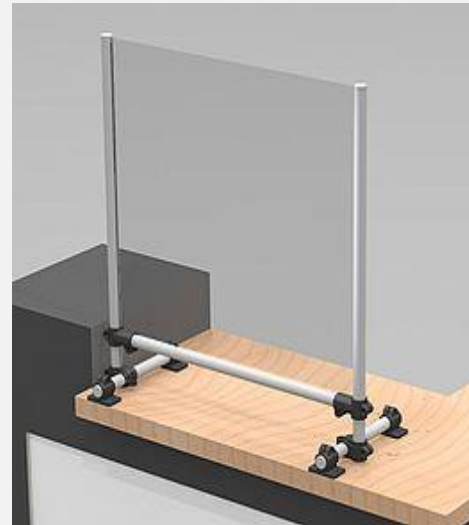
Essential Travel: Essential travel includes personal safety, medical care, care of others, parental shared custody, for food, beverage or medication or for work. Employees who travel outside of the New England states for personal or leisure reasons cannot rely on this exemption.

BASIC CONTROL MEASURES

- Remain Socially distant
 - 6-Feet or More
- Promote Frequent Hand Washing
 - Posters and Signs
- Provide Waterless Hand Sanitizer
 - 60%+ Alcohol
- Discourage Handshaking
- Elevators
 - Only one person at a time

ENGINEERING CONTROLS

- Install Barriers like Plexiglas Shields
- Use Drive-Thru and Curbside Options
- Increase HVAC Fresh Air Exchange Rates
- Change/Upgrade Air Filters



ADMINISTRATIVE CONTROLS

- Flexible Work Schedules
 - Continue to use tele-work options
 - Flexible work hours, staggered shifts
- Deliver Services Remotely/Virtually
 - Phone, Video, Web
- Employee PPE – Mask Mandates or Not?

GOOD WORK PRACTICES

- Routine Cleaning and Disinfection
- Do Not Share Phones, Desk, Etc.
- Provide Disposable Disinfection Wipes
- Develop Meeting Room Occupancy

WHAT IF YOU HAVE AN EXPOSURE?

- Quarantine employee
 - Remove from workplace 14 days or until tested
- Test employee
 - Between 3-7 days of exposure – healthcare guidance
- Notify those affected
 - Co-workers, others
- Document
 - Internal processes, workers' compensation FROI

ADDITIONAL RESOURCES

State of NH Universal Guidelines for All New Hampshire Employers and Employees

<https://www.governor.nh.gov/news-media/stay-at-home/documents/20200501-universal.pdf>

Covid-19 - Symptoms and When to Seek Medical Assistance:

<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>

Employee Covid-19 Screening Checklist Sample:

<https://nhprimex.org/assets/Uploads/PDFs/COVID-19/Health-Screening-Questionnaire-Fillable.pdf>

CDC Guidance for Communities:

<https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>

CDC Guidance for Schools:

<https://www.nh.gov/covid19/resources-guidance/schools.html>

CDC Resources for Employers:

<https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html>

CDC Printable Posters (Hand Washing, Stop the Spread of Germs):

<https://www.cdc.gov/coronavirus/2019-ncov/communication/print-resources.html>

CDC Cleaning and Disinfecting Guidance:

<https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>

<https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>

OSHA Guidance on Preparing Workplaces for Covid-19:

<https://www.osha.gov/Publications/OSHA3990.pdf>