

# Workforce Protection Services

## Workplace Health & Safety During COVID-19

Michael Best and TRC are working together to help our clients cope with disruptions caused by the COVID-19 pandemic. In today's suddenly altered environment, maintaining a safe workplace, operational continuity, and supply chain integrity is a crucial balance. Our firms have joined forces to bring you all the legal and technical services needed to help safely continue or restart your operations.

### Workforce Protection Program

Our program is a one-stop shop for workforce protection in the COVID-19 era—from employment policies and employee screening to facility layout, incident response, workplace sanitation, and training.

Scientific models now indicate that COVID-19 or future strains may persist into 2021. Businesses and other organizations must find new ways to survive and thrive. Michael Best and TRC can help you create a “new normal” that is sustainable, restores productivity, and is consistent with organizational values.

Key points in our comprehensive, integrated approach are outlined below. Contact us to discuss a custom service package and pricing.

### Policy Development

Most U.S. states now require employers to have written policies to help control viral spread, and federal agencies are continually updating workplace guidance. We've helped employers manage responses to hundreds of COVID-19 cases, and we have developed best practices for:

- Following national, state, and local back-to-work guidelines
- Meeting new requirements for COVID-19 “work permits” for businesses to reopen
- Hygiene and sanitization procedures to protect employees, clients, customers
- Personal protective equipment (PPE), clothing, and barriers
- Employee training requirements
- Screening, training, and management of vendors, visitors, contractors
- Oversee cleaning to improve compliance and provide credentialed documentation
- Medical monitoring of employees
- Keeping symptomatic employees out of the workplace
- Exposure investigation and communications
- Employee or team/crew quarantine
- Decisions regarding full or partial closing of facility
- Workforce restructuring, facility modification, and remote working
- Healthcare counseling for symptomatic workers, possibly families/communities
- Telemedicine and medical providers covering every U.S. county
- Employer housing considerations

## Cleaning Program Management

Heightened standards of sanitation are here to stay. We can help clients achieve the new hygiene standards, by training and overseeing your crew. Services include:

- Develop facility-specific disinfection protocols to meet CDC/OSHA standards
  - Train your employees and cleaning crews in new protocols and PPE
  - Air measurement, disinfection, and management
  - Optimize air handling systems to reduce risk of disease transmission
  - Tech-enabled program management and data management
  - Scientific, quantitative, real-time testing and documentation of cleaning efficacy
  - Subcontractor and supplier management
  - Expert witness support
  - Long-term program management and continual improvement
- 

## Medical & Epidemiology Services

Medical advice or diagnosis is required by various new federal and state laws that address paid employee leave, quarantine practices, and health screening. Our Safe & Healthy Workplace program can assist with:

- Employee screening and medical management
  - Triage of symptomatic cases
  - Return-to-work recommendations
  - Exposure management and communications
  - Cluster monitoring and management
  - Contact investigation and tracing
- 

## Risk Management

- Legally compliant management and documentation of incident and exposure responses
  - Medical review of decision matrix
  - Privacy and data security review
  - Credentialed documentation and reporting on cleaning and hygiene protocols
- 

## Government & Public Relations

- Crisis communications (internal and external)
- Media and community relations
- Trade association and coalition management
- Government relations

## Workforce Protection Program Roadmap

---

Regulations and guidance in this area are changing quickly. Since we created our Workforce Protection Program, joint OSHA-CDC guidance on COVID-19 workplace safety has been issued to the meat industry, which is likely to set expectations for the rest of the food production industry and eventually other industries. The main features of these guidelines are:

- Conducting a COVID-19 assessment and infection control planning.
- Developing policies and procedures for employee communication.
- Working with local public health officials and other health professionals.
- Evaluating the role (and availability) of workplace testing and contact tracing.
- Determining and implementing a hierarchy of controls:
  1. Engineering controls (e.g., barriers, air management, workstations, breakrooms, meeting rooms, waiting areas);
  2. Administrative controls (e.g., worker education, cleaning and sanitation, social distancing, staggered scheduling); and
  3. Personal Protective Equipment (e.g., face coverings, face shields, gloves).

We have tailored our Workforce Protection Program to guide clients on a compliance trajectory consistent with current OSHA, CDC, and FDA guidelines. To help clients safely resume operating and get out ahead of new regulations, our Workforce Protection Program is designed around a three-stage roadmap, described below.

### Stage 1: Program Evaluation and Sample Employee Procedures

This service includes consultation with the client to discuss their current workforce protection strategy, including discussion with legal, industrial hygiene, and medical professionals. Based on that consultation, we would provide a written evaluation to the client identifying whether they have a compliant assessment and infection control plan.

Our evaluation will examine the client's current workplace practices and what is missing. This evaluation would be reviewed, developed, and finalized under attorney/client privilege. It includes recommended policies and procedures such as sample employee policies on prohibiting work with symptoms or exposures, temperature screening procedures, face coverings, etc.; sample procedure for case investigation, including communications outline for exposed or infected personnel, and contact tracing forms and procedures; and OSHA Rapid Response Investigation (RRI) procedure forms.

## Stage 2: Assessment & Infection Control Plan

This service includes an in-depth virtual and on-site review of the client's practices, procedures, and infection history by a certified industrial hygienist, in consultation with medical and legal professionals. This assessment will be much more detailed, site-specific, and technical than the Stage 1 initial evaluation.

Following this detailed assessment, working with the client's staff we will develop a written infection control plan that identifies the risks for infection and the control measures that have already been implemented to respond to these risks, as well as providing recommendations for engineering, administrative, and personal protection controls organized by time horizon and economic and technical feasibility.

After discussing feasibility and other considerations with the client, we will finalize the infection control plan into a clear set of deliverables, assigning a timeline and ownership for each deliverable. Included are communication plans with employees, unions (if applicable), public health officials, and other government agencies. In the event of an inspection or inquiry by OSHA, this assessment and infection control planning includes any necessary RRI preparation and delivery to OSHA.

## Stage 3: Implementing the Infection Control Plan

To help clients implement the infection control plan, we can provide additional services in Stage 3. The scope of service will depend on results of the Stage 2 assessment and infection control plan, as well as other specifics such as extent of client need, location(s), and duration.

As examples, once an infection control plan has been created, implementation measures such as the following may need to be taken:

- Daily email screening of personnel.
- On-site screening and temperature check, with on-site medical staff.
- COVID-19 viral testing.
- Home screening testing.
- Additional employee outreach.
- Screenings, policies, and procedures for high-risk individuals, and legal compliance (ADA, HIPAA, FMLA, OSHA, workers' comp).
- Indoor air quality assessment, ventilation study, and design planning and oversight (cost dependent on complexities of current systems and opportunities).
- Design of other engineering controls (barriers and other physical modifications) and oversight of implementation.

- Development of staffing, cohort planning, workforce reorganizing, and policies (and resolving union obligations, if any).
- Leave of absence, attendance, and return-to-work policies and planning (and resolving contract/union obligations, if any).
- On-site sanitation oversight and scientific, real-time testing and credentialed documentation for efficacy. (Note that conventional cleaning is passing new cleaning criteria less than 2% of the time; whereas >98% pass with updated cleaning protocols and oversight. The “old” clean is not sufficient and should be updated.)
- Government, public, and community relations services are offered through Michael Best Strategies at a fixed monthly cost. Strategies can work with local, state, and federal policymakers to make sure the client’s facilities stay open, based on the OSHA-compliant new guidance we are developing. Cost depends on the scope of engagement (e.g., simple single-media response vs. large-scale crisis management plan).

We can help drive cost efficiency by providing any combination of the above services for a flat fee or monthly retainer. If we can assist in your company’s efforts to resume or continue operations, we would be happy to further discuss and tailor an approach based on your needs.

## Michael Best & TRC

**Michael Best** is a full-service law firm with 14 offices. Our nationally ranked Labor & Employment Relations group helps clients throughout the country make employment-related decisions and plan for the future. Our Workplace Safety & Health team is among the most active in the nation, handling hundreds of OSHA citations, fatalities, and accidents at any given time.

**TRC** is a global consulting, engineering, and construction management firm with 120 offices in the U.S. We combine science with the latest technology to devise innovative solutions that stand the test of time. TRC’s 5,000 professionals work with a broad range of commercial, industrial, and government clients and the communities they serve.

Our joint Workforce Protection Program brings together more than 200 years of legal, business, and technical experience from both firms. We’re here to help you protect the public health and keep your doors open.

## Contact Us

---



**Denise Greathouse**

Partner  
Michael Best & Friedrich  
dlgreathouse@michaelbest.com  
262.956.6534



**Charles B. Palmer**

Partner; Sub-Practice Leader,  
Workplace Safety & Health  
Michael Best & Friedrich  
cbpalmer@michaelbest.com  
262.956.6518



**David A. Crass**

Partner; Industry Group  
Co-Chair, Agribusiness, Food  
& Beverage  
Michael Best & Friedrich  
dacrass@michaelbest.com  
608.283.2267



**Denise A. Bode**

Partner, Michael Best Strategies  
Senior Counsel, Michael Best &  
Friedrich  
dabode@michaelbeststrategies.com  
202.844.3804



**Patrick J. Hansen, PE**

Vice President, Complex Projects  
Director, Environmental Sector  
Client Development  
TRC Companies  
phansen@trcsolutions.com  
215.563.2122, x14985