

2020 Webinar Series



Reopening Municipal Offices

Presented by:

Primex & New Hampshire Municipal Association

Our Presenters



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Our Presenters





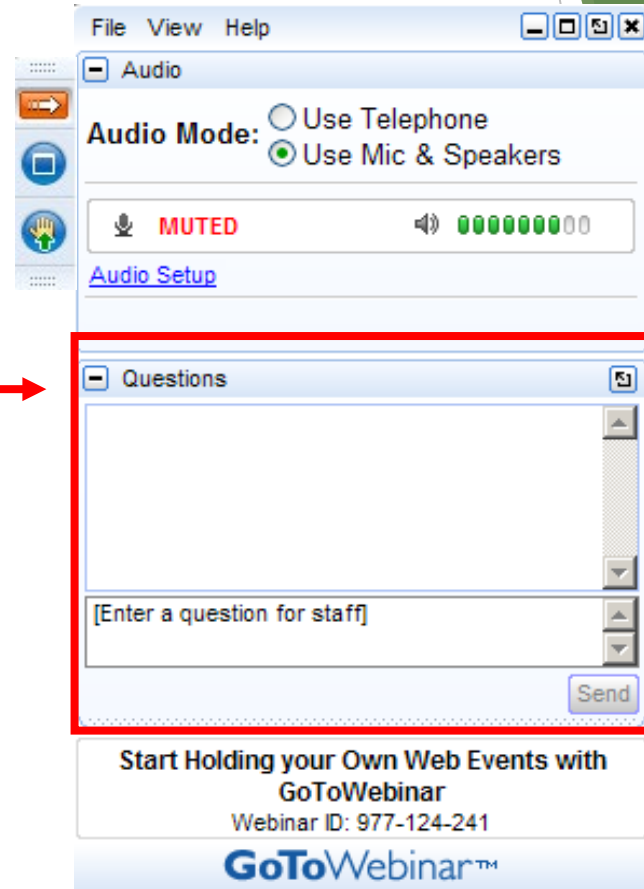
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Natch Greyes
Municipal Services Counsel

How to Participate Today

- Open and close your panel 
- Submit text questions 
- Q&A addressed during the webinar session



Today's Presentation



Steve & Natch:

- ✓ Workplace Safety Laws and the ADA
- ✓ Laws Governing Municipal Property
- ✓ Planning for Reopening

David & Rick:

- ✓ Reopening Plan Coordination
- ✓ Monitoring Employee Health
- ✓ Infection Control Measures
- ✓ Good Work Practices
- ✓ Personal Protective Equipment

OSHA Workplace Safety



The General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health (OSH) Act of 1970, 29 USC 654(a)(1), which requires employers to furnish to each worker “employment and a place of employment, which are free from recognized hazards that are causing or are likely to cause death or serious physical harm.” *

State and Local Government Workers

Although local government employees are not covered by OSHA, this General Duty Clause is good guidance for municipal employers.

*See: www.osha.gov/laws-regs/oshact/completeoshact

OSHA Guidance*

- ✓ Promote frequent and thorough hand washing, including by providing workers, customers, and worksite visitors with a place to wash their hands.
- ✓ If soap and running water are not immediately available, provide alcohol-based hand rubs containing at least 60% alcohol.
- ✓ Encourage workers to stay home if they are sick. Encourage respiratory etiquette, including covering coughs and sneezes.
- ✓ Provide customers and the public with tissues and trash receptacles.
- ✓ Discourage workers from using other workers' phones, desks, offices, or other work tools and equipment, when possible.
- ✓ Maintain regular housekeeping practices, including routine cleaning and disinfecting of surfaces, equipment, and other elements of the work environment.

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

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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.



New Hampshire Workplace Safety Laws

NH Admin Code Lab 1403.30 Hygiene and Sanitation. The employer shall ensure compliance with the following requirements:

- (a) A supply of potable water shall be provided in all places of employment;
- (b) Potable drinking water containers shall be capable of being tightly closed and be equipped with a tap;
- (c) Every employer shall provide and maintain sanitary and hygienic toilet facilities;



New Hampshire Workplace Safety Laws

NH Admin Code Lab 1403.43 Personal Protective Equipment. The employer shall ensure compliance with the following requirements:

- (a) The employer shall assess the hazards and provide and require the use of appropriate personal protective equipment where indicated based upon that assessment;
- (b) Where employees furnish their own personal protective equipment, the employer shall be responsible to, assure its adequacy and, to ensure that the equipment is properly maintained and in a sanitary condition;

Workplace Discrimination Guidance – EEOC*



- Based on current CDC guidance on COVID-19, an employer can send home an employee with COVID-19 or symptoms associated with the disease.
- Employers may ask employees who report feeling ill at work, or who call in sick, questions about their symptoms to determine if they have or may have COVID-19.
- During the existence of pandemic circumstances, employers may measure employees' body temperature provided the testing and results are handled to protect confidentiality.
- Employers may inquire whether employees returning from travel during the pandemic have visited locations of concern due to COVID - 19 to those locations.

* <https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act>

Workplace Discrimination Guidance – EEOC*



- ▶ Based on guidance of the CDC and public health authorities, the COVID-19 pandemic meets the direct threat standard under the ADA, and employers have sufficient objective information to reasonably conclude that employees will face a direct threat if they contract COVID -19. Due to those circumstances ADA-covered employers may make disability-related inquiries or require medical examinations of asymptomatic employees to identify those at higher risk of influenza complications.
- ▶ An employer can require its employees to adopt infection control practices, such as regular hand washing at the workplace and wearing a face mask.
- ▶ Employers cannot compel employees to take an influenza vaccine for COVID-19 once it becomes available. Generally, ADA-covered employers should consider simply encouraging employees to get the influenza vaccine rather than requiring them to take it.

* <https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act>

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 Library Property



RSA 202-A:6 - library trustees shall have the entire custody and management of the public library and of all the property of the town relating thereto

Management of Town Forest & Conservation Property

- ▶ **RSA 31:112** - A city or town forest established under RSA 31:110 shall be managed by a forestry committee.

- ▶ **RSA 36-A:4** - Land acquired by purchase or gift for conservation purposes by the Conservation Commission are managed and controlled by the Commission.



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.”

Municipal Building & Facilities Opening - Step 1 - Planning

- ▶ Convene a meeting of your joint loss management committee along with the Emergency Management Director and department heads to discuss and review basic control measures, engineering controls, good work practices and available personal protective equipment supplies.
- ▶ Consider implementing some or all of the measures recommended for Retail establishments as found in [Stay at Home 2.0 - Retail](#).
- ▶ Adopt a plan for reopening municipal facilities, including facility adaptation, employee reopening guidance, and possible requirements for public use of hand sanitizer and wearing of cloth face masks.
- ▶ The [Londonderry Town Hall Plan To Reopen To The Public](#) is a good example.

Municipal Building & Facilities Opening - Step 2 - Implementation



- Municipalities can mandate that people entering a municipal building or library wear a face covering.
- Cloth face coverings *should not* be required for persons who have an existing medical condition that impairs their breathing, or for anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cover without assistance.
- CDC* recommends that everyone 2 years and older wear a cloth face covering that covers their nose and mouth when they are out in the community. Cloth face coverings should NOT be put on babies or children younger than 2 because of the danger of suffocation.
- It is recommended that the municipalities have at hand a supply of disposable face masks a person can wear if they do not have their own.

*<https://www.cdc.gov/coronavirus/2019-ncov/faq.html#COVID-19-and-Children>



Municipal Building & Facilities Opening - Step 3 - Enforcement

- ▶ Although local law enforcement can enforce emergency orders and reopening requirements, health officers do not have similar authority.
- ▶ However, local health officers can, of course, continue to enforce those local health ordinances and rules that fall within their authority.
- ▶ To encourage local compliance with a local plan to reopen municipal facilities, that local plan could be adopted as a local health regulation under the provisions of RSA 147:1, or, as a town property regulation adopted by the select board, city council, library trustees, park & recreation commission.

COVID-19 and Your Workplace

How to Re-Open and Stay Safe

Risk Management Best Practices



Bow Brook Place
46 Donovan Street
Concord, NH 03301-2624
(800) 698-2364
(603) 225-2841

Guidance

- ▶ Centers for Disease Control (CD



- ▶ Occupational Safety & Health Administration (OSHA)



- ▶ State of NH Division of Public Health



Times have Changed

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

All of this amid an ongoing pandemic!

Coordinate Your Plans

- ▶ Involve local Emergency Managers (EMD's)
 - ▶ Do you have enough PPE to open if your employees require it?

- ▶ 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.

Keep Sick Employees Home

- ▶ Fever, respiratory symptoms, flu-like symptoms, 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)
- ▶ Take Employee Temperatures
 - ▶ Over 100° F – Do not allow entry



Employee COVID-19 Screening Checklist Sample:

| Health Screening Questionnaire | |
|--|---|
| [Member Name] | |
| Date: | _____ |
| Name: | _____ |
| Department: | _____ |
| <i>Please Complete this Form to be Provided Access to Building Each Day.</i> | |
| | YES NO |
| 1. I have one or more symptoms causing me to feel unwell. Symptoms may include, but are not limited to, headache, fatigue/feeling tired, muscle aches, sore throat, cough, sneezing, fever, shortness of breath, recent loss of taste and smell, other respiratory symptoms, and chills. | <input type="checkbox"/> <input type="checkbox"/> |
| 2. I have a household family member who has symptoms as outlined in #1 causing them to feel unwell. | <input type="checkbox"/> <input type="checkbox"/> |
| 3. I answered no to #1 and #2 but I (or a household family member) did have symptoms within the last 72 hours. | <input type="checkbox"/> <input type="checkbox"/> |
| 4. I have traveled (hotel, airplane, etc.) outside of NH in the last 14 days. | <input type="checkbox"/> <input type="checkbox"/> |
| 5. I have had contact with an individual who has tested positive for COVID-19 within the last 14 calendar days. | <input type="checkbox"/> <input type="checkbox"/> |
| 6. I have had contact with an individual who is experiencing virus symptoms such as those indicated in #1, but has not been tested, within the last 14 calendar days. | <input type="checkbox"/> <input type="checkbox"/> |
| 7. I have been involved in other activities that put me at a greater risk to come in contact with COVID-19. | <input type="checkbox"/> <input type="checkbox"/> |
| 8. I have taken my temperature today, it is less than or equal to 100.0 F | <input type="checkbox"/> <input type="checkbox"/> |

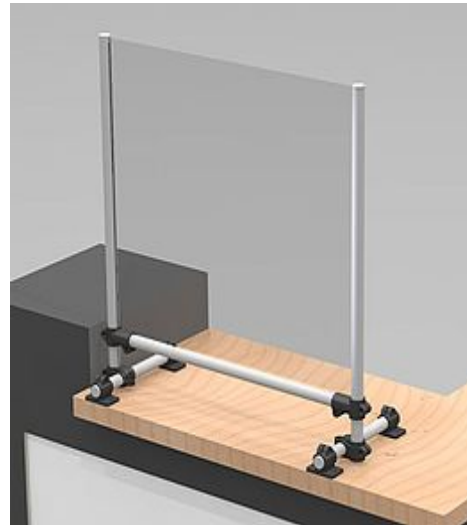
<https://nhprimex.org/assets/Uploads/PDFs/COVID-19/Health-Screening-Questionnaire-Fillable.pdf>

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 telework options
 - ▶ Flexible work hours, staggered shifts

- ▶ Deliver Services Remotely/Virtually
 - ▶ Phone, Video, Web

- ▶ Employee PPE

Good Work Practices

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

Personal Protective Equipment (PPE)

For Non-Emergency Medical Staff:

- ▶ Consider having staff wear face mask, face coverings
- ▶ Make available disposable gloves where indicated
- ▶ This is especially important for your health screening stations



Sanitizing Tools and Strategies

- ▶ Misting disinfecting machines
- ▶ Nanoseptic door handle skins
- ▶ UV light boxes and wands
- ▶ Plan for disinfecting during work hours

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>

National League of Cities

[Safely Opening Municipal Facilities](#)



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our webinar today!*



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