



# NORTH CAROLINA Office of *State Human Resources*



## **What Do Managers Need to Succeed in a Pandemic Workplace?**

### **Safety Health & Workers' Compensation Highlights**

**NC Society of Certified Professional Managers Annual Conference**

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**November 18, 2021**

## Agenda Summary

- ❖ Safety Items Checklist to include in Continuity of Operations Plan (COOP)
- ❖ NCDPS Emergency Management – ReadyNC.gov
- ❖ COVID-19 Safety Resources for Employers
- ❖ Workers' Compensation/Risk Management Considerations
- ❖ Employee Health & Well-Being



# What has the pandemic taught us about COOP planning?

## “Disaster” comes in multiple forms

- Sudden onset event – any extreme weather such as hurricane, tornado, flood, snow/ice, bomb/explosion, fire, active assailant incident.
- Cascading series of events – spreads disproportionately in time and space, progresses over time, generate unexpected secondary events, may be exacerbated by inadequacy of disaster mitigation strategies or failure of critical facilities (communicable disease epidemic, environmental pollution, cyberattacks).



# What has the pandemic taught us about COOP planning?

- Disaster response is multifaceted.
- Disaster response must be flexible and may continually change dependent upon circumstances – nothing is linear.
- Communication and transparency with all employees, vendors, customers, is key.
- There will always be something else to include.
- There are no ABSOLUTES!



# What's typically in a COOP plan?

- Delegation of Authority/Order of Succession
- Operations
  - Activation/Relocation
  - Alert, Notification and Implementation Process
- Alternate Facilities
- Staffing
- Technology
- Interoperable Communications
- Back Up Sites and Offsite Storage
- Vital Records/Retention Files
- Equipment
- Vendors
- Emergency Response and Recovery Team
- Crisis Communication Plan
- Training Testing and Exercise



# What has the pandemic taught us about COOP planning?

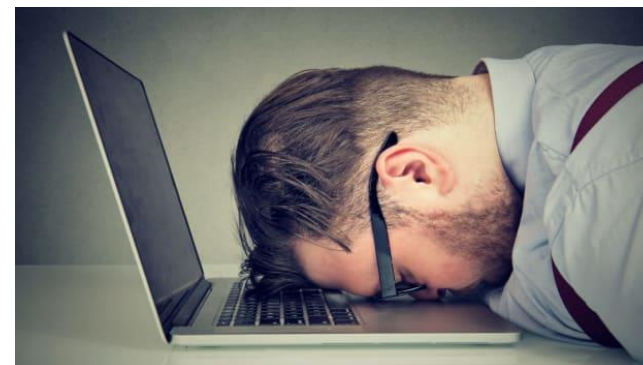


Issues that **MUST** be addressed include:

- Communicable Disease/Pandemic Planning
- How to accomplish mission with employees working independently offsite for an extended time period.
- Technology needs/conversion to alternate worksites.

# What has the pandemic taught us about COOP planning?

**No COOP Plan = Wasted Time/Money and Frustrated Employees**



# Safety Checklist for Continuity of Operations Plan (COOP)



COOP Plan Safety Checklist should include these categories in some form:

- Management
- Impact and Risk Assessment
- Communication
- Contingency
- Documentation
- Testing, Training and Exercise



# Safety Checklist for Continuity of Operations Plan (COOP)

## Management Items

- Emergency coordinator/team identified with defined roles/responsibilities for preparedness/relocation planning.
- Essential employees and critical inputs identified (e.g., raw materials, suppliers, sub-contractor services, products, logistics, safety, security) needed to maintain business operations by location and function during emergency.
- Employees know where to access reliable emergency information from community public health, emergency management, and other sources including sustainable links to websites.



# Safety Checklist for Continuity of Operations Plan (COOP)



## Management Items

- Agency HR policies covering employee absences during emergency due to personal/family member illness, community containment/quarantine measures, school and/or business closures, and public transportation closures.
- Agency HR policies covering employee compensation and sick-leave absences unique to emergency (e.g., non-punitive, liberal leave) and establishing process to set guidelines regarding when previously ill person who is no longer infectious may return to work after illness.

# Safety Checklist for Continuity of Operations Plan (COOP)

## Impact and Risk Assessment Items

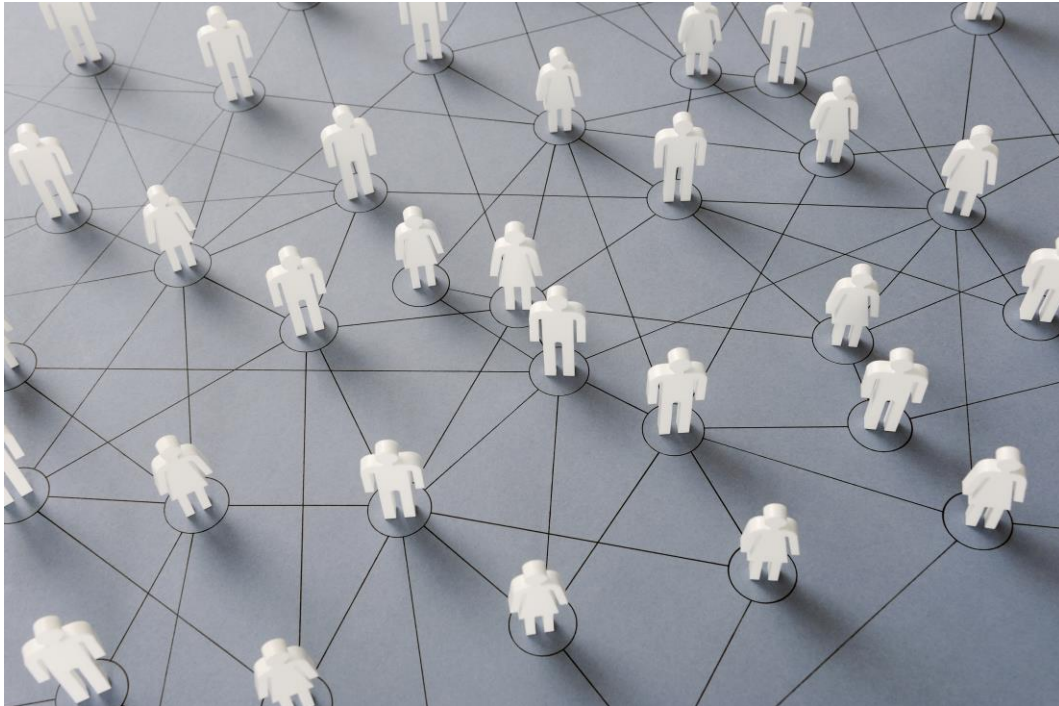
- Risk assessment has been performed to identify potential threats to business continuity.
- Subject matter expert frequently reviews hazard/threat scenarios identified during risk assessment.
- Consider employees and key customers with special needs and incorporate requirements of such persons in preparedness plans.
- Assessment of availability/capabilities of resources for incident stabilization including people, systems and equipment is available within entity and from external sources.





# Safety Checklist for Continuity of Operations Plan (COOP)

## Communication



- Contact plan has been implemented to quickly reach all staff and key stakeholders (a contact cascade, SMS messaging capability, etc).
- Communication plan established with public emergency services (e.g., fire, police and emergency medical services) to determine response time to your facility, knowledge of your facility and its hazards (waste and chemical storage areas) and capabilities to stabilize an emergency at your facility.
- Emergency cell phones and radios have been identified and are readily available for use during events.
- Communications staff can easily disseminate programs and materials covering emergency fundamentals (e.g., relocation areas, means of transportation, relocation area set up, supply resources).



# Safety Checklist for Continuity of Operations Plan (COOP)



## Documentation

Plan lists detailed actions required for:

1. Activating the plan
2. Assessing the incident
3. Escalating the response
4. Standing down

# Safety Checklist for Continuity of Operations Plan (COOP)

## Documentation

Procedures for the following events are included:

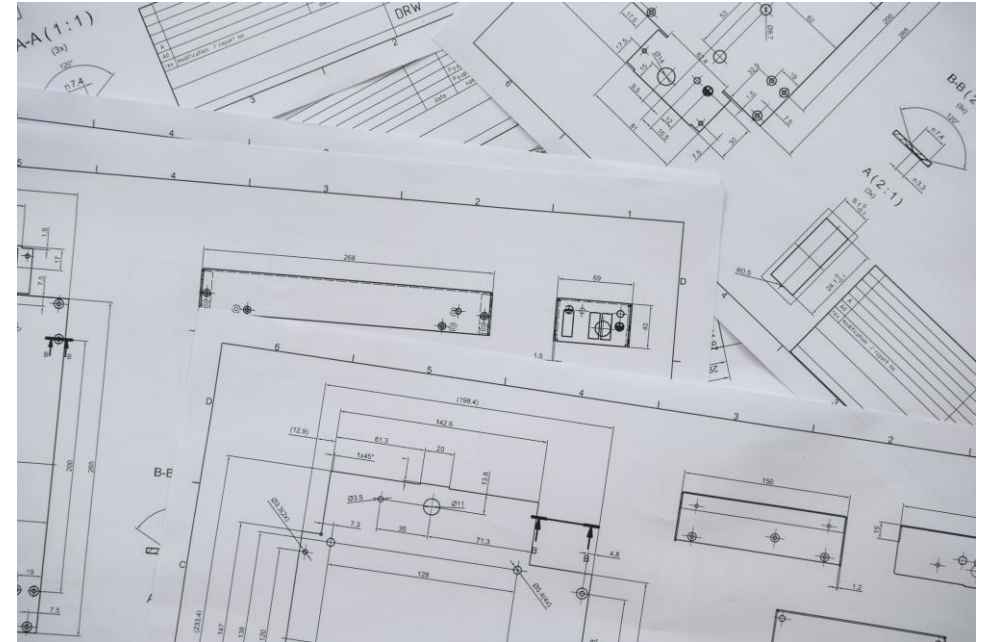
- Bomb Threat
  - Active Assailant
  - Fire
  - Tornado
  - Hurricane
  - Communicable Disease/Pandemic
  - Cyberattack
- Details of third-party agreements that would be called upon if plan is activated are included.
  - Necessary collaboration with federal, state, and local public health agencies and/or emergency responders is clearly defined.
  - Routine review of performance objectives is identified.



# Safety Checklist for Continuity of Operations Plan (COOP)

## Documentation

- Scenarios likely to result in increase/decrease in demand for products/services during an emergency (e.g., effect of restriction on mass gatherings, need for hygiene supplies, disruptions to telecommunications or transport infrastructure).
- Current maps and evacuation routes.
- Locations and contents of on-site disaster kits.
- Contents of disaster kits are up-to-date (expiration dates are verified routinely and items replaced as needed).
- Roles and responsibilities clearly defined (safety, security, etc.).
- Identified suitable alternative worksites.



# Safety Checklist for Continuity of Operations Plan (COOP)

## Contingency

- Business interruption on site, plus off-site recovery in case of exclusion from main site, has been addressed.





# Safety Checklist for Continuity of Operations Plan (COOP)



## Testing, Training and Exercise


- All employees/contractors are fully aware and have received training on the plan's arrangements for continued operations.
- Employees with responsibilities within the plan, and their managers, have received training on their duties and expectations.
- Clear procedures exist to ensure specific employees update plan given changes in business.
- Safety staff facilitates and/or participates in required exercises.

# NCDPS Emergency Management – ReadyNC



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Plan And Prepare ^

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News

<https://www.readync.gov/>

# NCDPS Emergency Management – ReadyNC <https://www.readync.gov/>

## Emergency Information

COVID-19	
Hurricane Guide	
Flood Gauges - FIMAN	
Road Conditions	
Disaster Assistance	
Power Outages	
Evacuation Orders	
Evacuation Routes	
Shelters	
Know Your Zone	
Re-entry Registration	
Hurricane Season during COVID-19	
Nuclear	

# ReadyNC - <https://www.readync.gov/>



**Plan** Discuss with your family what to do before, during and after an emergency. The more prepared you are, the better you will be.

- Set a place for family members to meet during emergencies.
- Have an out-of-state contact person for all family members to call.
- Copy important documents like insurance policies, birth certificates, bank statements and social security cards and keep in a safe place.
- Make a plan for your pets.
- Know specific care instructions for older adults or people with intellectual and developmental disabilities.

**Prepare** Make an emergency supplies kit before a disaster with basic items your family may need in or after an emergency. Be sure everyone knows where the kit is.

**Stay Informed** ReadyNC.org has lots of information about planning and preparing for emergencies plus what to do during different types of disasters.

Visit [ReadyNC.org](https://www.readync.gov/) to plan and prepare for disasters, and stay informed when they happen.



**BE PREPARED** Items needed for your Emergency Supplies Kit



- Water— one gallon per person per day (a week's supply is better)
- Non-perishable foods, such as canned goods, granola bars, nuts, dried fruit, and cereal
- Non-electric can opener
- First aid kit and medicines
- Baby supplies, toys, books, games
- Food, water, leash and carrier for pets
- Flashlight, portable radio, batteries
- Cash and change
- extra pair of eyeglasses
- Extra set of house and car keys
- Change of clothes, sturdy shoes
- Blanket or sleeping bag
- Anti-bacterial hand wipes or gel
- Personal hygiene items: toothbrush, toothpaste, soap, etc.
- Fire extinguisher ABC-type
- Important papers: identification, insurance, bank information, will, etc.
- Cell phone and charger



## ReadyNC Disaster Kit Rack Card



# COVID-19 Safety Resources for Employers

OSHR COVID-19 Related Guidance for worksites: <https://oshr.nc.gov/safe-return>

- Links to OSHA Guidance
- FAQs for employees, managers/supervisors
- Safety Checklists for Employers
- Links to other OSHR COVID-19 resources i.e. model safety programs, vaccination/testing/face covering information

## Know your 3 Ws!



**WEAR**  
a cloth mask over  
your nose and mouth.



**WAIT**  
6 feet apart. Avoid  
close contact.



**WASH**  
your hands or  
use hand sanitizer.

@NCDHHS

#StayStrongNC

# COVID-19 Safety Resources for Employers

## OSHR policies

<https://oshr.nc.gov/policies-all>

*Communicable Disease Emergency*

## Updated OSHR Vaccination or Testing policy resources

<https://oshr.nc.gov/vaccination-or-testing-policy>

<https://oshr.nc.gov/covid-19-vaccination-or-testing-faqs>

Links to policy, detailed FAQs, flyers, etc.



# COVID-19 Safety Resources for Employers



- NCDHHS COVID-19 Communications Toolkit

<https://covid19.ncdhhs.gov/slow-spread/materials-resources/covid-19-communications-toolkit>

- NCDHHS Vaccine Communications Toolkit

<https://covid19.ncdhhs.gov/vaccines/covid-19-vaccine-communications-toolkit>

- NCDHHS Guidance for Businesses and Employers

<https://covid19.ncdhhs.gov/information#businesses>

# Current COVID-19 Related EEOC Guidance

What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws

<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws#J.2>

- A. Disability-related inquiries and medical exams
- B. Confidentiality of Medical Information
- C. Hiring and Onboarding
- D. Reasonable Accommodation
- E. Pandemic-Related Harassment Due to National Origin, Race, or Other Protected Characteristics
- F. Furloughs and Layoffs
- G. Return to Work
- H. Age
- I. Caregivers/Family Responsibilities
- J. Pregnancy
- K. Vaccinations-Overview, ADA, Title VII, and GINA
- L. Vaccinations-Title VII and Religious Objections to COVID-19 Vaccine Mandates





# OSHA COVID-19 related requirements

COVID-19 Emergency Temporary Standard for Healthcare Settings

<https://www.osha.gov/coronavirus/ets>

NCDOL has adopted federal OSHA COVID-19 Healthcare standard

<https://www.labor.nc.gov/news/press-releases/2021/07/14/ncdol-adopts-federal-osha-emergency-temporary-standard>

OSHA “COVID-19 Guidance” applies to all Non-Healthcare Worksites

<https://www.osha.gov/coronavirus/safework>

“General duty” clause is always in effect

<https://www.osha.gov/laws-regs/standardinterpretations/2003-12-18-1>

<https://www.osha.gov/laws-regs/oshact/section5-duties>



# OSHA COVID-19 related requirements

- New **OSHA COVID-19 Vaccination and Testing ETS** published 11/5/21
- OSHA ETS Summary (3 pages) available at:  
<https://www.osha.gov/sites/default/files/publications/OSHA4162.pdf>
- **Stayed (as of 11.15.21)**
- All litigation challenging this OSHA ETS will be consolidated at one federal Court of Appeals.
- NCDOL will awaiting resolution of litigation before adopting any standard.

# COVID-19 Safety Resources for Employers

## OSHR Model Safety Programs

<https://oshr.nc.gov/state-employee-resources/workplace-safety/workplace-requirement-programs>

- **COVID-19 Safety**
- **COVID-19 ETS for Healthcare**
- Easy to follow, include employee communication template memos.
- Address COVID-19 issues and best practices based on current OSHA rules and guidance, Executive Orders, and NCDHHS and CDC recommendations.



# COVID-19 Safety Resources for Employers

## Handling of COVID-19 Positive Employees Working Onsite

### Employee Notification-**Check Most Recently Revised CDC Guidelines for Updated Information**

While local health departments engage in contact tracing of “close contacts”, agencies should send out a general email notification to employees emphasizing the need to continue COVID-19 prevention measures. A sample notification letter is available in the “COVID-19 Safety” model program at <https://oshr.nc.gov/state-employee-resources/workplace-safety/workplace-requirement-programs>.

Follow most recently updated CDC [quarantine and isolation guidance](#) guidelines regarding when the employee should return to onsite work.



Centers for Disease Control and Prevention  
CDC 24/7: Saving Lives, Protecting People™



# Workers' Compensation Considerations

- Employees may suffer a compensable injury while working onsite or at an alternate work location i.e. teleworking at home during a pandemic.
- Employers should fully investigate all reported injuries, incidents, and near misses at onsite or alternate work locations to prevent future similar events.



# Workers' Compensation Considerations

## What is an “injury by accident”? - Applies to any body part

An “injury” arises out of and in the course of the employment, and shall not include a disease in any form, except where it results naturally and unavoidably from the accident.

### What is an “accident”?

- a. Interruption in regular, normal work routine; or
- b. Unexpected, unusual, or untoward occurrence (Ex. Slip, trip or fall); or
- c. Unlooked for event not expected or designed by employee that happens while employee is performing work duties, an activity that provides benefit to employer, or there is a “reasonable relationship” i.e. that springs from employment.



# Workers' Compensation Considerations for COVID-19 and related claims

- What should employers discuss with their WC insurance carrier/TPA?
  - Importance of complete claim investigation
  - For COVID-19 claims includes questions for employer, employee, and medical provider covering:
    - a. Potential workplace exposure circumstances;
    - b. Potential community exposure circumstances; and
    - c. Other COVID-19 positive persons employee has been in contact at home or elsewhere.



# Workers' Compensation Considerations

## What is an “Occupational Disease”?

Type of compensable “injury” per NC Workers’ Compensation law.

Employee seeking compensation for an “occupational disease” must establish disease/condition meets these criteria:

- (1) condition must be characteristic of persons engaged in particular trade or occupation in which employee is engaged;
- (2) condition must not be ordinary disease of life to which public generally is equally exposed with those engaged in that particular trade or occupation; and
- (3) there must be causal connection between the disease and the claimant’s employment.

Examples: Communicable diseases, mental conditions including PTSD, anxiety, depression, stress, etc., carpal tunnel, cubital tunnel, fibromyalgia.





# Workers' Compensation Considerations

## How are COVID-19 and related claims analyzed as an “occupational disease”?

- Employee must show COVID-19 or related condition is something they are **susceptible to because of their job**, is **not something to which the public is equally exposed outside of employment**, and prove that the employee’s **job placed them at an increased risk of developing the condition compared to the general public** and that the disease was **contracted at work**, i.e. causation.
- **Expert medical testimony** will likely be needed to establish one or more of these three elements. The rate of community spread of COVID-19 as of reported date of injury in employee’s residential location will be considered.
- Employee has **2-year statute of limitations** to report claim from date of diagnosis or date first notified by medical provider.

# Workers' Compensation Considerations

**What about “Return to Work” to “Suitable Employment” during a pandemic?** Rules are same as always.

“Pre maximum medical improvement”, “temporary work restrictions”, or “light duty”.

- i. Work must be within employee’s work restrictions assigned by authorized treating physician;
  - ii. Work must be approved by the authorized treating physician; and
  - iii. Work may be rehabilitative and non-competitive; does not have to be a job that actually exists.
- Does not require return to worksite; teleworking is okay so long as three criteria are met.

# Workers' Compensation Considerations

**What about “Return to Work” or “Suitable Employment” during a pandemic?** Rules are same as always.

- “Post maximum medical improvement” with “Permanent work restrictions”
- Factors to consider: None are solely determinative.
  - Education
  - Vocational Skills
  - Experience
  - Within assigned restrictions (physical and mental)
  - Within 50 mile radius of employee’s home

# Employee Health & Well-Being

- Self-Care is important: Provide Employee Assistance Programs to help employees cope with both work and personal life challenges.
- For past 20 months, employees have coped with never before experienced stressors for which they were unprepared leading to a great deal of anxiety, stress resulting in lots of underlying physical and mental conditions, etc. that can be easily exacerbated by a variety of stimuli.
- Need to keep work as positive as possible to avoid WC claims for “increased anxiety, stress, fatigue, etc.”





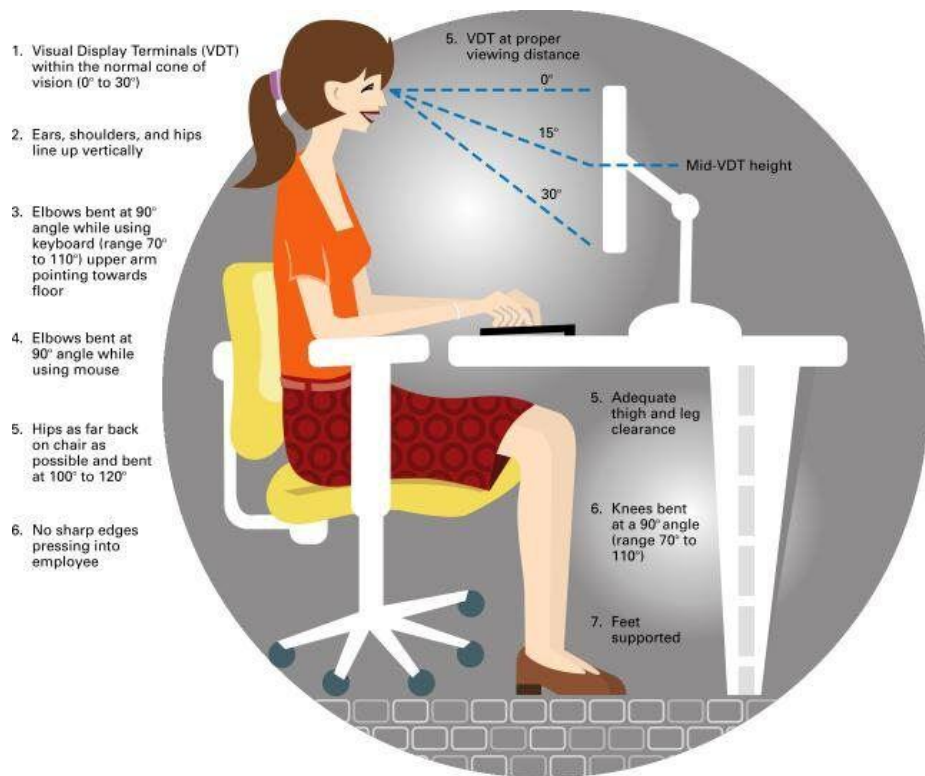
# Employee Health & Well-Being

## Flexibility is in – Strict standards are out

- Teleworking – full or part-time
- Flexible scheduling (work days/hours)
- Flexible work location
- Adaptation to personal circumstances (child care, school schedules, elder care, etc.)
- Everything is subject to interpretation!



# Employee Health & Well-Being



- Recheck employee's onsite ergonomic setup to prevent discomfort and potential work-related injuries/ conditions.
- Have teleworking employees complete an **ALTERNATE WORK LOCATION SAFETY ATTESTATION** with list of physical workspace, electrical, ergonomics/ wellness, information safety/security, and fire/emergency items.

# **NEWLY available** employee safety training in LMS

- Driving Defensively
- Hearing and Noise Safety
- Respiratory Protection Program
- Warehouse Safety
- Materials Handling Safety
- Personal Protective Equipment
- Confined Spaces
- Electrical Safety
- Radiation Awareness
- Asbestos Awareness
- HAZWOPER Regulation Overview
- Hazardous Materials Safety



**AND MANY  
MORE!!!**

- Emergency Procedures
- Active Shooter
- Drug and Alcohol Awareness
- Workplace Violence
- Mental Health
- Preventing Slips, Trips, and Falls
- Behavior Based Safety Programs
- Office Ergonomics
- Bloodborne Pathogens
- First Aid Resuscitation-Choking, CPR, AED
- Introduction to OSHA
- Tuberculosis in Healthcare Environments

# OSHR Worker's Compensation Training Modules available in LMS

**1** *A Primer in Workers' Compensation Terms and Definitions*

**2** *Forms Used in Workers' Compensation Claims*

**3** *Roles and Responsibilities in Workers' Compensation Claims*

**4** *Initial Injury Reporting & Incident Investigation*

**5** *Claim Compensability*

**6** *Communications In State Workers' Compensation Claims*

**7** *MMI, Return to Work & Medical Treatment*

**8** *FCEs, Work Conditioning, & Vocational Rehabilitation*

**9** *Functional Job Descriptions*

**10** *Return to Work*

**11** *Claim Closing and Settlement Strategies*

**12** *Salary Continuation*

**13** *Life Cycle of a Litigated Claim*

**14** *Medicare Set-Asides*

**15** *Rules 605 Discovery & 607 Requests*



# OSHR Training Resources available in LMS

Employee completes all 15 workers' compensation training modules (including minimum scores on quizzes)

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OSHR Qualified Workers' Compensation Professional designation (annually renewable for 5 years via attendance at OSHR webinar)

- The 15 workers' compensation training modules cover the entire life cycle of a claim including everyone's roles and responsibilities (employee, supervisor, workers' compensation administrator, agency safety staff, third party administrator, Attorney General's office, etc.) involved in claim reporting, investigation, management, and closing.
- [OSHR QWCP Training Info](#) is available on NC Learning Center webpage.
- Anyone may take 1 or more modules in any order – no prerequisites.
- Each training module is 15-25 minutes.

# Questions? Contact SHWC anytime



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