



UKS COVID-19 SAFE WORKPLACE RULES FOR ESSENTIAL EMPLOYERS

On April 7, 2020, Governor Lamont signed Executive Order No. 7V. The entire Executive Order 7V is available [here](#).

Among the directives therein, the order mandated that the Department of Economic and Community Development (DECD) and the Department of Public Health (DPH) work together to develop new statewide rules prescribing additional protective measures that must be followed by every essential business and any other business or nonprofit that remains open during the COVID-19 civil preparedness and public health emergency. These new rules, which are detailed below, supersede and preempt any current or future municipal order.

In accordance with Executive Order 7V, DECD published the Safe Workplace Rules for Essential Employers on its website, which can be reviewed in their entirety [here](#). The following is a summary of those rules applicable to such employers:

In General. Essential employees who are able to work from home should be working from home. Employees who have traveled internationally in a region where COVID-19 is active, or have returned from a cruise, should stay home and self-monitor for 14 days, subsequent to returning.

Employers are directed to eliminate all non-essential workplace travel and distribute summaries of health insurance processes and procedures to employees. Employers must also control access to external visitors by: (i) prohibiting entry into a facility for non-essential visitors, (ii) interviewing approved visitors about their current health condition and recent travel history, and (iii) using hand sanitizer at point of entry to such facility.

Controlling Contact between Employees and other Employees or Customers. Companies should develop and implement practices for social distancing. DECD defines social distancing as avoiding large gatherings and maintaining distance (approximately 6 feet or 2 meters) from others.

Employers are further directed to: (i) eliminate in-person meetings and discourage carpooling, (ii) provide masks wherever close personal contact is unavoidable, (iii) increase physical space between employees and customers (e.g. Plexiglas partitions at drive-through restaurants), (iv) deliver services remotely where practical, (v) deliver products through curbside pick-up or delivery when possible, (vi) increase ventilation rates and increase the percentage of outdoor air that circulates into the system where possible, and (vii) wherever possible, segment the workspace into discrete zones, prohibiting employees from entering into zones where they are not required to perform duties.

Workplaces with Multiple Shifts must: (i) wherever possible, utilize nights and weekends to spread out work schedules and provide for social distancing, (ii) if possible, move from 1 or 2 shifts to 3 shifts and keep each shift with the same people each day, (iii) provide time between each work shift to avoid overlap and allow for cleaning at regular and appropriate intervals, and (iv) minimize congregations at the time clocks or break areas by staggering shift start/stop times, break times and lunchtimes.

Where possible, employers should close or restrict break rooms and cafeterias and have employees bring lunches from home and eat at workstations or in cars. If the employer does maintain break or lunch rooms, extra rotations should be utilized to reduce the number of employees in the break room/cafeteria at one time, and the employer must provide hand sanitizer and/or disposable wipes in such break or lunch rooms and clean them after every shift.

Manufacturing companies must shutdown a facility when production is not needed whenever practical.

Eliminating Transmission Points. Employers must reduce common touch points by opening internal doors where possible and securing all secondary doors and access points. All touch points must be cleaned frequently.

Employers must also install all no-touch disposal receptacles or remove lids that require contact to open for non-hazardous waste containers unless doing so creates an unsanitary environment.

It is recommended that employers provide disposable wipes so that commonly used surfaces can be wiped down. To disinfect surfaces, employers must use products that meet the EPA's criteria for use against SARS-Cov-2 and are appropriate for the surface.

When possible, companies must prohibit workers from using other workers' phones, desks, offices, or other work tools and equipment. If shared, such workspaces and equipment should be cleaned and disinfected before and after use. Regardless, employees should clean their personal workspace at the beginning and the end of every shift.

If a sick employee is suspected or confirmed to have COVID-19, employers must follow the CDC cleaning and disinfection recommendations, which can be found [here](#).

Guidelines for Essential Employees. Employees who are ill should stay home and where possible, employees should take their temperature before they go to work. If an employee has a temperature above **100.4 degrees** Fahrenheit, s/he should stay home.

Employees should (i) make hand sanitizer available to employees who do not have ready access to soap and water and (ii) place posters encouraging hand hygiene at the entrance to their respective workplaces and in other workplace areas where such posters are likely to be seen.

Whether at work or at home, all employees are advised to follow the CDC guidelines for preventing transmission of COVID-19. More information can be found [here](#).

Guidelines for Workplace Illness. If an employee is confirmed to have COVID-19 infection, employers should inform fellow employees of their possible exposure in the workplace, but maintain confidentiality as required by the Americans with Disabilities Act (ADA).

Additional Rules Specific to Construction Sites. For construction sites, employers must: (i) clean portable bathrooms no less than every 2 days, (ii) require employees to travel separately to and from, and within, worksites, (iii) reschedule work to maximize the amount of work being performed outdoors and limit indoor or work lacking significant fresh air, (iv) shift work to limit the size of the crews on the jobsite, (v) rotate lunch and coffee break shifts, requiring workers to follow the CDC social distancing guidelines during meals or breaks, (vi) follow all safety and health protocols when using an elevator, and (vii) provide an adequate supply of PPE, including but not limited to masks, gloves and hand sanitizer.

Essential Retailers. DECD previously published Essential Safe Store Rules, which will continue to guide safety for employees and customers of essential retailers. Those rules can be found [here](#).

For further information regarding DPH guidelines or other healthcare-related issues concerning Covid-19, contact Jennifer Groves Fusco at jfusco@uks.com or at (203) 786-8316.

For further information on the implications of COVID-19 on employment, or other employment related questions, please contact Christopher L. Brigham, at (203) 786-8310 or cbrigham@uks.com, or Valerie M. Ferdon at (860) 548-2607 or vferdon@uks.com.

For further information on the implications of COVID-19 with regard to construction projects, contact Donald Doeg at ddoeg@uks.com or (860) 548-2638 or Richard Dighello at rdighello@uks.com or (860) 548-2633.

Updike, Kelly & Spellacy, PC would like to thank associate C. Zack Hyde for his contributions to this article.

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