

> Covid-19 Client Alert

Several States Require Employers Provide COVID-19 Safety Training

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Authors and Key Contacts

If you require any additional information about the regional reopening plan for New York State, or any other employment issue related to COVID-19 or otherwise, please contact any of the attorneys listed below.

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Several states, including California, Connecticut, Illinois, Michigan, Vermont, and Washington, are now mandating that employers provide COVID-19 safety training as employees begin returning to the workplace. In what could become a nationwide trend, each of these new regulations sets forth specific training requirements that must be strictly adhered to by employers in those states. This training must be provided at no cost to employees and during compensable work hours. Moreover, the training materials must be presented in the language and at the literacy level of all employees.

The requirements for each state's mandatory COVID-19 safety training as of this publication are set forth below.

California

California's Interim General Guidelines on Protecting Workers from COVID-19 require employers to provide safety training on a variety of topics, including, but not limited to:

- General description of COVID-19, symptoms, when to seek medical attention, how to prevent the spread of it, and the employer's procedures for preventing its spread at the workplace;
- How an infected person can spread COVID-19 to others even if they are not exhibiting signs of it or feeling sick;
- How to prevent the spread of COVID-19 by using cloth face covers;
- Coughing and sneezing etiquette;
- Hand washing etiquette;
- Avoiding touching eyes, nose, and mouth with unwashed hands;
- Avoiding sharing personal items with co-workers (i.e., dishes, cups, utensils, towels);
- Providing tissues, no-touch disposal trash cans, and hand sanitizer for use by employees; and
- Safely using cleaners and disinfectants in the workplace.

The full list of requirements for California employers can be accessed [here](#).

Connecticut

The Connecticut Department of Economic and Community Development (DECD) has issued guidance for reopening for five different sectors of the state's economy: [retail and malls](#), [restaurants](#), [offices](#), [hair salons and barbershops](#), and [museums and zoos \(outdoors only\)](#). Each of the five sectors documents the requirements that employers train employees on:

- The rules contained in the various sector documents;
- Protocols on how to clean and use cleaning products safely; and
- Provides additional guidance found [here](#).

The DECD guidance further notes that it is the responsibility of the employer to ensure that any subcontractors or freelance workers onsite are also appropriately trained.

Illinois

The Illinois Department of Commerce & Economic Opportunity (DCEO) requires that businesses institute mandatory health and safety training for all employees returning to the workplace as part of Phase 3 of the Restore Illinois Plan. On its website, it provides a "Checklist for Employee Training" that sets forth the following required topics:

- Sources of exposure to the COVID-19 virus;
- Hazards associated with exposure to the virus;
- Best practices to reduce exposure to the virus, including, but not limited to general hygiene, social distancing and use of face coverings and other PPE (e.g., how to put on, how to clean and maintain);
- Appropriate workplace protocols to prevent/ reduce likelihood of exposure to the virus, including but not limited to:
 - Disinfection of common workspaces, materials, equipment, etc.
 - Use of face coverings by customers and other visitors
 - Safe work practices;
- Symptoms of COVID-19 and what to do if sick;
- Definition of high-risk populations;
- Isolation of individuals with suspected or confirmed COVID-19;
- Reporting of possible cases; and
- Illinois Phase III workplace-specific guidelines and encouraged best practices.

The DCEO checklist can be accessed [here](#).

Michigan

Michigan Gov. Gretchen Whitmer has issued various Executive Orders requiring, among other things, that employers provide COVID-19 safety training to employees that covers, at a minimum:

- Workplace infection-control practices;
- The proper use of personal protective equipment;

- Steps the employee must take to notify the business of any COVID-19 symptoms or of a suspected or confirmed diagnosis of COVID-19; and
- How to report unsafe working conditions.

Michigan's Executive Order 2020-97, the initial order laying out these requirements, can be accessed [here](#).

Vermont

On April 24, 2020, Vermont Gov. Philip B. Scott issued [Executive Order 01-20-Addendum 11](#) requiring all employers to provide training and a written copy of standard operating procedures to their employees as they return to the workplace. These training and procedures must cover the following topics:

- The signs and symptoms of COVID-19 and an explanation of how the disease is spread;
- Information on appropriate social distancing and personal hygiene practices, including those set forth in this Addendum 11 to the Executive Order and applicable ACCD Guidance; and
- The types, proper use, limitations, location, handling, decontamination, removal, and disposal of any personal protective equipment (PPP) being used.

The Vermont Occupational Safety and Health Agency (VOSHA) has now developed model training and procedures which may be accessed [here](#), in English and 11 other languages. The Executive Order explains that employers are also free to adopt a program that exceeds the VOSHA-provided standards, or additional policies applicable to the particular employment environment and employees' duties.

Washington

Washington State provides a PowerPoint presentation template as one resource that employers may use to educate employees on basic COVID-19 workplace hazards, as well as the best ways to prevent transmission of the virus. Specifically, the PowerPoint presentation template includes slides on the following topics:

- General information about the COVID-19 virus;
- Common symptoms of infection;
- How COVID-19 is transmitted;
- What employees should do if they feel sick;
- Who is most at risk in the workplace; and
- How to protect oneself and others from contracting COVID-19.

A copy of the PowerPoint presentation template may be accessed on [this webpage](#) under the "General Information" heading. It is also available in Spanish.

Employers in these states should immediately begin reviewing the mandatory guidance and training protocols in order to develop a comprehensive COVID-19 safety training plan that will meet each state's requirements. Failing to do so could subject the business to future liability, as employers are always required to minimize risks of spreading a known hazard, such as COVID-19, at the workplace, in accordance with their obligations under the Occupational Safety and Health Act ("OSHA"). The Morrison Cohen LLP Labor & Employment team are here to help as employers contemplate and implement state and industry-specific training. We are happy to assist in drafting these safety training plans and providing these presentations, or answering any questions you may have about reopening your business or any other employment-related issue.

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Morrison Cohen LLP has created the [COVID-19 Resource Taskforce](#), a multidisciplinary taskforce comprised of attorneys with deep expertise in a broad range of legal areas, to assist clients navigating the challenging and uncertain business and legal environment caused by the COVID-19 pandemic. We encourage clients to utilize our capabilities by reaching out to their primary Morrison Cohen attorney contact, who will put you in touch with the appropriate Taskforce person. You may also reach out directly to Joe Moldovan and Alec Nealon, the Taskforce co-chairs:

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