**This sample Preparedness and Response Plan is being provided by Bodman as a template and is not to be considered legal advice or establish an attorney-client relationship where one did not previously exist. Please contact Bodman’s Workplace Law Group if you have any questions about use of this template or the law’s applicability to your business.**

**[EMPLOYER’S] COVID-19 Preparedness and Response Plan**

In accordance with applicable public health orders and rules, [EMPLOYER] (“Company”) institutes this COVID-19 Preparedness and Response Plan (“Plan”).

Company aims to protect its workforce by enacting all appropriate prevention efforts. Company is continually monitoring guidance from local, state, and federal health officials and implementing workplace and Plan modifications where appropriate. This Plan is consistent with guidance from the Centers for Disease Control and Prevention (“CDC”), the Michigan Occupational Safety and Health Administration (“MIOSHA”), and the Occupational Safety and Health Administration (“OSHA”).

Employees with questions are encouraged to contact Human Resources via phone at \_\_\_-\_\_\_-\_\_\_\_ and/or email at \_\_\_\_\_.

Company designates the following worksite supervisors/employees to serve as COVID-19 safety coordinators to implement, monitor, and report on this Plan: [LIST SUPERVISORS/EMPLOYEES]. Company will designate additional individuals as needed.

Company makes this Plan readily available to employees and their representatives. This Plan is maintained and posted at all Company locations [AND JOB SITES, IF APPLICABLE].

[POST AND PROVIDE EMPLOYEES WITH COPY OF PLAN.]

1. **Prevention Efforts and Workplace Controls**
	1. **Basic Infection Prevention Measures for All Employees**

Company implements the following prevention measures for all employees:

* Company promotes frequent and thorough hand washing and provides employees, workers, customers, and worksite visitors with a place to wash their hands, antiseptic hand sanitizers, and/or alcohol-based hand towelettes containing at least 60 percent alcohol;
* Company increases facility cleaning and disinfection in accordance with CDC guidance;
* Company uses disinfectants approved by the Environmental Protection Agency expected to be effective against SARS-CoV-2, the virus which is the causative agent of COVID-19;
* Company provides employees with these cleaning and disinfecting supplies;
* Employees should routinely clean their work stations, tools, and equipment;
* When possible, employees should avoid the use of other employees’ phones, desks, offices, or other work tools and equipment;
* Employees must immediately notify Company of any symptoms of COVID-19 or a suspected or confirmed diagnosis of COVID-19 by informing their supervisor, Human Resources, and/or the COVID-19 safety coordinators;
* Employees must immediately notify Company of any unsafe working conditions by informing their supervisor, Human Resources, and/or the COVID-19 safety coordinators;
* Employees must comply with screening processes and any isolation/quarantine orders; and
* When possible, Company increases ventilation rates and circulation throughout worksites.
	1. **Training for All Employees**

Employees are trained on the information contained within this Plan, including the workplace infection-control practices, how to report COVID-19 symptoms and/or diagnoses, and how to report unsafe working conditions. Employees are also trained on the CDC’s “How to Wear and Take Off Your Mask” and “Answering Your Questions About the Safety and Effectiveness of COVID-19 Vaccines” posters, attached here and displayed onsite in the primary languages common in the employee population. Employees return a signed acknowledgment to Human Resources, confirming their receipt and review of the information.

Company’s Human Resources maintains documentation related to employee trainings for at least six months from the date of generation.

* 1. **Mask and Social Distancing Requirements**

Fully vaccinated employees are not required to wear face coverings or socially distance.

[EMPLOYERS MAY, AT THEIR DISCRETION, CONTINUE TO REQUIRE FACE COVERINGS AND/OR SOCIAL DISTANCING FOR ALL EMPLOYEES.]

[ALL EMPLOYEES MUST CONTINUE TO WEAR FACE COVERINGS WHEN IN THE HEALTHCARE SETTING WHERE PATIENTS MAY BE PRESENT AND WHEN USING AIRPLANE OR PUBLIC TRANSPORTATION IF REQUIRED BY THE LATEST CDC GUIDANCE.]

Employees are considered “fully vaccinated” when at least two weeks have passed after receiving the final dose of an FDA-approved or FDA-authorized COVID-19 vaccine.

Employees who are not fully vaccinated must comply with the following safeguards:

* Remain at least six feet from other individuals to the maximum extent feasible while on Company premises; and
* Wear a face covering when unable to consistently maintain six feet of separation from other individuals indoors and on Company premises.
	+ Company provides, at a minimum, non-medical grade face coverings to employees who are not fully vaccinated.

Company administers these mask and social distancing requirements by:

* Keeping records of whether employees are fully vaccinated persons; and
* Posting signs in the work area reminding employees who are not fully vaccinated to wear face coverings and maintain appropriate distancing.

[COMPANY MAY KEEP RECORDS, POST SIGNS, ALLOW/REQUIRE REMOTE WORK, AND/OR REQUIRE MASKS AND SOCIAL DISTANCING FOR ALL EMPLOYEES REGARDLESS OF VACCINATION STATUS AS A MEANS OF ADMINISTERING ITS PLAN.]

Company’s Human Resources maintains documentation related to employee vaccination information for at least six months from the date of generation.

* 1. **Supplemental Measures Upon Notification of Employee’s COVID-19 Diagnosis and/or Symptoms**

An employee with a COVID-19 diagnosis or who displays symptoms consistent with COVID-19 must be immediately removed from the worksite.

In response to a confirmed diagnosis by any individual who worked at or visited the worksite, Company:

* Informs all employees, contractors, or suppliers who may have come into contact with the diagnosed individual in the 48 hours preceding the onset of symptoms of a potential exposure;
	+ Notification is made within 24 hours of a confirmed case of COVID-19;
* Keeps confidential the identity of the diagnosed individual; and
* Implements its response plan and cleaning and disinfecting protocols, including shutting down appropriate areas of the workplace, increasing ventilation, and conducting a deep cleaning of both the diagnosed individual’s workstation and those common areas potentially infected by the individual.

All employees who are not fully vaccinated and who had close contact with the diagnosed individual (i.e., those employees who worked within 6 feet of the diagnosed individual for a cumulative total of 15 or more minutes over a 24-hour period) in the 48-hour timeframe are also removed from the worksite for 14 days; however, should these exposed employees later develop COVID-19 symptoms and/or receive a confirmed diagnosis, they may not report onsite until all return-to-work requirements are met, defined below.

Company’s Human Resources maintains documentation related to exposure notifications for at least six months from the date of generation.

Company completes an OSHA Form 300, as well as a Form 301, “if it is more likely than not that a factor or exposure in the workplace caused or contributed to the illness.” If an employee infects a coworker, the coworker has suffered a work-related illness if one of the recording criteria (e.g., medical treatment or days away from work) is met.

1. **Identification and Isolation of Sick and/or Exposed Employees**

Risk and exposure determinations are made without regard to employees’ protected characteristics, as defined by local, state, and federal law.

Any health-related information and documentation gathered from employees is maintained confidentially and in compliance with state and federal law. Specifically, medical documentation is stored separate from employees’ personnel documentation.

* 1. **Employees’ Self-Monitoring**

The following employees should **not** report to work and, upon timely notification to their supervisor, Human Resources, and/or the COVID-19 safety coordinators, will be removed from the regular work schedule:

* Employees who are currently and atypically suffering from symptoms of COVID-19, such as fever of 100.4 degrees or greater, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, sore throat, new loss of smell or taste, congestion or runny nose, and/or gastrointestinal problems, including nausea, diarrhea, and vomiting, whether or not accompanied by a formal COVID-19 diagnosis;
* Employees who, in the last 14 days, have had close contact with any person having a confirmed COVID-19 diagnosis;
	+ Fully vaccinated employees are not required to quarantine, unless symptoms develop;
* Employees who, in the last 14 days, have had close contact with any person who is atypically suffering from symptoms of COVID-19, such as fever of 100.4 degrees or greater, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, sore throat, new loss of smell or taste, congestion or runny nose, and/or gastrointestinal problems, including nausea, diarrhea, and vomiting;
	+ Fully vaccinated employees are not required to quarantine, unless symptoms develop;
* Employees who are subject to a recommendation to isolate or quarantine consistent with CDC guidance;
* Employees who have been instructed to remain home by a health or public health professional; and
* Employees who are awaiting a COVID-19 test or the results of a COVID-19 test after having symptoms of COVID-19.

Such employees may only resume in-person work upon meeting all return-to-work requirements, defined below.

* 1. **Daily Screenings**

To prevent the spread of COVID-19 and reduce the potential risk of exposure, Company screens employees and contractors on a daily basis.

Employees and contractors are asked the following questions before entering the worksite:

1. Are you currently and atypically suffering from any of the following symptoms – fever of 100.4 degrees or greater, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, sore throat, new loss of smell or taste, congestion or runny nose, and/or gastrointestinal problems, including nausea, diarrhea, and vomiting?
	1. If yes, access is denied, and employee/contractor is advised to isolate at home, until employee/contractor is permitted to return to work as defined below.
2. Have you lived with, or had close contact with, someone in the last 14 days diagnosed with and/or symptomatic of COVID-19?
	1. If yes, access is denied, and employee/contractor is advised to quarantine at home, until at least 14 days after the close contact.
	2. Fully vaccinated employees/contractors are not required to quarantine, unless symptoms develop.
3. Have you travelled internationally in the last 14 days? [TRAVEL-RELATED INQUIRY IS OPTIONAL; REVIEW COUNTY-LEVEL REQUIREMENTS AS SUCH LOCAL ORDERS MAY CHANGE.]
	1. If yes, access is denied, and employee/contractor is advised to quarantine at home, until at least 14 days after the return from travel.

Employees/contractors who develop symptoms during their shift must immediately report to their supervisor, Human Resources, and/or the COVID-19 safety coordinators.

Company’s Human Resources maintains documentation related to daily screenings for at least six months from the date of generation.

* 1. **Return-to-Work Requirements**

Employees who were themselves diagnosed with COVID-19, or experienced symptoms thereof, as defined by the Daily Screening process, may only return to work upon confirmation of the cessation of symptoms and contagiousness, proof of which may be acquired via the test-based strategy, the symptom-based strategy, and/or the determination of a health care provider.

Under the test-based strategy, employees may discontinue isolation and return to work upon achieving the following conditions:

* Resolution of fever without the use of fever-reducing medications;
* Improvement in symptoms; **and**
* Two consecutive negative results from COVID-19 tests conducted at least 24 hours apart and in accordance with a form of testing approved by the FDA and CDC.

Under the symptom-based strategy, employees may discontinue isolation and return to work upon achieving the following conditions:

* At least 24 hours have passed since resolution of fever without the use of fever-reducing medications;
* Improvement in symptoms; **and**
* Sufficient time has passed since symptoms first appeared:
	+ For moderate cases, at least 10 days have passed since symptoms first appeared;
	+ For severe cases, at least 20 days have passed since symptoms first appeared.

To satisfy the symptom-based strategy, employees must present documentation from a health care provider, designating their COVID-19 symptoms as moderate or severe. This designation determines whether an employee must wait 10 or 20 days after the onset of symptoms before returning to work.

[THE CDC NO LONGER RECOMMENDS THE TEST-BASED STRATEGY UNLESS IT FACILITATES AN EMPLOYEE’S RETURN TO WORK EARLIER THAN THE SYMPTOM-BASED STRATEGY; NONETHELESS, EMPLOYERS ARE GENERALLY PERMITTED TO REQUIRE SATISFACTION OF THE TEST-BASED STRATEGY.]

An employee who came into close contact with an individual with a confirmed diagnosis may return to work after 14 days have passed since the last close contact with the diagnosed individual.

Fully vaccinated employees are not required to quarantine after close contact with a confirmed case of COVID-19, unless symptoms develop.

1. **Workplace Flexibilities and Potential Benefits for Employees Affected by COVID-19**

Employees may be eligible for paid and unpaid leaves of absence.

Employees may be permitted to utilize available paid-time off provided under Company policy concurrently with or to supplement any approved leave.

* 1. **FFCRA**

[THE FFCRA GENERALLY APPLIES TO EMPLOYERS WITH FEWER THAN 500 EMPLOYEES.]

[THE FFCRA EXPIRED ON DECEMBER 31, 2020. AS SPECIFIED IN THE AMERICAN RESCUE PLAN ACT OF 2021, THE PAYROLL TAX CREDIT WILL BE AVAILABLE THROUGH SEPTEMBER 30, 2021. EMPLOYERS MAY VOLUNTARILY CONTINUE TO OFFER FFCRA LEAVE TO EMPLOYEES AND RECEIVE THE PAYROLL TAX CREDIT FOR MONIES PAID.]

[IF CHOOSING NOT TO PARTICIPATE IN THE VOLUNTARY EXTENSION OF THE FFCRA, DELETE THIS SECTION.]

Company is participating in the voluntary extension of the payroll tax credit available to employers under the American Rescue Plan Act (“ARPA”). In accordance therewith, employees may qualify for two different types of paid leave described under the Families First Coronavirus Response Act (“FFCRA”).

Under the Emergency Paid Sick Leave Act (“EPSLA”), as modified by the ARPA, employees may seek up to two weeks (i.e., 10 business days) of paid leave, between April 1 and September 30, 2021, for the following reasons:

1. Subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. Advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. Experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. Seeking or awaiting the results of a COVID-19 diagnostic test because of exposure to COVID-19 and/or because Company requested testing;
5. Obtaining immunization related to COVID-19;
6. Recovering from any injury, disability, illness, or condition as a result of obtaining immunization related to COVID-19;
7. Caring for an individual subject to a quarantine or isolation order or advised to self-quarantine due to concerns related to COVID-19;
8. Caring for a son or daughter whose school or childcare provider is closed or unavailable due to COVID-19 precautions;
9. Experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor. (Please note, the Secretary of Health and Human Services has not defined conditions which trigger this subpart under the EPSLA.)

For full-time employees, two weeks of leave equates to 80 hours; for part-time employees, two weeks of leave equates to a number of hours equivalent to the number of hours usually worked in a two-week period.

Paid leave for reasons 1, 2, 3, 4, 5, and 6, above, is paid at the employee’s regular rate of pay, capped at $511/day. Paid leave for reasons 7, 8, and 9, above, is paid at a rate equivalent to two-thirds of an employee’s regular rate of pay or minimum wage, whichever is greater, capped at $200/day.

Under the Emergency Family and Medical Leave Expansion Act (“EFMLA”), as modified by the ARPA, employees may seek up to twelve weeks of leave for any of the qualifying reasons under the EPSLA, outlined above. This leave is paid at a rate equivalent to two-thirds of an employee’s regular rate of pay or minimum wage, whichever is greater, capped at $200/day. EFMLA leave is capped at $12,000 total.

* 1. **Unpaid Leaves of Absence**

Company may provide unpaid leaves of absence to employees because of their own COVID-19 diagnoses/symptoms or because they have had close contact or live with an individual with a COVID-19 diagnosis. Employees should not return to work until permitted to do so in accordance with the latest CDC guidance.

Company does not retaliate against employees who disclose COVID-19 symptoms and/or close contact.

Company complies with Enrolled House Bill 6032, as amended by Enrolled Senate Bill 1258.

1. **FMLA and ADA**

[THE FMLA GENERALLY APPLIES TO EMPLOYERS WITH 50 OR MORE EMPLOYEES.]

Employees may be entitled to unpaid leave under the Family and Medical Leave Act (“FMLA”) if their absence is related to their own serious health condition or that of a family member. COVID-19 may constitute a serious health condition where “complications arise.”

Company is also mindful of its obligations under the Americans with Disabilities Act (“ADA”). Specifically, if an employee requests an accommodation because of a condition that may be complicated by COVID-19 (e.g., cystic fibrosis, emphysema, COPD), then Company engages in the interactive process to provide a reasonable accommodation. This may mean allowing the employee to work remotely (if reasonable) or work an alternative schedule.

1. **Plan Updates and Expiration**

This Plan responds to the COVID-19 pandemic. Company will update this Plan and its corresponding processes as the pandemic progresses.

This Plan will expire upon conclusion of its need, as determined by Company and in accordance with guidance from local, state, and federal health officials.

**ACKNOWLEDGMENT**

By signing below, Employee acknowledges receipt of and training on the following:

* Company’s COVID-19 Preparedness and Response Plan, which includes workplace infection-control practices;
* The requirement to notify Company of any symptoms of COVID-19 or a suspected or confirmed diagnosis of COVID-19 by informing Employee’s supervisor, Human Resources, and/or the COVID-19 safety coordinators;
* The requirement to notify Company of any unsafe working conditions by informing Employee’s supervisor, Human Resources, and/or the COVID-19 safety coordinators;
* CDC’s “How to Wear and Take Off Your Mask” poster; and
* CDC’s “Answering Your Questions About the Safety and Effectiveness of COVID-19 Vaccines” poster.

Employee understands that it is Employee’s responsibility to review and understand the above. Employee acknowledges and agrees that Employee will comply with all safety and COVID-19 procedures implemented by Company.

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Employee Date