



NYS Public Employees Federation



REVIEWING YOUR AGENCY COOP (Pandemic Plan)



GUIDANCE FOR PEF LEADERS AND STAFF:

PEF LEADERS: By this time you should have received a copy of your agency COOP as required by the Pandemic Planning Bill. Please use this guidance document, along with the PEF Pandemic Planning Template you received previously to review your Agency's plan.

PEF Health & Safety and PEF Field Staff are available to assist you in providing comments to your agency.

Please contact us at HealthAndSafety@pef.org with any questions.

FOR MORE INFORMATION ON COVID-19, including Workers Compensation and COVID, PLEASE SEE <https://www.pef.org/members/covid-19-information-for-pef-members-staff/>

Produced by the New York State Public Employees Federation

Wayne Spence
President

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Using This Guidance

In December 2020 and January 2021, the PEF Health & Safety Department hosted two trainings for leaders and staff on the requirements of the Pandemic Planning Law, and how to prepare for reviewing NYS agency plans. We provided a Pandemic Planning Template which outlined the requirements of the law, and provided additional PEF recommendations to improve pandemic plans (available here [PEF Pandemic Planning Template](#)).

Since that time, a Chapter Amendment to the Law was passed, which modified a few of the requirements of the law. This guidance document is based on those changes. However, all of the PEF recommendations included in the Pandemic Planning Template are still applicable. Those recommendations have been incorporated into this guidance document. You should still use the Pandemic Planning Template as a reference.

TIMELINES

- PEFs Labor-Management Committees must be provided a copy of the draft plan 150 days after the effective date of the law (Feb. 4th) for review and comment.
- All plans must be completed on or before April 1, 2021.
 - There is nothing in the law that says our comments must be submitted by the March 5th, 2021 deadline given by the state agencies.
 - If we cannot provide comments by March 5th, the agency should be notified that we are not waiving our right to provide comments and recommendations under the law, and will provide them when possible.
- After final adoption of the agency-specific plan, the bargaining units may submit written recommendations for consideration.
- The Agency must respond in writing to such recommendations.
- Upon final approval of the plan, it shall be published in a clear and conspicuous location to inform staff on their roles and responsibilities as well as clear direction on their roles and work locations during the emergency.

WHAT ARE YOU LOOKING FOR?

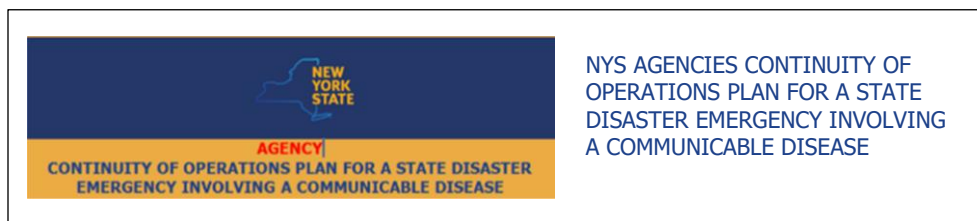
Using this guidance document and the Pandemic Planning Template:

- Are the required elements included in the plan?
- Are any of the PEF recommendations included in the plan?
- If not – what needs to be added?
- Be sure that the language is not limited to COVID-19. This is supposed to also be a plan for future pandemics, not just the current one.

NEXT STEPS

- **REVIEW YOUR PLAN** using the guidance document and the PEF Pandemic Planning Template, and prepare comments
 - Involve SW H&S Chair, SW LM Chair, Council Leader, Executive Board members
 - Must have a WORD document. If they sent a PDF ask for Word document (note: PEF has converted pdfs that have been submitted to PEF into Word documents)
 - Use the Word version of your agency plan with Track Changes to provide comments and recommendations to management
- In this guidance document, PEF recommendations and notes are noted and in **RED** type.
- Feel free to cut and paste from this document into your agency plan for your comments
- Schedule an Agency COOP Review meetings during the day – the agency should treat these meetings as H&S and/or LM meetings.
 - Schedule 2 meetings:
 - a pre-meeting with Union leaders and PEF staff to review the plan and write up comments
 - a meeting with agency management to review your comments (you may need more than one meeting)
 - If you need to use the PEF Zoom for your Pre-meeting and Agency meeting:
 - You may also request a meeting using the link below. Be sure to request PEF Field Staff and H&S Staff as additional speakers for your meeting
<https://docs.google.com/forms/d/e/1FAIpQLSfbwhIlsz5YMef02kLK9jfrLTQ-FTnX IG6FeCLj1dadNdJ9w/viewform> -
 - Or contact PEF H&S at HealthAndSafety@pef.org
 - Or you may contact your PEF Field Representative
- Send your completed comments on the plan to PEF H&S (HealthAndSafety@pef.org) and your PEF Field Representative for review. If you do not know who your PEF Field Rep is, call PEF at 800-342-4306.
- PEF H&S and Field Staff will provide assistance

Reviewing the Agency COOP (Pandemic Plan)



PEF is exercising the right to make additional recommendations to be included in the agency plan to better prepare and protect the workforce.

PEF Comments and Recommendations appear in red italic

****Denotes statutory requirements missing from text***

PLEASE NOTE – the statute clearly says that “The operations plan required by this section shall include, but not be limited to” the elements listed. This caveat allows for State Agencies to provide additional details, elements, and recommendations not specifically outlined in the statute.

That is reflected in the additions to the section on Statutory Elements of the Plan.

Purpose

PEF comment – overall the Purpose section is boilerplate language from what we assume is a GOER template

To ensure the continuation of services provided by the State of New York and the health and safety of the public sector workforce, each New York State agency and authority must prepare a plan for the continuation of operations in the event that the Governor declares a state disaster emergency involving a communicable disease.

PEF Recommendation: include a reference to the statutory requirement – “Pursuant to Chapter 168 of the Laws of 2020, to ensure the continuation of”

Applicable agencies and authorities must post finalized plans by April 1, 2021 in (1) a clear and conspicuous location (e.g., bulletin boards or other similar location where employees normally view information posted by the employer), (2) in their employee handbook if they have one, and (3) on either their intranet or internet website.

Continuity of Operations Plan for a Disaster Emergency Involving a Communicable Disease

Individual(s) Responsible for Maintaining this Plan:

PEF NOTE: Make sure that the name, title and contact information are contained here

Date of Posting:

April 1, 2021

PEF Recommendation: include version dates and annual reviews. Like any operations plan, it should be a living document that reflects changes in the work environment. For example, there may be significant changes in technology or program areas that may impact the telecommuting capability.

**** Definitions:*** include the definitions as written in the statute/chapter amendment here. Note: definitions included elsewhere in the plan may not be necessary here.

“Personal protective equipment” shall mean all equipment worn to minimize exposure to hazards, including gloves, masks, face shields, foot and eye protection, protective hearing devices, respirators, hard hats, and disposable gowns and aprons.

“Public Employer” or “employer” shall mean the state of New York, a county, city, town, village or any other political subdivision or civil division of the state, a public authority, commission or public benefit corporation, or any other public corporation, agency, instrumentality or unit of government which exercises governmental power under the laws of this state, provided, however, that this subdivision shall not include an employer as defined in section twenty-eight hundred one-a of the education law.

“Essential” shall refer to a designation made that a public employee (or contractor) is required to be physically present at a worksite to perform his or her job. Such designation may be changed at any time in the sole discretion of the employer.

“Non-Essential” shall refer to a designation made that a public employee (or contractor) is not required to be physically present at a work site to perform his or her job. Such designation may be changed at any time in the sole discretion of the employer.

“Communicable disease” shall mean an illness caused by an infectious agent or its toxins that occurs through the direct or indirect transmission of the infectious agent or its products from an infected individual

“Retaliatory action” shall mean the discharge, suspension, demotion, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

PEF Recommendation: a definition for Contractor was originally included in the statute. PEF recommends including Contractors in the pandemic plan as they should be considered as a risk factor when determining exposure risk and sources.

“Contractor” shall mean an individual performing services as party to a contract awarded by the state of New York or any other public employer as defined above.

Statutory Elements of the Plan **shall include but not be limited to:*

- A list and description of the types of positions considered essential in the event of a state-ordered reduction of in-person workforce.
 - "Essential" shall refer to a designation made ~~by the employer~~ that an employee is required to be physically present at a worksite to perform their job. Such designation may be changed at any time in the sole discretion of the employer.
PEF NOTE: The statutory and chapter amendment did not include "by the employer"
- A description of protocols the employer will follow for non-essential employees to telecommute including, but not limited to, facilitating or requesting the procurement, distribution, downloading and installation of any needed technology, including software, data, and the transferring of office phone lines to work or personal cell phones as practicable or applicable to the workplace, and any devices.
 - "Non-essential" shall refer to a designation made ~~by the employer~~ that an employee is not required to be physically present at a work site to perform his or her job. Such designation may be changed at any time in the sole discretion of the employer.
PEF NOTE: The statutory and chapter amendment did not include "by the employer"
- A description of how the employer will, to the extent possible, stagger work shifts of essential employees **and contractors** in order to reduce overcrowding on public transportation systems and at worksites.

PEF Recommendation: include a protocol for contractors, including staggering shifts in order to reduce density in the workplace.

- A description of the protocol that the employer will implement in order to procure the appropriate personal protective equipment for essential employees, based upon the various tasks and needs of such employees, in a quantity sufficient to provide personal protective equipment to each essential employee during any given work shift. Such description shall also include a plan for storage of such equipment to prevent degradation and permit immediate access in the event of an emergency declaration.
- A description of the protocol in the event an employee **or contractor** is exposed to a known case of the communicable disease that is the subject of the state disaster emergency, exhibits symptoms of such disease, or tests positive for such disease in order to prevent the spread or contraction of such disease in the workplace. Such protocol shall also detail actions to be taken to immediately and thoroughly disinfect the work area of any employee known or suspected to be infected with the communicable disease as well as any common area surface and shared equipment such employee may have touched, and the employer policy on available leave in the event of the need of an employee to receive testing, treatment, isolation, or quarantine. Such protocol shall not involve any action that would violate any existing federal, state, or local law, or collective bargaining agreement, including regarding sick leave or health information privacy.

PEF Recommendation: include a protocol for contractors, including screening, notification and contact tracing should one fail the screening process and/or report a positive exposure or lab result. There should also be a plan in place for contact tracing and notice to the contractor or their employer, should a contractor have had an exposure to an employee who was positive. NOTE that the contractor's employer is responsible for the health and safety of their employees, not the state agency. However, it will be important for the host agency and the contractor to have a cooperative approach to notice and contract tracing.

- A protocol for documenting hours and work locations, including off-site visits, for essential employees. Such protocol shall be designed only to aid in tracking of the disease and to identify the population of exposed employees in order to facilitate the provision of any benefits which may be available to certain employees on that basis.

PEF Recommendation: *add To the extent employees themselves are tasked with documenting their hours and work locations, the documentation must be consistent with Article 12.17 and the side letter on electronic recognition. Any forms and changes in work rules must be negotiated with PEF.*

- A protocol for how the public employer will work with such employer's locality to identify sites for emergency housing for essential employees in order to further contain the spread of the communicable disease that is the subject of the declared emergency, to the extent applicable to the needs of the workplace.

Any other public health requirements determined by the New York State Department of Health (DOH) that are designed to reduce transmission of infectious diseases, such as face coverings, contact tracing, diagnostic testing, social distancing, hand and respiratory hygiene, and cleaning and disinfection protocols.

PEF Recommendation: *Be sure to include specifics on each of those DOH requirements.*

PEF Recommendation: *add that the Unions are provided an opportunity to review and provide written comments on the plan, as well as negotiate any terms and conditions of employment or the impact thereon.*

PEF Recommendation: *add: The employer maintains the ability to re-designate “essential” staff to meet the agency’s needs. When determining who is able to work remotely, or for determining vaccine distribution priority, it will be important to identify any staff who have high risk profiles for workplace exposures, or those who have an allergy/aversion to vaccines, so the agency may plan accordingly.*

***Additional Required Provisions Not Included:**

Add the following:

- ***RETALIATION:*** *No employer shall take retaliatory action or otherwise discriminate against any employee for making suggestions or recommendations regarding the content of the plan.*
- ***EXISTING RIGHTS:*** *Nothing in this section shall be deemed to impede, infringe, diminish or impair the rights of a public employee or employer under any law, rule, regulation or collectively negotiated agreement, or the rights and benefits which accrue to the employees through collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining relationship.*
- ***COMPLAINT PROCEDURES:*** *The department shall establish procedures to allow for public employees to contact and inform the department of any alleged violations of any of the provisions of the law.*
 - ***PEF NOTE*** – *existing internal reporting procedures may be used here. See “Reporting” recommendations later on in the document*
- ***Right to file complaints with the NYS Public Employee Safety and Health (PESH) Bureau. Per Labor law 27-a, sub. 6-a (Ch. 30/21).***

- *PESH has established a dedicated webpage through which “Any public employee may report alleged or believed violations of any state law, regulation, rule or guidance related to occupational health and safety involving a communicable disease, including but not limited to the novel coronavirus COVID-19. Such webpage shall allow individuals to report alleged or believed violations anonymously.”*
 - ***PEF Recommendation:*** *add: The PESH complaint form may be found here <https://labor.ny.gov/formsdocs/wp/PESH7.pdf>*
 - ***POSTING OF THE PLAN:*** *Upon final approval of the plan, it shall be published in a clear and conspicuous location, in the employee handbook if there is one, and in a location that is accessible on either the agency website or intranet.*
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A. Essential Personnel

What are the positions your agency or authority considers essential in the event of a state-ordered reduction of your in-person workforce? Please provide a list and description of the types of positions.

PEF Recommendation: *add The employer maintains the ability to designate “essential” staff to meet the agency’s needs. However there were a number of “essential” employees who were able to work remotely during the COVID lockdown in the spring of 2020. The focus should be on the functions of the position and if those functions may be done remotely. When determining who is able to work remotely, or for determining vaccine distribution priority, it will be important to identify any staff who have high risk profiles for workplace exposures, or those who have an allergy/aversion to vaccines, so the agency may plan accordingly.*

PEF NOTE: *Make sure a list of the positions and a brief description of positions are provided. Types of positions may be grouped. For example:*

“Academic and Vocational instructors provide direct learning services to inmates on location”.

“Central Office and Field Offices, staff engaged in administrative assignments, while essential, can work remotely provided that operating needs can be met”.

B. Telecommuting

What are the protocols your agency or authority will follow for non-essential employees to telecommute including, but not limited to, facilitating or requesting the procurement, distribution, downloading and installation of any needed technology, including software, data, and the transferring of office phone lines to work or personal cell phones as practicable or applicable to the workplace, and any devices? Please provide a description of the following protocols:

- Protocol for telecommuting:
- Protocol for procurement, distribution, downloading and installation of needed technology:
- Protocol for phone coverage and transfer of office phone lines to work or personal cell phones:

PEF NOTE: Specifics to the telecommuting plan must be included. The agency cannot just defer to a GOER “statewide uniform pilot telecommuting program”. The Statewide telecommuting program expires April 2, 2021, and not every agency has a telecommuting agreement in place. According to the Telecommuting MOA in the PEF contract (pp. 189-191), it must be developed in the labor-management forum. You will need to develop a particular program for your agency, if one does not exist already.

The statute requires a specific description of protocols the employer will follow in order to enable all non-essential employees to telecommute including, but not limited to, facilitating or requesting the procurement, distribution, downloading and installation of any needed devices or technology, including software, data, and the transferring of office phone lines to work or personal cell phones as practicable or applicable to the workplace, and may include devices.

It is worth noting again that there were a number of “essential” employees who were able to work remotely during the COVID lockdown in the spring of 2020. This section should reflect the ability of some essential worker to telecommute as well.

C. Work Shifts/Schedules

How will your agency or authority, to the extent possible, stagger work shifts or adjust work hours of essential employees in order to reduce overcrowding on public transportation systems and at worksites? Consider the following in developing your work shift/schedule adjustments, if applicable:

- *Will you need to alter working hours/shifts/schedules of essential employees?*
- *Will you need to split shifts or change operations to different days of the week?*
- *How will you manage engagement between employees and any clients and/or visitors at the worksite, accounting for physical distancing requirements, as applicable?*
- *How will you promote physical/social distancing in this type of operation or work setting?*
- *What common situations that may not readily allow for 6 feet of distance between individuals exist at the worksite (including employees, clients and essential visitors)?*

PEF NOTE: Be sure all of the questions above are answered in sufficient detail

PEF Recommendation: To the maximum extent possible, agencies should stagger work shifts. Agency staff should develop staffing plans that meet the agency’s mission from a staffing perspective. If such staggered schedules extend beyond the normal work day, such plan should take into consideration individual availability issues and be congruent with all contractual obligations with regard to scheduling.

Consider: “A/B” schedules so staff are not reporting to the worksite all on the same days; Flex Scheduling with earlier or later start and end times; Evening or Weekend work; etc.

Changes to work schedules are governed under Article 32 of the PEF/State Agreement. Note that Article 32 has different requirements for full time and part time/seasonal employees. There is also an emergency provision which limits the time for notice. Notice provisions to the employee and to PEF designees (field rep, local leaders, agency LM chair) should be built into this section.

D. Personal Protective Equipment

What is the protocol your agency or authority will implement in order to procure the appropriate personal protective equipment (PPE) for essential employees, based upon the various tasks and needs of such employees, in a quantity sufficient to provide personal protective equipment to each essential employee

during any given work shift? You should consider different job groupings or responsibilities (e.g., patient/direct care, public-facing positions) when describing the protocol. Also, consider the following in developing your protocol:

- *What is your plan for storage of such PPE to prevent degradation and permit immediate access in the event of an emergency declaration?*
- *What will be your protocol for cleaning and/or disposal of PPE, to the extent applicable?*
- *How will you train employees on how to put on, take off, clean and disinfect (as applicable) and discard PPE?*
- *What is your plan for posting signage to remind employees of appropriate use of PPE?*

PEF NOTE: *Be sure all of the questions above are answered in sufficient detail*

PEF Recommendation: *add: Plans adhere to the requirements and recommendations from the Occupational Safety and Health Administration (OSHA), Center for Disease Control (CDC), National Institute on Safety and Health (NIOSH) and other regulatory agencies. Plans are based on providing maximum protection for staff while also reducing exposure to populations served and prevention of community spread to the maximum extent possible.*

PEF Recommendation: *add Employees will be instructed to continue to wear PPE/face coverings, especially indoors, until NYSDOH and/or CDC establish that the vaccines prevent transmission, or that it is safe for to the public not wear face coverings.*

PEF Recommendation: *add that a 60 day stockpile of reserves will be kept in a convenient location. Amount of reserves will be based on the burn rate at peak usage during the most recent pandemic.*

E. Exposure Protocol

What is the protocol in the event an employee is exposed to a known case of the communicable disease that is the subject of the state disaster emergency, exhibits symptoms of such disease, or tests positive for such disease in order to prevent the spread or contraction of such disease in the workplace? Current requirements under the COVID-19 disaster emergency, as follows, should be taken into account in the description of your protocol:

- Implement mandatory remote or in-person daily health screening for COVID-19 contact or symptoms (e.g., questionnaire, temperature check) for in-person employees at or near the beginning of each workday.
- Coordinate screening to prevent employees from intermingling in close contact with each other prior to completion of the screening.
- Ensure agency/authority is following all screening, testing, and tracing procedures as outlined in the applicable DOH guidance, including instructions to employees on when to return home and when to return to work.
- Ensure screening staff are trained supervisory-level employees or health care professionals, wearing appropriate personal protective equipment including at least a face covering and gloves, if the screening involves contact.
- Maintain a record of all staff who are screened, as well as if screening was passed or if the staff member was instructed to return home, provided no other health information is recorded or maintained. Record must be reviewed and secured on a daily basis.
- Designate a worksite-level safety monitor whose responsibilities include continuous compliance with all aspects of the site safety plan.
- Where practicable, maintain a log of every person, including employees and visitors, who may have close contact with other individuals at the worksite or area, excluding deliveries that are performed with appropriate PPE or through contactless means.

Further, agencies/authorities and staff must abide by all additional directives from the Director of State Operations and Infrastructure memorandum, entitled, "[Employee Testing and Evaluation Protocols for](#)

COVID-19,” which includes cleaning and disinfecting protocols, as well as notification to health officials and potential employee contacts.

PEF NOTE: *Be sure all of the questions above are answered in sufficient detail*

PEF Recommendation: It is important to note that while there are effective control measures for COVID-19, that future pandemics may have different modes of transmission and therefore may need different controls. For example, the early recommendations were based on COVID-19 behaving in a similar way to SARS, in that large droplets were the primary mode of transmission. It is now known that the primary mode of transmission for COVID-19 is by aerosols.

PEF Recommendation: *include a protocol for contractors, including screening, notification and contact tracing should one fail the screening process and/or report a positive exposure or lab result. There should also be a plan in place for contact tracing and notice to the contractor or their employer, should a contractor have had an exposure to an employee who was positive. NOTE that the contractor’s employer is responsible for the health and safety of their employees, not the state agency. However, it will be important for the host agency and the contractor to have a cooperative approach to notice and contract tracing.*

PEF Recommendation: *include specific and expedited notification processes for staff who may be exposed to protect employees and their families and to limit community spread. Notifications are not a violation of HIPAA and would serve as part of a contact tracing program as well as a reminder for staff to monitor for symptoms and follow infection control guidelines.*

- *What actions will be taken to immediately and thoroughly disinfect the work area of any employee known or suspected to be infected with the communicable disease as well as any common area surface and shared equipment such employee may have touched?*

PEF Recommendation: *include specific guidelines for the immediate remediation, cleaning and disinfection of affected work areas, including offices, common areas and state-owned vehicles, using the CDC, EPA, and NYSDOH cleaning protocols. Cleaning logs should be posted in clear view for employees.*

- *What is your policy on available leave in the event of the need of an employee to receive testing, treatment, isolation, or quarantine?*

PEF Recommendation: Since many workers will have multiple occupational exposures, the plan should include a requirement for the testing and the recommended quarantine period after each exposure to the pathogen to be without charge to the affected employees accruals. Access to leave, or direction to charge leave accruals cannot conflict with collective bargaining agreements, and any applicable laws, rules and regulations without negotiations with PEF.

F. Protocol for Documenting Work Hours/Locations

How will your agency or authority document hours and work locations, including off-site visits, for essential employees? Your protocol shall be designed only to aid in tracking of the disease and to identify the population of exposed employees in order to facilitate the provision of any benefits which may be available to certain employees on that basis. You should also consider the following questions in describing your protocol:

- *How will these records be maintained?*
- *Who is responsible for maintaining these records?*
- *Who will be in charge of accessing these records for the purposes of disease tracking and identifying potential exposures?*
- *If these records are in paper form, what are your protocols for preserving these records?*

PEF NOTE: Be sure all of the questions above are answered in sufficient detail. It should be noted that that the documentation is for Contact Tracing

PEF Recommendation: include that the purpose is to provide reliable information for contact tracing in the event of a workplace exposure. Swift contact tracing of affected staff, contractors and population served is crucial to controlling exposure in the workplace. Contact tracing should whenever possible be done within 24 hours.

PEF Recommendation: add - a communication system with the local Union representatives must be in place so that the union is able to adequately evaluate the risk to their members, as well as provide them with information on their rights and benefits. A notification process for employees must be established that preserves the privacy rights of individuals, but provides potential exposure information to co-workers.

G. Protocol for Identifying Emergency Housing for Essential Employees

How will you work with local officials to identify sites for emergency housing for essential employees in order to further contain the spread of the communicable disease that is the subject of the declared emergency, to the extent applicable to the needs of the workplace?

To the extent needed, your agency's/authority's Director for Administration (DFA) (or in the case of facility operations the local equivalent) will be the point of contact for the identification of emergency housing for essential employees. The DFA or local equivalent will be responsible for contacting county and local elected officials, owners/operators of local hotels and similar establishments, and local college and university officials (both public and private) to develop information about the local availability of emergency housing for essential employees. Emergency housing opportunities, once developed, will be communicated to employees who may be in need of such housing.

PEF Recommendation: add - specific criteria that trigger the availability of alternative housing for staff to limit worksite and community spread.

H. Other Requirements Determined by the NYS DOH

- Current DOH guidelines for COVID-19 are as follows and will be modified depending on the particular emergency declared **PEF Recommendation:** add -, the type of virus or pathogen(s) of the time, and their modes of transmission, and that the agency will adhere to the requirements and recommendations from OSHA, CDC, NIOSH and other regulatory agencies.
 - Ensure a distance of at least 6 feet is maintained among employees at all times, unless safety of the core activity requires a shorter distance (e.g., moving and lifting equipment). Any time an employee must come within 6 feet of another person, the employee and person should wear acceptable face coverings.
 - When distancing is not feasible between workstations or areas, provide and require the use of face coverings or erect physical barriers, such as plastic shielding walls, in lieu of face coverings in areas where they would not affect air flow, heating, cooling, or ventilation.

- Tightly confined spaces should be occupied by only one individual at a time, unless all occupants are wearing face coverings. If occupied by more than one person, occupancy will be kept under 50% of maximum capacity.
- Social distancing markers should be posted around the workplace using tape or signs that indicate 6 feet of spacing in commonly used areas and any areas in which lines are commonly formed or people may congregate (e.g., clock in/out stations, health screening stations, break rooms, water coolers, etc.). Further, bi-directional foot traffic should be reduced by using tape or signs with arrows in narrow aisles, hallways or spaces.
- Post signs, consistent with the DOH COVID-19 signage, to remind employees about social distancing, hand hygiene, PPE, and cleaning guidelines.
- Limit employee travel for work to only essential travel.
- Hygiene and sanitation requirements from the Centers for Disease Control and Prevention (CDC) and DOH must be followed, and cleaning logs that include the date, time, and scope of cleaning must be maintained.
- Hand hygiene stations, including handwashing with soap, water, and disposable paper towels, as well as NYS Clean hand sanitizer or a hand sanitizer containing 60% or more alcohol for areas where handwashing facilities may not be available or practical, must be provided and maintained for personnel.
- Appropriate cleaning/disinfection supplies for shared and frequently touched surfaces must be provided, and employees must use these supplies before and after use of these surfaces, followed by hand hygiene.
- Regular cleaning and disinfection of the office location must be undertaken. More frequent cleaning and disinfection must be undertaken for high risk areas used by many individuals and for frequently touched surfaces, at least after each shift, daily, or more frequently as needed, and align with DOH's "Interim Guidance for Cleaning and Disinfection of Public and Private Facilities for COVID-19".
- Exposed areas must be cleaned and disinfected in the event of an employee testing positive for COVID-19. Such cleaning should include, at a minimum, all heavy transit areas and high-touch surfaces (e.g., vending machines, handrails, bathrooms, doorknobs, etc.).
- CDC guidelines on "Cleaning and Disinfecting Your Facility" should be complied with if someone in your facility is suspected or confirmed to have COVID-19.
- Agencies/authorities must have internally identified key points of contact including but not limited to site safety monitors, individuals responsible for monitoring compliance with this plan and central points of contact who will coordinate efforts to notify appropriate health authorities of positive cases and assist with required contact tracing.

Additional PEF Recommendations

The Statute states the minimums that must be contained in a Pandemic Plan, but does not limit State Agencies from going beyond those minimums. Based on important advances made since the Pandemic Planning bill was introduced, PEF recommends the following elements be included in the Pandemic Plan (if not already included):

1. VENTILATION

Include a protocol for the evaluation and enhancement of air handling systems based on the pathogen. According to both the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) and the American Industrial Hygiene Association (AIHA), transmission of airborne pathogens may be controlled by making changes to building operations, including the operation of HVAC systems, ventilation, HEPA filters and air exchange, can reduce airborne exposures.

Higher MERV rated filters function to filter out smaller virus sized particles. Increasing the amount of fresh air being brought in, and flushing that air out serves to dilute a virus and greatly reduce the exposure risk to individuals in the workspace.

Some locations, including campuses and high rise buildings, may have multiple systems or filters, and may be grouped rather than each individual unit listed.

<https://aiha-assets.sfo2.digitaloceanspaces.com/AIHA/resources/Guidance-Documents/Reducing-the-Risk-of-COVID-19-using-Engineering-Controls-Guidance-Document.pdf>

<https://www.ashrae.org/technical-resources/filtration-disinfection>

2. TESTING PROTOCOL

Include a testing protocol (diagnostic and surveillance testing). Testing both client populations and employees is a key element in a strong pandemic plan. Identifying the exposure source and quarantining or isolating that source will prevent additional exposures. The testing plan should include potential test types (e.g. rapid, PCR, etc.), frequency, a way to determine the potential provider, and how the testing plan integrates with quarantine provisions.

It is important to track testing and results to help identify any trends in exposures. (See Exposure Incident Reporting, below)

3. RELATED EXPOSURE CONTROL PLANS – LIST ANY EXISTING POLICIES/DIRECTIVES:

Include a list in the plan of any related directives and policies the Agency has in place that include exposure control plans. If current exposure control systems are already in place for other pathogens, they may be adopted or modified for pandemic planning. For example: TB/BBP, INFECTION CONTROL PLAN

EXPOSURE INCIDENT REPORTING/DATA REPORTING

Include a protocol on recording and reporting pandemic related data.

In efforts to decrease and eliminate the hazard of COVID exposure, all employees must report exposure incidents (suspect and confirmed positives) to their immediate supervisor. Confidentiality will be maintained and employees will be protected from any adverse actions. Management is responsible for investigating, evaluating, and documenting the exposure incident, and sharing the information with the Authorized Employee Representative.

Incident / Data Reports			
SH 900s	Incident Reports	Workers Compensation reports	LM and/or H&S Committee minutes

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4. VACCINE DISTRIBUTION PLAN

In the case of a pandemic, being prepared for vaccine distribution will have a great impact on the effectiveness of an intervention and reduction of illness. However, there are many reasons why some staff may be vaccine resistant, such as cultural or religious beliefs, fear of a negative physical reaction, distrust of government vaccination programs, or lack of information on the efficacy and safety of a vaccine. Joint Labor and Management development of a vaccination plan will increase the confidence of Union members in a management run system. Helpful guidance from the CDC is available at: <https://www.cdc.gov/coronavirus/2019-ncov/hcp/vaccination.html>

A number of elements must be planned for, including.

- Create a timeline for delivery (Phase 1 – 4)*
- Identify the provider, delivery method and vaccination site*
- Designate and train personnel to deliver the vaccine*
- Identify and prioritize personnel for vaccination*
- Provide training and education to staff on the importance of vaccinations*
- Survey personnel for readiness and willingness to take the vaccine*
- Identify those who may have an allergic reaction to the vaccine*
- Have vaccine resisters or those not able to take the vaccine complete a declination form*
- Schedule “Inoculation Rotations” so that staff are staggered in taking dose 1 and dose 2 (anticipating potential sick days for employees especially after dose 2)*
- Designate contact personnel (management and Union) for questions or reports of concerns*

Vaccine Distribution Plan				
Position	Department	Location	Phase/Priority	Vaccine Y/N

SUMMARY

The PEF Health and Safety Department and the Field Services Department are available to assist PEF and Agency representatives to develop pandemic plans. You may use the “Contact Us” form on the PEF website, call 800-342-4306, or email us at HealthAndSafety@pef.org .