Council Leaders, Executive Board, SW H&S and SW LM Chairs

GOER sent an Interim Guidance on returning NYS employees to work during the NY Forward reopening of the State. The document provides a framework for each agency to use to base their return to work plans on. The Agencies each have their own return to work plans, which must be approved by the Agencies Deputy Secretary before employees begin returning to the workplace and before the will schedule a meeting with unions.

PEF leaders will meet with agencies on a state wide level to review the overall return to work plans. SW leaders should work with local leaders and H&S and/or LM committees to meet on the Local level to fine tune for their worksites.

Much of what is included in the GOER document is found in the H&S Tool Kit for PEF Leaders on Return to Work. However, there are some elements that are missing or are a cause for concern. Below is a checklist of items that were not included in the NYS Interim Guidance. Leaders should use this list in combination with the PEF Return to Work Tool Kit and the companion piece for management. The Return to Work plan for management is an outline of what is contained in the Tool Kit, which goes into detail on measures and recommendations for a safe return to work for members.

Leaders should contact Vice President and L/M Chair Sharon DeSilva, and the PEF Field Services and Health & Safety Departments with any questions or for assistance in setting up a meeting.

Each Agency should:

- Meet with SW LM and H&S Committee Chairs and Union staff to discuss and monitor the return to work plans.
- Identify target locations, units or titles, number of employees and schedule of phased in return.
- Provide information on layout - open floor plans, cubicles, meeting rooms, shared space etc.
- Include plans for return of remote workers or non-essentials to worksites that had essential workers.
- Direct care settings will have additional measures for PPE.
- Establish a centralized COVID contact and system to report problems or ask questions - may use the “Site Safety Monitor” mentioned in the guidance document.
- Building issues not mentioned in guidance document:
  - Testing and disinfection of water systems is not included in the plan. Especially for those buildings that have not been occupied for the past 3 months.
Training should include Exposure risks, Control methods, Infection Control procedures, Proper PPE wear, and Social Distancing efforts

Gatherings in enclosed spaces
- Transfers/Admissions/Groups/Classes are not included in the plan. Those should remain suspended or limited until they can be done safely. Develop alternative means to deliver programs using social distancing, PPE and cleaning protocols

PPE:
- Each location should have a designated person to distribute face masks/face coverings, either before or upon entry to the worksite.
- Surgical masks can break down quickly - provide one a day.
- Provide guidance on the use of cloth masks: type (use 2-ply or with pocket for filter), proper fit, how to wear, and laundering.
- Agencies must provide Appendix D of the OSHA respiratory standard if they are providing respirators for voluntary use (vs. required), or if the worker is using their own respirator. [https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.134AppD](https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.134AppD)

Cleaning:
- Agencies must follow the manufacturer’s instruction on the proper procedures and contact time (the amount of time the surface should be visibly wet, in order to disinfect the surface) to ensure disinfection.
- Develop clear protocols on isolating, cleaning and disinfection of areas with a COVID positive worker.
- Handling of shared objects – employees should use hand hygiene before and after using shared objects.

Phased reopening
- Regional infection rate should be considered when planning for the phased-in return to work.
- Use the region with the lowest levels first as “practice locations” to determine if return to work plans need to be revised. Return workers to the Downstate areas last.
- High-risk workers should be accommodated to telecommute as long as possible, and should be the last group of employees returned to work. When returned to work they should be put into offices or other less populated areas to control more for exposure.

Screening and Testing:
- Develop clear procedures for screening
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- PEF should be entitled to review any screening questionnaires to ensure that all inquiries are necessitated by COVID-19 and are job related. (That is required by the ADA/NYS Human Rights Law)
- If the employee is directed to go home, what sort of "leave" is the employee on, sick leave, worker’s comp., administrative leave with pay?
- Employees shouldn't be required to charge accruals or go on leave without pay where they are directed to leave the worksite unless the appropriate legal or contractual procedures are followed.
- State needs to make clear that the logs of employees at the worksites will not be used to track attendance, or for timekeeping purposes (Article 12.17 of CBA).
- Testing for antibodies and/or virus is not addressed at all in the guidance. Testing should be made available prior to the return to work, or at least have a schedule for on-site testing or release to get testing.

Contact and Tracing:
- Add notification to the office/building when a COVID positive has been present, and that those who were in contact will be notified directly, but in the meantime they should be diligent in hand hygiene and monitoring of symptoms.
- Report total numbers of COVID positive, PUIs and recovered of staff and inmates/patients/individuals to the unions on a regular basis.
- State agency should also be required to notify employees when they have info about a positive in the workplace (whether employee or client) meaning employees should be notified by State agency that they were exposed (but of course we are not asking for name of the client or employee who was positive just the fact of the exposure).

Resources
- Add Union websites to list of resources (PEF is www.pef.org/covid-19)
- The EAP Workgroup has been talking about the numerous EAP Coordinator vacancies. Do we want to insist that all agencies have to fill those positions due to the high stress situation of returning to work amid the pandemic? Note, it is the agency’s responsibility to grant release time to EAP Coordinators. Not all agencies do so and there are at least 17 vacancies now, including in high risk agencies such as OMH in the Bronx.

Workplace Activity
- New Telecommuting policies or changes to existing agency telecommuting policies must be developed with the Union
- VRWS must be voluntary
- Staggered schedule and other AWSs must be developed with the Union in accordance with 32.7 and Attendance and Leave Manual.