

VA Workplace Standards Executive Order Update Stimulus

August 18, 2020

VA Workplace Standard's

<https://www.governor.virginia.gov/media/governorviriniagov/governor-of-virginia/pdf/Forward-Virginia-Phase-Three-Guidelines.pdf>

<https://www.virginia.gov/coronavirus/forwardvirginia/faq/>



SAFER AT HOME: PHASE THREE
GUIDELINES FOR ALL BUSINESS SECTORS



Physical Distancing Best Practices

- ✓ Establish policies and practices for maintaining appropriate physical distance between persons not living in the same household. Maintain at least ten feet of distance for establishments where exercise activities, singing, or cheering is performed, and at least six feet of distance for all other settings. (See sector-specific guidelines below for more detailed information on public engagement.)
- ✓ Provide clear communication and signage for physical distancing in areas where individuals may congregate, especially at entrances, in seating areas, and in check-out lines.
- ✓ Limit the occupancy of physical spaces to ensure that adequate physical distancing may be maintained. (See sector-specific guidelines for more detailed information.)
- ✓ Encourage telework whenever possible.
- ✓ For those businesses where telework is not feasible, temporarily move or stagger workstations to ensure six feet of separation between co-workers and between members of the public.
- ✓ Limit in-person work-related gatherings, including conferences, trade shows, and trainings.
- ✓ When in-person meetings need to occur, keep meetings as short as possible, limit the number of employees in attendance, and use physical distancing practices.



Enhanced Cleaning and Disinfection Best Practices

- ✓ Practice routine cleaning and disinfection of high contact areas and hard surfaces, including check out stations and payment pads, store entrance push/pull pads, door knobs/handles, dining tables/chairs, light switches, handrails, restrooms, floors, and equipment. Follow [CDC Reopening Guidance for Cleaning and Disinfection](#) and use an [EPA-approved disinfectant](#) to clean. For high contact areas, routinely disinfect surfaces at least every 2 hours. Certain surfaces and objects in public spaces, such as shopping carts and point of sale keypads, should be cleaned and disinfected before each use.
- ✓ To the extent tools or equipment must be shared, provide access to and instruct workers to use an [EPA-approved disinfectant](#) to clean items before and after use.
- ✓ Provide a place for employees and customers to wash hands with soap and water, or provide alcohol-based hand sanitizers containing at least 60% alcohol. (See sector-specific guidelines for more detailed information.)
- ✓ When developing staff schedules, implement additional short breaks to increase the frequency with which staff can wash hands with soap and water. Alternatively, consider providing alcohol-based hand sanitizers with at least 60% alcohol so that workers can frequently sanitize their hands.
- ✓ Provide best hygiene practices to employees on a regular basis, including washing hands often with soap and water for at least 20 seconds and practicing respiratory etiquette protocols. A CDC training video is available here: <https://www.cdc.gov/handwashing/videos.html>.



Enhanced Workplace Safety Best Practices

✓ Prior to a shift and on days employees are scheduled to work, employers should screen employees prior to starting work. Employees should also self-monitor their symptoms by self-taking of temperature to check for fever and utilizing the questions provided in the [VDH Interim Guidance for COVID-19 Daily Screening of Employees](#) before reporting to work. For employers with established occupational health programs, employers can consider measuring temperature and assessing symptoms of employees prior to starting work/before each shift. CDC considers a person to have a fever when he or she has a measured temperature of 100.4° F (38° C) or greater, feels warm to the touch, or gives a history of feeling feverish.

✓ Implement practices such as those described in [VDH Interim Guidance for COVID - 19 Daily Screening of Employees](#) for examples of a screening questionnaire. A sample symptom monitoring log is available in this Interim Guidance.

✓ Instruct employees who are sick to stay at home and not report to work. If an employee becomes ill or presents signs of illness, follow [CDC What to Do if You Are Sick guidance](#). Employers should post signage in the common languages of the employees telling employees not to come to work when sick.

✓ Develop or adopt flexible sick leave policies to ensure that sick employees do not report to work. Policies should allow employees to stay home if they are sick with COVID-19, if they need to self-quarantine due to exposure, and if they need to care for a sick family member. Employers should recommend that employees follow [CDC guidance on If You Are Sick or Caring For Someone](#).

✓ Some employees are at [higher risk for severe illness](#) from COVID-19. These vulnerable employees include individuals over age 65 and those with underlying medical conditions. Vulnerable employees should be encouraged to self-identify and employers should take particular care to reduce their risk of exposure, while making sure to be compliant with relevant Americans with Disabilities Act (ADA) and Age Discrimination in Employment Act (ADEA) regulations.

1. Consider offering vulnerable employees duties that minimize their contact with customers and other employees (e.g., restocking shelves rather than working as a cashier), if agreed to by the employee.
2. Protect employees at [higher risk for severe illness](#) by supporting and encouraging options to telework.
3. If implementing health checks, conduct them safely and respectfully, and in accordance with any applicable privacy laws and regulations. Confidentiality should be respected.
4. Other information on civil rights protections for workers related to COVID-19 is available [here](#).

✓ Designate a staff person to be responsible for responding to COVID-19 concerns. Employees should know who this person is and how to contact them.



Enhanced Workplace Safety Best Practices

- ✓ Implement staggered shifts for both work periods and break periods. Consider cohort scheduling where groups of employees only work with employees in their group.
- ✓ Limit the number of employees in break rooms and stagger breaks to discourage gatherings.
- ✓ Use messaging boards or digital messaging for pre-shift meeting information.
- ✓ If the building has not been occupied for the last seven days, there are additional public health considerations that should be considered, such as taking measures to ensure the [safety of your building water system](#). However, it is not necessary to clean ventilation systems other than routine maintenance as part of reducing the risk of coronavirus transmission.
- ✓ Establish a relationship with your local health department and know who to contact for questions.



Executive Orders Update

Unemployment Benefits

- A \$300 federal enhanced unemployment benefit will start going out this week for some (Arizona).
- The question remains when the payments will actually start to go out. States must spend time making changes to computer systems before the \$300 payment can begin. In some cases, the antiquated systems can take weeks to modify.
- How long the \$300 weekly benefit will last is unclear. Under the Executive Memorandum and guidance issued by the Department of Labor, the federal benefit will last no longer than December 27, 2020. It will terminate earlier if:
 - FEMA expends the \$44 billion from the Disaster Relief Fund (DRF) account designated by the President for the LWA program; or
 - The total balance of the DRF account decreases to \$25 billion; or
 - Legislation is enacted that provides, due to the COVID-19 outbreak, supplemental federal unemployment compensation or similar compensation for unemployed or underemployed individuals.



Executive Orders Update

Payroll Tax Deferral

- Stating that an eligible employee is responsible for making an affirmative election to defer the payroll taxes;
- Stating that an eligible employee can make an affirmative election at any time from Sept. 1, 2020, to Dec. 31, 2020, and if an employee does not elect to defer Social Security taxes, taxes will continue to be withheld, deposited, and paid;
- Stating that an “eligible employee” is an employee whose wages are less than \$4,000 (or equivalent amount depending on the employer’s pay period) per biweekly period;
- Providing a model notice for employers to furnish to eligible employees to inform them that the election to defer Social Security taxes is available for the Sept. 1, 2020, to Dec. 31, 2020, period;
- Stating that the payroll amount used to determine eligibility is a cliff; if the wage amount for a specified pay period is above \$4,000 or the equivalent amount based on the employer’s regular payroll periods, no deferral is permitted;
- Stating that the \$4,000 limit should apply separately to each employer of an employee;
- Stating that it is the responsibility of the employee and not the employer to pay the deferred payroll taxes;
- Stating which penalties are waived as a result of this deferral, including the penalty applicable to responsible parties;
- Addressing whether the increase in take-home pay attributable to the deferred taxes can be used to satisfy other employee obligations such as Sec. 401(k) loan repayments, garnishments, and child support payments; and
- Stating a payment due date(s) for the deferred taxes and a mechanism for employees to pay the deferred taxes.



Stimulus Update

Cost - The Biggest Sticking Point

The biggest hurdle between the two parties is the amount of money each is willing to spend on the next stimulus bill. The Democrat-led House proposed the \$3 trillion HEROES Act in May, while the Republican-led Senate wants to keep the total cost of the bill to “around \$1 trillion.”

Disagreements on Extended Unemployment Benefits & State & Local Funding

Several major provisions from the CARES Act expired at the end of July, including the eviction moratorium and the federal \$600 weekly unemployment benefit. The Democrats want to extend the weekly \$600 unemployment benefit as it was included in the CARES Act. However, the Republicans want to reduce the amount of the unemployment benefit

Important Dates:

Here are the dates you need to know:

September 8: Senate returns to session.

September 14: House of Representatives returns to session.

September 30: End of the Fiscal Year.

It's possible the next bill could be passed prior to either of the two houses returning to session, however, it is very unlikely.



We are answering your questions live on the air right now.

Please submit questions through the **Q&A function**,
not the chat option at the bottom of your screen.



As requirements change and laws are passed, we will update you as soon as possible.

Don't forget to wash your hands!

