



Navigating the Need to Provide a Safe Workplace and the Ability to Return Certain Critical Infrastructure Employees who May HAVE had Exposure to a Person with Suspected or Confirmed COVID-19

Credit Unions continue to face the challenge of providing critical financial services while creating and maintaining a safe workplace for their employees. With the layers of guidance from federal, state, and local governments, this has been no easy feat.

Recently the Centers for Disease Control (CDC) provided [Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19](#). Depending on all facts, this guidance may help some credit unions continue to provide services. The CDC refers to the Department of Homeland Security's CISA department's category of 16 critical infrastructure workers which include: federal, state and local law enforcement, 911 call center employees, hazardous material responders, janitorial and custodial staff, critical manufacturing, transportation, energy, and a defined group of workers in financial services.

Critical Infrastructure Employees

It is important to note that not all employees of a financial institution will fall under this definition of "Critical Infrastructure Employees". These workers are defined as:

- Workers who are needed to provide, process, and maintain systems for processing, verification, and recording of financial transactions and services, including payment, clearing, and settlement; wholesale funding; insurance services; consumer and commercial lending; public accounting; and capital markets activities.
- Workers who are needed to maintain orderly market operations to ensure the continuity of financial transactions and services.
- Workers who are needed to provide business, commercial, and consumer access to bank and non-bank financial services and lending services, including ATMs, lending and money transmission, lockbox banking, and to move currency, checks, securities, and payments (e.g., armored cash carriers).
- Workers who support financial operations and those staffing call centers, such as those staffing data and security operations centers, managing physical security, or providing accounting services.
- Workers supporting production and distribution of debit and credit cards.
- Workers providing electronic point of sale support personnel for essential businesses and workers.

The CDC advises critical infrastructure employees including credit union employees who fall squarely into the categories defined above may continue to work following potential exposure to COVID-19, IF the employees remain asymptomatic and additional precautions are followed to protect these employees and their coworkers. The CDC defines a "potential exposure to COVID-19" as "being a household contact or having close contact within 6 feet of an individual



with confirmed or suspected COVID-19." The timeframe for having contact with an individual includes the period of time of 48 hours before that COVID-19 (confirmed or suspected) individual became symptomatic.

If a credit union has a critical infrastructure employee who had contact with a suspected or confirmed COVID-19 individual and is asymptomatic, the credit union can assess whether it should: 1) either remove the employee from the workplace by having the employee telework; or 2) take leave to self-quarantine; or 3) continue to work if the credit union can strictly adhere to the following protocols. The credit union should plan in advance and assess whether there is a safer alternative or whether the credit union can meet the safety protocols to allow the employee to continue to work.

Required Safety Practices

1) Pre-Screen: Credit Unions should measure the employee's temperature and assess symptoms prior to the employee starting work. This requires having another employee or third party provider come within 6 feet of the employee to take the temperature. This is not a simple process. To have one employee take the temperature of another employee, the credit union must first take steps to protect the employee who will take the temperature. The credit union must conduct an evaluation of reasonably anticipated hazards and risks. The credit union must then take steps to protect the employee and mitigate exposure. These steps will likely include the use of personal protective equipment (PPE) which is not easy to purchase right now and the use of a thermometer which takes a temperature without exposure to bodily fluids. Further, the credit union must comply with the EEOC Guidance and any state specific guidance on taking the temperature of an employee.

2) Regular Monitoring: The employee should self-monitor for symptoms under the supervision of the credit union's occupational health program. Due to the nature of the credit union's work environment, many credit unions do not have a formal occupational health program like the police department or other critical infrastructure sectors do. The credit union will need to coordinate with Human Resources to develop a plan for compliance with this step.

3) Wear a Mask: The employee should wear a face mask at all times while in the workplace for 14 days after the last exposure. Employers can issue the facemasks or can approve an employee's supplied cloth face coverings in the event of shortages.

4) Social Distance: The employee should maintain 6 feet and practice social distancing as work duties permit in the workplace.

5) Disinfect and Clean Workspaces: The credit union should take all steps to clean and disinfect all areas such as offices, bathrooms, common areas, and shared electronic equipment routinely. The credit union should follow the CDC's and the local health authority's guidance on cleaning and disinfecting.



In addition, if the employee falls sick during the workday, the credit union must immediately send the employee home and disinfect and clean the employee's workspace. And, the credit union must then take steps to gather and record information on any persons who had contact with the ill employee during the time the employee had symptoms and 2 days prior to symptoms. All employees at the credit union location who had close contact within 6 feet of the employee during this time should be considered exposed. The credit union will then need to review this process and determine how to treat those employees.

Evaluating the Risks and Need to Provide a Safe Workplace

Before letting an employee continue to work under the above protocols, the credit union must at all times ensure that it can meet its obligation under the Occupational Safety Hazards Act (OSHA) to provide a safe workplace free from "recognized hazards that are causing or likely to cause death or serious physical harm." The credit union must take steps to monitor compliance with the required safety practices and should document compliance each day. The local OSHA departments have received a huge increase in complaints that employers are violating OSHA and not providing a safe workplace by employees who are working during the pandemic.

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