

COVID-19 and Manufacturing Operations: Immediate Best Practices

March 25, 2020



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Alexander Alonso, Ph.D., SHRM-SCP

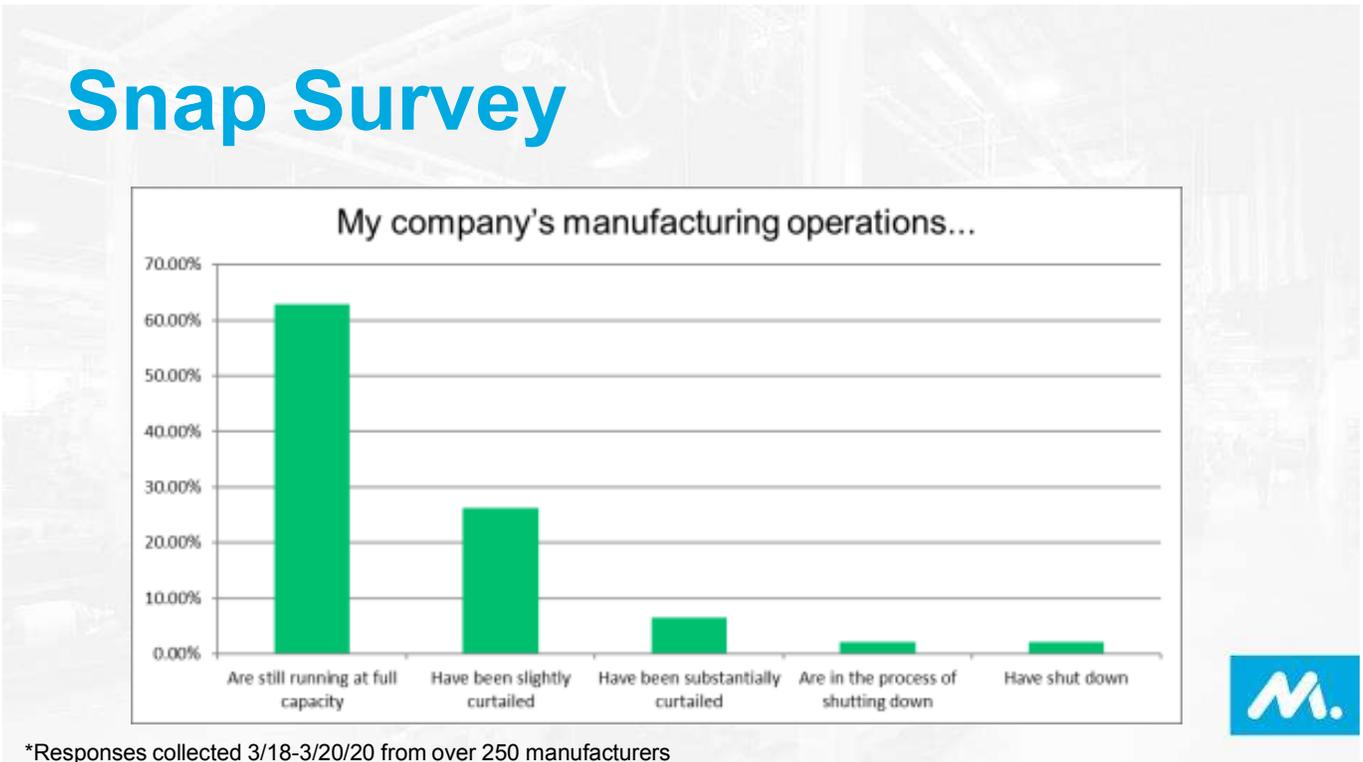
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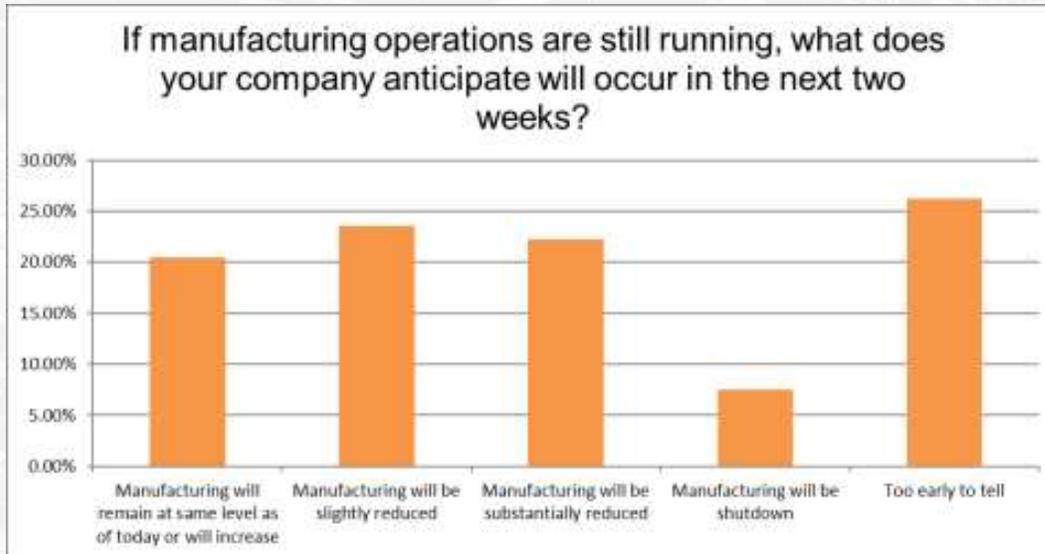


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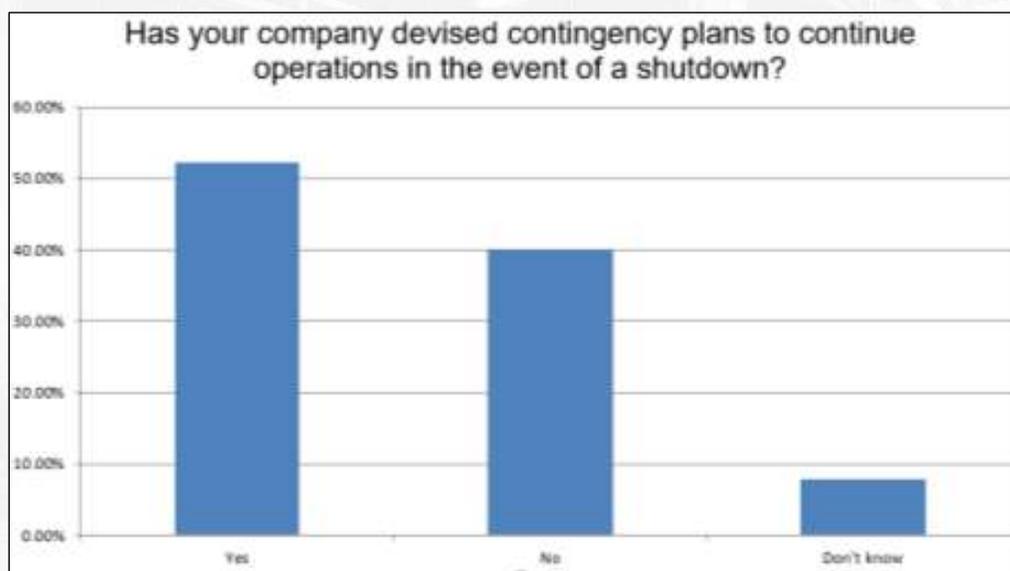
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Snap Survey



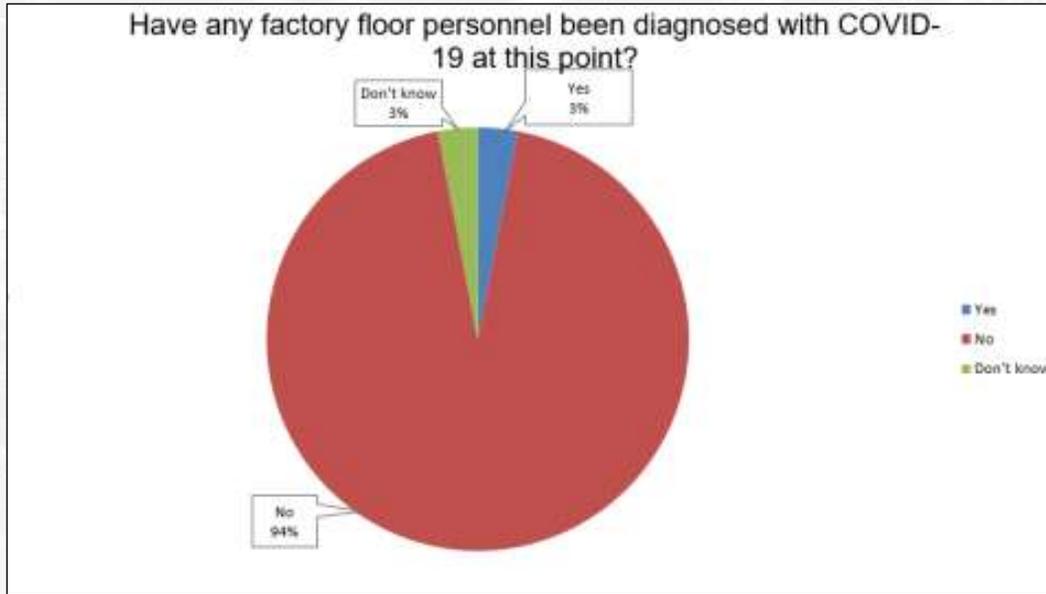
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Snap Survey



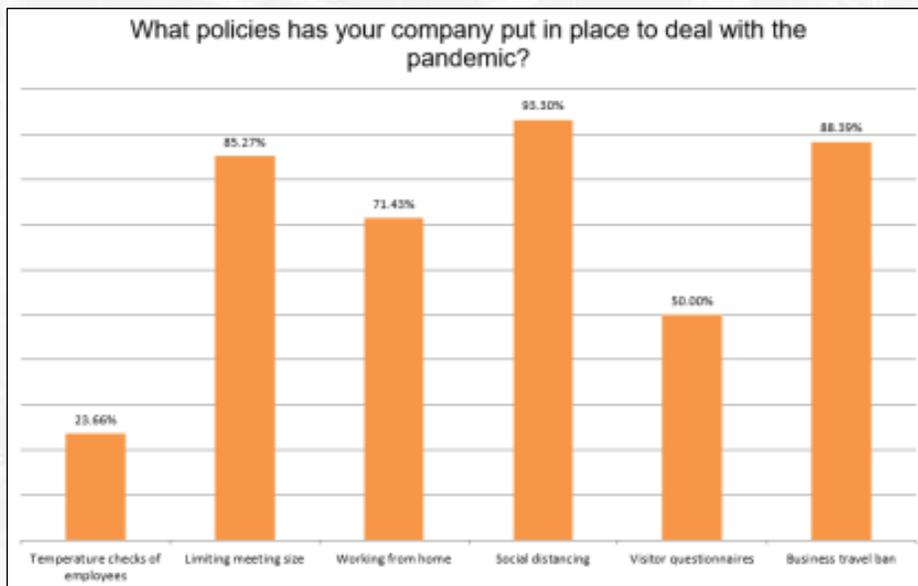
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Snap Survey



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Snap Survey



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Mary Beth Heydrick

Vice President
Performance Materials and Coatings Envelope
and
Operations for North America North



Mary Beth Heydrick is the Vice President of Operations for the Performance Materials and Coatings Envelope and Operations for North America North. Mary Beth is accountable for Manufacturing and Engineering for two business units, Consumer Solutions, which includes Feedstocks & Intermediates, Performance Silicones and Home & Personal Care, and Acrylics and Coatings, which includes Performance Monomers, Coating Materials, and Plastics Additives. As Vice President of Operations for NA North, Mary Beth has operations accountability for several independent sites and Michigan Operations.

Heydrick joined Dow's Manufacturing and Engineering group in 1989 and held numerous positions of increasing responsibility at several key Dow facilities to include Run Plant Engineer and Improvement Engineer. In 1997, Heydrick was named Production Leader and later assumed the role of Technology Center Leader for the Superabsorbent Products and Water Solutions businesses. This was followed in 2004 by various assignments in Chlor-Alkali and Site and Environmental Operations in Freeport, Texas. In 2009 she then was named Site Operations Director for Dow's Rhine Center in Europe. Following this international assignment, Heydrick returned to the United States to become the Technology Center Director for Hydrocarbons, and later was named Business Manufacturing & Technology Leader in Performance Plastics. In 2014, Heydrick was named Corporate Reliability and Productivity Director. In January 2016, her role was expanded to include the Analytical Operations & Environmental Operations Tech Centers as well as External Manufacturing. Heydrick was then named Global Director for Operations Excellence and Support Services. Mary Beth served as Vice President of Operations for the Ethylene Envelope and was recently named to her new role which she currently serves today. Mary Beth is a member of Dow's Operations Leadership Team.

Heydrick earned a bachelor's degree in Chemical Engineering from Michigan State University. She is a certified Six Sigma Black Belt. Served as school board secretary for OLQP in Texas from 2004-2006. Mary Beth serves as the Asian Diversity Network (ADN) North America sponsor, a supporter of Dow's Women's Innovation Network since 1989, a Council member for the Global African American Network and is a member of the Society of Women Engineers. Heydrick served on the board of the National Action Council for Minorities in Engineering (NACME) holding a position as Vice Chairman of their Governance Committee (2017-2019). She is also a member of the Manufacturing Leadership Council. Heydrick is a recipient of the Manufacturing Institutes Women in Science, Technology, Engineering and Production Award.

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Presented by



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OSHA General Duty Clause and Managing Covid-19 Exposure In the Workplace (primary or secondary exposure)

Employee is diagnosed with or been exposed to Covid-19

Contact local Department of Public Health for guidance

Identify individuals who may have been exposed

Consider cleaning aspects of the jobsite

Options: Close down the site; quarantine

- Can/should the exposed person be disclosed to co-workers? (privacy concerns vs. direct threat)
- Can employees refuse to work upon hearing of an exposed co-worker? (is the fear reasonable)
- Are temperature checks and other tests permissible absent exposure? (EEOC now says yes)

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CDC Recommended Cleaning Protocols

- Consult U.S. Centers for Disease Control and Prevention (CDC) guidance for cleaning and disinfecting work environments, including those contaminated with coronavirus.
- <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html#Cleaning>
- The guidelines state that employers should: (1) develop policies for worker protection (2) **provide training to all cleaning staff on site prior to providing cleaning tasks** (3) training must include when to use PPE, what PPE is necessary, how to properly don (put on), use, and doff (take off) PPE, and how to properly dispose of PPE.
- See also OSHA's standards on Bloodborne Pathogens (29 CFR 1910.1030); PPE (29 CFR 1910 Subpart I) standard; and Hazard Communication (29 CFR 1910.1200).

Do I Need to Record a Positive Case or Report to OSHA?

- ***Is COVID-19 Considered an "Illness" under OSHA's Recordkeeping Rules? (only if confirmed)***
- ***When is a COVID-19 Case Considered Recordable? (only if "work-related"; but OSHA has adopted a broad view)***
- ***When is a COVID-19 Case Reportable? (again only if "work related" and also only if it results in a fatality within 30 days or hospitalization within 24 hours)***

How to count to 500, and other imponderable questions

- **New USDOL FAQs issued yesterday on some of the paid leave questions.** According to DOL, the 500 includes part time/full-time employees, temps and seasonals.
- Affiliates may also be counted under the FLSA single enterprise test and/or the Integrated employer test, as well as joint employers and staffing companies
- The under 50 waiver will only be given upon evidence the business is no longer financially viable
- Many more questions left unanswered so far, including the eligibility of furloughed or temporarily laid off employees
- Also note that self-quarantined employees who can still telecommute may not be eligible for paid leave
- Don't forget state and local paid leave laws, some of which have been newly expanded

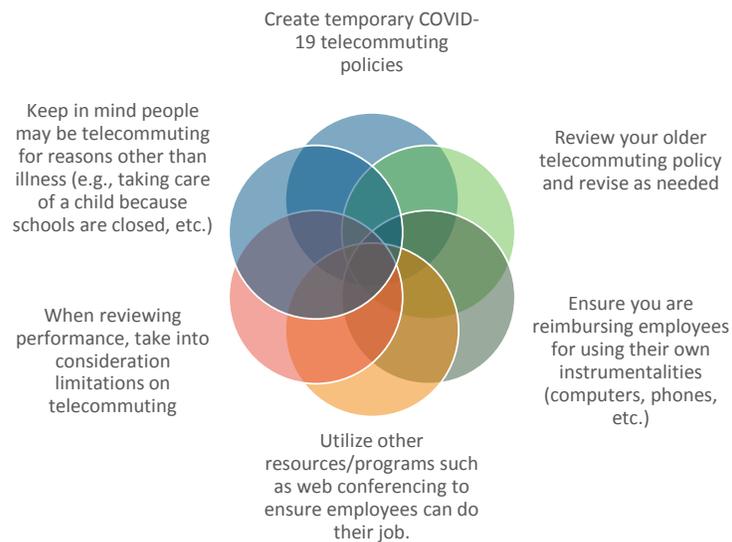
What if I Have to lay off workers?

- Will WARN (or State WARN) come into play?
 - WARN's 60-day notice requirement for "mass layoffs" (more than 50 if 1/3 of the workforce)
 - Exception for temporary layoffs (under 6 months)
 - Exception for unforeseeable business circumstance (UBC) layoffs
 - State laws may differ (see NY and CA)
 - CA has just suspended its 60-day notice mandate (3/17/20); but must cite UBC
- Compliance with collective bargaining requirements
 - Recent union efforts to bargain mid-term over Covid-19 "effects"

What About Medical Privacy and HIPAA Issues?

- The HIPAA Privacy Rule protects the privacy of patients' health information (protected health information) but is balanced to ensure that appropriate uses and disclosures of that information may be made when necessary to treat a patient, to protect the nation's public health and for other critical purposes.
- The Privacy Rule permits covered entities to disclose needed, protected health information without individual authorization:
 - **To a public health authority**, such as the CDC or a state or local health department;
 - **At the direction of a public health authority, to a foreign government agency;**
 - **To persons at risk** of contracting or spreading a disease or condition if other law, such as state law, authorizes the covered entity to notify such persons as necessary to prevent or control the spread of the disease.
- Health care providers may share patient information with anyone as necessary to prevent or lessen a serious and imminent threat to the health and safety of a person or the public – consistent with applicable law (such as state statutes, regulations, or case law) and the provider's standards of ethical conduct.

Office Employees Telecommuting and Working from Home?



How Do I Communicate with my Employees? What Communications Should I Prepare?

Provide email or memorandum to employees

Acknowledge that safety is the Company's highest priority

Inform employees that there is no immediate cause for concern but in an abundance of caution the Company is taking precautionary measures

Provide some background on the Coronavirus

Inform employees of potential 14 day incubation and/or the requirement for a fitness for duty

Inform employees of travel restrictions including business and personal travel

Provide contact information for human resources or other person responsible for action plan.

MORE RESOURCES

- <https://www.nam.org/coronavirus/>
- <https://www.littler.com/coronavirus>
- <https://www.cdc.gov/>
- <https://www.dol.gov>

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Questions?

This information provided by Littler is not a substitute for experienced legal counsel and does not provide legal advice or attempt to address the numerous factual issues that inevitably arise in any employment-related dispute. Although this information attempts to cover some major recent developments, it is not all-inclusive, and the current status of any decision or principle of law should be verified by counsel.

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