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TO : CLIENTS AND FRIENDS

FROM : JIMÉNEZ, GRAFFAM & LAUSELL

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MATTER : Returning to the Workplace—Developing COVID-19 Protocols

COVID-19 has transformed virtually all aspects of our society and affected thousands of businesses throughout Puerto Rico. On May 1, 2020, the Governor of Puerto Rico, Wanda Vázquez Garced, issued Executive Order 2020-038 through which the current lockdown was amended. It established more flexible restrictions and provided for the gradual reopening of operations in certain economic sectors across the island. For those specific sectors to resume operations, they must provide their employees a safe and healthy workplace, pursuant to the Occupational Safety and Health Act (“OSHA”). Moreover, the Puerto Rico Department of Labor and Human Resources (“PR DOL”) has established that all employers resuming operations must submit an OSHA-approved plan regarding COVID-19 exposure control and all related safety and health measures.

On April 15, 2020, the PR DOL issued guidelines listing the basic elements that the exposure control plans should include. Likewise, the CDC and OSHA have also issued guidelines which ought to be considered when drafting your business’ COVID-19 exposure control plan. The following are the basic elements listed that your plan should include:

1. *The plan must be a written document.*
2. *It must include general information about COVID-19; how to control and prevent it from spreading.*
3. *Must notify the screening process of workers prior to entering the workplace and detail the procedures to be followed in case of detection of an employee with symptoms or positive results.*
4. *Must indicate the number of employees designated to work per day (if working by rotating shifts).*
5. *Must indicate physical distance to be kept among employees.*
6. *Cleaning and disinfecting schedule of work areas, including an inventory of cleaning and disinfection products to be used by maintenance personnel and the frequency of cleaning and disinfection of work areas.*
7. *Must detail the hygiene methods for the employees, such as the areas designated for hand washing, use, and distribution (by the employer) of hand sanitizer, alcohol, antibacterial soap, etc.*
8. *Must indicate and provide evidence of personal protective equipment (“PPE”) should it be determined necessary for employees (provided by the employer free of cost; include types, amounts available, etc.).*
9. *Provide evidence of employee training for proper use of PPE.*

10. *The person designated to constantly evaluate the work areas needed and other needs regarding the COVID-19 pandemic.*
11. *Include evidence of discussion of the contingency plan with the employees.*

Employers should also evaluate the need to amend their employee manuals or draft new policies and procedures for social distancing rules or telework.

We are amid a fast-evolving crisis and guidelines may change. The Jiménez, Graffam & Lausell team is constantly monitoring these developments and is ready to assist you in the drafting of a customized plan and protocol for your workplace.

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