

**AVOIDING THE NEW
ENFORCEMENT-DRIVEN OSHA
WHILE ACHIEVING OPERATIONAL
EXCELLENCE THROUGH SAFETY**

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Edwin G. Foulke, Jr. is a partner with Fisher & Phillips LLP, a leading national labor and employment law firm in its Atlanta, Georgia office. Mr. Foulke is co-chair of the firm's Workplace Safety and Catastrophe Management Practice Group. Mr. Foulke's practice includes workplace safety compliance and strategic safety planning, defense of employers in responding to workplace health and safety cases, providing advice and assistance to employers in responding to workplace fatalities and catastrophic accidents, handling whistleblower complaints and providing advice and assistance to employers in legislative and regulatory safety and health matters. Mr. Foulke also works with clients on achieving operational excellence through safety.

Prior to joining Fisher & Phillips, Mr. Foulke was the Assistant Secretary of Labor for Occupational Safety and Health. As head of the Occupational Safety and Health Administration (OSHA), Mr. Foulke oversaw its staff of more than 2,200 safety and health professionals, whistleblower investigators and support personnel. Named by President George W. Bush to head OSHA on Sept. 15, 2005, Mr. Foulke was confirmed by the US Senate on March 15, 2006.

For approximately thirty (30) years, Mr. Foulke has worked in the labor and employment area, specializing in occupational safety and health issues, workplace violence risk assessment and prevention, whistleblower protection, and accident and fatality prevention. In September, 2008, he was named as one of the "50 Most Influential EHS Leaders" in the United States by "Occupational Hazards" magazine. Mr. Foulke is one of the most respected members of the safety legal profession.

Nominated by President George H.W. Bush, Mr. Foulke served, from 1990 to 1995, on the Occupational Safety and Health Review Commission, chairing the Commission from March 1990 to February 1994. The three-member Commission is an independent federal adjudicatory agency that renders decisions involving workplace safety and health citations arising from OSHA inspections.

Mr. Foulke served on the Workplace Health and Safety Committee for the Society for Human Resource Management from 2000 to 2004, including a two-year term as the committee's chair. He was also a member of the Health and Safety Subcommittee for the U.S. Chamber of Commerce. Mr. Foulke has authored numerous articles and books on workplace safety and health for various entities, including the South Carolina Chamber of Commerce, American Bar Association, the South Carolina Bar Association, and the North Carolina Citizens for Business and Industry.

Mr. Foulke, a native of Perkasio, Pennsylvania, graduated from North Carolina State University (with honors) in 1974. He earned his law degree from Loyola University in 1978 and a Master of Law degree from Georgetown University Law School in 1993. He also served as an adjunct professor at New Orleans' St. Mary's Dominican College.

Mr. Foulke is admitted to practice in Georgia, South Carolina, North Carolina and the District of Columbia, and is admitted in the Fourth, Eleventh, and D.C. Federal Circuit Courts of Appeals, as well as the U.S. Supreme Court. He is married to Wendy Smith Foulke from Hampton, S.C. Mr. Foulke can be contacted at (404) 231-1400 or at efoulke@laborlawyers.com.

PANDEMIC RESPONSE CHECKLIST

1.1 Plan for maintaining business continuity during and after a pandemic.

Completed	In Progress	Not Started	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Select a Company-wide Pandemic Coordinator and back-ups if the Coordinator becomes incapacitated.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Coordinator should be aware of ADA, OSHA, collective bargaining and other legal obligations.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Select a pandemic coordinator at every individual facility to oversee local planning and implementation processes, threat assessment and related financial considerations, and to coordinate with the home office.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ensure that the local pandemic coordinator is in communication with the organization's overall pandemic coordinator on an ongoing basis.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ensure that plans are in place at overseas locations and for Ex Pat employees.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Establish pandemic planning and implementation at every national and international facility, including clearly defined roles, responsibilities, and authority. Establish lines of communication and authority within the overall organization.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Each location's Committee (team) should include representatives from: <ol style="list-style-type: none"> 1. HR and Industrial Relations 2. Safety, Environmental, and Emergency Response 3. Housekeeping and Sanitation 4. Employee Education and Internal Communications 5. Legal/Contract Management 6. PR/Media/Investor Relations 7. Employee Health 8. IT 9. Financial 10. Vendors, contractor, sales relationships 11. Security
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gather your Committee and start listing everything necessary to keep the business safely running and to protect the Company reputation and "brand."
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Develop a list of essential employees by department, ranked by "a," "b," and "c," so that you may develop procedures to ensure their availability.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Understand national and local governments' policies and the potential impact they may have on your business operations and emergency plans.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Designate contacts with government emergency response entities at local, regional and national levels.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Serve on local, regional, or national pandemic committees and task forces.

Completed	In Progress	Not Started	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Analyze the capability of national and local governments to provide assistance to your company and employees both in the U.S. and abroad.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Carry out economic forecasting to determine the possible effects of a pandemic on the economy and each business location, including with regard to collections, business volume and orders, ability to meet customer commitments, availability of finance, staffing, etc.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If publicly traded, assess whether to discuss and disclose the significance and possible effects of a pandemic on your business as an additional business risk factor in financial reports, MD&A as well as Form 10-K.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare for the possibility/impact of a currency devaluation on your overseas business operations during a pandemic.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Monitor the status of the pandemic as reported through the CDC, HHS, The World Health Organization (WHO) and other official sources such as PandemicFlu.gov (www.pandemicflu.gov). 1. Assign individuals to monitor and brief leadership. 2. Sites may include Situation Updates at http://www.cdc.gov/h1n1flu/ , World Health Organization at http://www.who.int/csr/disease/swineflu/en/index.html and State Health Departments at http://www.cdc.gov/h1n1flu/states.htm OSHA – http://www.osha.gov
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Identify the specific circumstances and factors which would force the overall business to declare a staffing crisis, close, reduce levels of service, or transfer operations to other locations.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Identify essential employees and other critical inputs required to maintain business operations by location and function during a pandemic, including: 1. Raw materials. 2. Suppliers and vendors. 3. Subcontractor services. 4. Subcontractor products. 5. Utilities. 6. Transportation and Logistics. 7. Credit. 8. Manpower.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Identify potential pandemic effects on supply chain and shipments, particularly if the organization uses “just-in-time” delivery.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Request vendors and key contractors to share their plans to maintain service during a pandemic or to certify that they have prepared a plan.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Consider establishing back-up providers.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Work with suppliers and customers to ensure that all of your partners’ pandemic plans work together with your organization to maintain business continuity in the event of transportation or distribution disruptions in accordance with priorities and critical needs. 1. Do not take on responsibility for the means and methods of their compliance or services.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Identify and develop a plan to augment the current workforce capability with special attention to redundant staffing of critical business operations, including:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Engaging temporary employees, contractors and retirees.

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Completed	In Progress	Not Started	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Cross-training the existing workforce.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Special emphasis on critical areas, such as IT and maintenance.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Identify business functions that could be outsourced or transferred to other facilities within the organization in the event of high employee absenteeism, infrastructure failure, or vendor disruption.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Review business insurance policies to determine what coverage may be necessary to mitigate the risks and effects of a pandemic. Shift risk to insurers where possible, including contracts with customers and suppliers.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Review and/or actually test plans through regular exercises and revise plans on a periodic basis.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Emergency communications.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Plans to shift operations, including the corporate office.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Emergency Response, Emergency Action, Evacuation, National Disaster programs.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. PR and Internal Communications.

1.2 Plan for the impact of a pandemic on the lives and welfare of your employees.

Completed	In Progress	Not Started	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Understand local and national health policies and plans regarding possible quarantines, border closures, airport closures, school closures, and transportation limitations. Monitor www.pandemicflu.com and local and state websites, including Situation Updates at http://www.cdc.gov/h1n1flu/ ; State Health Departments at http://www.cdc.gov/h1n1flu/states.htm , and Travel guidance at http://www.pandemicflu.gov/faq/travel/ .
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Forecast and allow for employee absences during a pandemic due to factors such as: <ol style="list-style-type: none"> 1. Personal illness. 2. Mental health needs. 3. Family member illness. 4. Community containment measures. 5. Quarantines and other measures to limit public gathering and exposure. 6. School and/or business closures. 7. Public transportation disruption. 8. Employee fear of leaving home or sending children to school.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ensure staffing plans have sufficient redundancy to allow for anticipated absenteeism, and cross-train employees to fill essential vacancies that might occur, specifically including employees responsible for Pandemic Coordination and Business Continuation.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Survey employees to determine employees whose attendance may be disrupted due to transportation, school, or other needs. Use a form similar to that found on the EEOC website at EEOC/ADA Guidance at http://www.eeoc.gov/facts/h1n1_flu.html to survey employees.

Completed	In Progress	Not Started	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Review and analyze legal requirements that determine your obligations to personnel including:</p> <ol style="list-style-type: none"> 1. Individual employment contracts. 2. Collective Bargaining agreements. 3. State and Federal WARN Acts. 4. State and Federal FMLA laws. 5. ADA, Title VII, and other state and federal Non-Discrimination Laws. 6. ADA Title III Access provisions. 7. State wage payment, break, pay stub, and related laws. 8. Wage-Hour. 9. OSHA Whistleblower/Concerted Protected Activity.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Evaluate Collective Bargaining and NLRA obligations.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Address Influenza Response issues at the next bargaining session.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Determine issues that must be raised with any unions in advance of regular bargaining.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Identify employees with special health or other needs and incorporate the requirements of such persons into your preparedness planning.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Track current Government Guidance regarding vaccines at Vaccine Guidance at http://www.pandemicflu.gov/vaccine/index.html .
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Encourage annual seasonal influenza vaccination for appropriate employees following local public health guidelines.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Determine whether to offer or require a Seasonal Flu vaccination.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Determine approach with regard to H1N1 vaccine once available.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Evaluate the legality of mandatorily requiring vaccines, including consideration of restrictions on governmental employers, and based on current state of HHS and other guidance. Consider when declinations are appropriate.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Assess the availability of medical advice, healthcare services, prescription medications, mental health services, social services, and other support services (including alternate transportation, meals, grief counseling, etc.) for employees during a pandemic. If needed, consider supplementing local resources with organizational ones.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Determine if onsite medical services are needed, including occupational nurses, clinics, or additional first aid training for employees.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Assess the potential availability of pandemic vaccine in any host countries, determine its reliability, and plan for its distribution during a pandemic.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Evaluate the need for antiviral medications and plan for access, storage, dispensing by medical personnel, and distribution consistent with local laws and regulations. Monitor Antivirals Guidance at http://www.pandemicflu.gov/faq/antivirals/
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Review all business health insurance policies to determine what coverage may be necessary to mitigate the country-specific risks and effects of a pandemic, and assess whether changes are needed in employee health coverage.

Completed	In Progress	Not Started	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	For foreign locations or ex-pat employees, determine if in-country medical services and/or medications will be available to traveling or expatriate employees during a pandemic, and consider planning for early evacuation and/or repositioning, if needed once a pandemic begins. Consider evacuation insurance. Consult travel guidance at http://www.pandemicflu.gov/faq/travel/ , World Health Organization at http://www.who.int/csr/disease/swineflu/en/index.html and Foreign evacuation guidance at http://www.pandemicflu.gov/faq/travel/1110.html .
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Remind employees that normal supply lines may be slowed or inoperable for an extended period of time and to make personal preparations for pandemic for up to 12 weeks (e.g., stockpiling appropriate food, water, and regularly used prescription drugs).

1.3 Establish policies and guidelines to be implemented during a pandemic to avoid creating policies “on demand” in the midst of a pandemic.

Completed	In Progress	Not Started	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Establish triggers and set up procedures for activating and terminating the different aspects of the company’s response and staffing plans.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Establish a security plan that includes personnel, asset, confidential and trade secret material, and infrastructure protection. Prepare for the possibility of social/security breakdown. <ol style="list-style-type: none"> 1. Physical plant security. 2. Electronic communications. 3. Trade secret and confidentiality. 4. Traveling. 5. Lodging.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Develop guidelines to prevent influenza spread at the worksite: <ol style="list-style-type: none"> 1. Facility cleaning and disinfection. How to clean and disinfect at http://www.pandemicflu.gov/individual/panfacts.html 2. Social distancing methods to modify frequency and type of contact (e.g., reducing hand-shaking, limiting face-to-face meetings and shared workstations, promoting telecommuting, liberal leave policies, etc.). 3. Personal Protective Equipment (PPE) including respiratory protection, gloves, and for use of cleaning materials, OSHA Job Hazard Analysis at 1910.132(d) at http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9777, OSHA Respiratory Protection Standards at http://www.osha.gov/SLTC/respiratoryprotection/standards.html, Mandatory Information for Employees Using Respirators When not Required Under Standard. – 1910.134 App D _ http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9784, and NIOSH Occupational Health guidance at http://www.cdc.gov/niosh/topics/h1n1flu/.

Completed	In Progress	Not Started	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Develop culturally and linguistically appropriate educational guidelines on modes of influenza transmission, signs and symptoms of infection, basic infection control procedures (e.g., good hand hygiene and cough etiquette) http://www.pandemicflu.gov/professional/business/index.html#employees), contingency plans, travel awareness, when to get help, and how to care for someone with the Flu at http://www.pandemicflu.gov/health/index.html#symptoms , and General H1N1 information at http://www.pandemicflu.gov/faq/swineflu/ .
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Develop procedures for housing essential employees onsite or offsite, or otherwise ensuring the availability of IT, key operations and technical employees, etc.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Develop guidelines to inform and address needs of employees whose jobs will not allow telework (e.g., production or assembly-line employees). <ol style="list-style-type: none"> 1. Determine company systems capabilities and needs. 2. Determine employee needs for remote work. 3. Determine how to handle costs to employees for set-up. 4. Establish wage-hour related procedures to ensure proper recordkeeping and payment for all hours worked. 5. Revise electronic communication and confidentiality and trade secret policies. 6. Review employment contracts and collective bargaining agreements.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Review Workplace Questions at http://www.pandemicflu.gov/faq/workplace_questions/ and EEOC/ADA Guidance at http://www.eeoc.gov/facts/h1n1_flu.html and obtain legal guidance.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Establish and clearly communicate policies on sick leave, family leave, and employee compensation.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Advise employees who are ill with influenza during a pandemic to stay home from work in compliance with current public health guidance, when to get help, and how to care for someone with the Flu as explained at: http://www.pandemicflu.gov/health/index.html#symptoms .
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Review attendance policies for changes to encourage sick workers to stay home.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Monitor “evolving” Federal Guidance and develop Guidelines for:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Basic Employee Education.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. When to send employees home.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. When to permit employees to return.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. When or whether to require a doctor’s note or certification.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. When an absence is OSHA recordable.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. When absences are covered by FMLA.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Develop and create guidelines for the possible downsizing and evacuation of expatriate employees and families. Guidelines should identify multiple evacuation locations.

Completed	In Progress	Not Started	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Develop policies for restricting travel (domestic and international) to affected areas and guidance for employees or visitors returning from affected areas. <ol style="list-style-type: none"> 1. Business travel. 2. Personal travel. 3. How to handle costs associated with employees who must cancel personal travel. 4. Enforcement.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Develop options for conducting safer customer contacts in the event of pandemic.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Establish policies for alternative or flexible worksite: <ol style="list-style-type: none"> 1. Videoconferencing. 2. Telecommuting. 3. Work hours.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Develop or expand guidelines for conducting business online with customers and suppliers, allowing self-service when possible. <ol style="list-style-type: none"> 1. Consider network/provider limitations.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conduct Job Safety Analysis (JSA) as required at OSHA Job Hazard Analysis at 1910.132(d) at http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9777 where PPE required, including gloves and respirators.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ensure that you have up-to-date Job Safety Analysis (JSA's) for all jobs requiring PPE use.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Provide policies and training for employees in the use of personal protective equipment (PPE) when necessary. See OSHA's Pandemic Page at http://www.osha.gov/dsg/topics/pandemicflu/index.html and OSHA Respiratory Protection Page at http://www.osha.gov/SLTC/respiratoryprotection/index.html
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Comply with the OSHA Hazard Communication Standard at OSHA Hazard Communications Page at http://www.osha.gov/SLTC/hazardcommunications/index.html for chemicals used for clean-up, and provide appropriate PPE.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Review any existing Respiratory Protection Program for compliance with OSHA standards at OSHA Respiratory Protection Page at http://www.osha.gov/SLTC/respiratoryprotection/index.html and OSHA Respiratory Protection Standards at http://www.osha.gov/SLTC/respiratoryprotection/standards.html
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Determine the need and arrange for appropriate Personal Protective Equipment (PPE) based on WHO and CDC recommendations and provide necessary training.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Review and Update OSHA Bloodborne Pathogens Policy at OSHA Bloodborne Pathogens Page at http://www.osha.gov/SLTC/bloodbornepathogens/index.html .

1.4 Determine resources required to fulfill actions in your pandemic plan.

Completed	In Progress	Not Started	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Maintain a contact list of current suppliers and develop an alternate list of suppliers for critical supplies and essential resources and services.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Maintain sufficient and accessible infection control supplies (e.g., hand-hygiene products, tissues, receptacles for their disposal, surgical masks, thermometers, cleaning materials, gloves, etc.) at all business locations based on WHO and CDC recommendations.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ensure availability of medical consultations and advice for emergency response. <ol style="list-style-type: none"> 1. Make available contact information.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Enhance communications and information technology infrastructure as needed to support telecommuting and remote employee customer access.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Work with local law enforcement and security firms to develop security plans to protect operations, facilities, etc.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Plan for expenditures in the event of slowing of cash flow or disruption of financial activities.

1.5 Create an emergency communications system.

Completed	In Progress	Not Started	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Make pandemic plan available to all employees and stakeholders in advance of a pandemic, including the expected roles/actions for employees and other stakeholders during implementation, so that they may provide input.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Update and maintain current contact information for staff, ancillary personnel, clients, customers, vendors, health departments, utilities, hospitals, contractors, public safety, and FEMA groups.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Anticipate employee fear, anxiety, rumors and misinformation, and the effects of school closures, overwhelming of hospitals, and the local public safety responses.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ensure that communications are culturally and linguistically appropriate and address individuals with disabilities.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Develop a 24/7 means (e.g., hotline, dedicated website) for communicating pandemic status updates, actions to employees and service delivery news to vendors and customers.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Develop alternate forms of communication (e.g., cell phones, pagers, and other processes, etc). <ol style="list-style-type: none"> 1. Consider the lack of modern communication devices in many developing countries. 2. Consider how to communicate in the event of some disruption of utilities or networks. 3. Consider ADA accessibility issues.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Disseminate information for at-home care of ill employees and family members.

Completed	In Progress	Not Started	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Disseminate rules regarding staying at home when ill or potentially infectious, including following public health guidance regarding potentially infectious family members.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Establish system to account for employee status (e.g., dial-in system).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Establish a procedure and a person to determine when a “critical staffing” event occurs.

1.6 Work to coordinate with external organizations and your community.

Completed	In Progress	Not Started	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Collaborate with local and national health officials and emergency responders.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare a list of local, regional, and national government Pandemic organizations and contact information. See State Health Departments at http://www.cdc.gov/h1n1flu/states.htm and Community Response Planning at http://www.pandemicflu.gov/fag/planningresponse/
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare lists of public safety, emergency responders, healthcare providers, and utilities, and contact information.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Establish state and Federal FEMA contacts.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Familiarize organization with the role of the WHO in pandemic response in your country and region.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Select point of contact to coordinate with the U.S. Embassy or Consulate that is nearest to your facility. Embassy may facilitate introductions for business sector to local ministries and officials.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Share best practices with other businesses to improve community response efforts.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Coordinate and collaborate with local U.S. Chambers of Commerce or other U.S. business associations.

1.7 Prepare for post-pandemic scenarios.

Completed	In Progress	Not Started	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Assess the location’s ability and the criteria that need to be met to resume normal operations and provide notification of activation of the business resumption plan.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Assess the availability of medical, mental health, and social services for employees after the pandemic.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conduct post-pandemic review of response and revise plan as needed.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prepare for possible follow-on pandemic waves.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Review and revise plans to also accommodate Natural Disasters, terrorism, or other local, regional, or national disruption.

OSHA Inspection Checklist

A. Prior to Inspection

- Display the official OSHA poster where notices to employees are customarily posted.
- Obtain upper management commitment to workplace safety and display commitment statement.
- Conduct internal or external safety audit and hazard assessment of the facility to spot and correct apparent safety and health hazards. It is important that hazards identified are addressed or corrected in a timely manner.
- Ensure that a management official has been assigned responsibility for safety and health compliance and for dealing with employees, OSHA, and other individuals on the subject of workplace safety and health.
- Determine which OSHA standards and regulations apply to the facility and ensure that all required written programs, plans, training and recordkeeping are complete and updated on an annual basis. Insure that the facility's personal protective equipment hazard assessment has been completed.
- Train designated management personnel on how to properly handle and respond to an OSHA inspection, as well as approaches by law enforcement officials, building or fire inspectors, and inspectors from other safety regulators.
- Determine the company policy on requiring OSHA to have a warrant prior to allowing an inspection to be conducted.
- Foster employee participation in safety and health management and instill commitment in employees to safe work practices.
- Establish a crisis management team to deal with catastrophic occurrences, fatalities, and OSHA-related publicity.



- Ensure that injuries and illnesses are properly recorded and supporting documentation is available.
- Ensure that Hazard Communication Plan, MSDS's, and related materials are available.
- Notify OSHA within eight (8) hours if a fatality occurs or more than three (3) employees are hospitalized for the same incident. Where fatality or hospitalization occurs, consult with the company's OSHA counsel to determine what investigation should be conducted and what accident reports need to be prepared.
- Provide appropriate equipment, i.e. camera, video, monitoring, etc., for conducting OSHA inspections.
- Review previous OSHA citations and ensure abatement has been completed and hazards cited have not reoccurred.
- Ensure coordination between all employers on a multi-employer site.

B. Conducting the Inspection

1. Initial Contact and Opening Conference

- Refer the OSHA compliance officer arriving on the premises to the company's designated safety officer.
- No employees, other than the facility manager and /or the designated management safety officer, should communicate with the OSHA compliance officer prior to the opening conference.
- The safety officer should review the compliance officer's credentials as well as obtain his or her business card with an address and phone number to ensure that the compliance officer is on an official inspection.
- Determine from the compliance officer the purpose, scope, and the circumstances of the visit to the facility. If the inspection is based on a complaint, obtain a copy of the complaint.
- Determine if the compliance officer has a warrant to conduct the inspection. If yes, find out the scope of the warrant.
- Notify the company's OSHA counsel. This should be done prior to the opening conference in order to receive any instructions or to raise some defense or objection.
- Notify the designated employees' representative (if applicable) of OSHA's presence.



- Have an opening conference with the OSHA compliance officer to establish:
 - the focus areas of the inspection;
 - the scope and route of the walk-around inspection;
 - the designated trade-secret areas or processes;
 - the procedure for conducting employee interviews and producing documents;
 - the schedule of interviews;
 - the documents for review by OSHA;
 - the procedure for requesting copies of any employee complaints; and
 - the facility's rules and procedures OSHA will be expected to follow.
- Conduct all necessary safety and health advising/training of OSHA compliance officers prior to access to restricted areas. Ensure that the OSHA compliance officer wears all necessary personal protective equipment and follow all company safety and health policies.

2. Walk-Around Inspection

- A designated safety officer or manager should stay with each OSHA compliance officer at all times during the inspection except during hourly employee interviews.
- The designated safety officer should take detailed notes, including date(s) of inspection, areas inspected, items discussed and employees interviewed.
- If compliance officer deviates from area(s) covered by complaint then company safety officer should inquire as for the reason for the deviation.
- When appropriate, photographs should be taken of areas inspected by the OSHA compliance officer as well as all items photographed by the compliance officer. Video also should be utilized, if used by the compliance officer.
- The designated safety officer should immediately have corrected any alleged violations identified by the compliance officer to the extent possible, but should not acknowledge that a citation is appropriate.



- No management or supervisory employee should give information or make statements to the compliance officer without approval from the designated safety officer or the company's OSHA counsel.
- All work rules and safety procedures should be enforced and applicable to the compliance officer and walk-around team during the inspection.
- The compliance officer should be asked to put all requests for company information and/or documents in writing.
- The company's OSHA counsel should review all requests for documents and information as well as all information and documents provided.
- Document all samples or monitoring test taken by the OSHA compliance officer and request copies of all sampling and monitoring results as well as all photographs and videos taken. The company should request the OSHA compliance officer to schedule sampling and monitoring at a time when the company can conduct its own sampling and monitoring.
- Request copies of all OSHA sample and monitoring reports from the compliance officer.

3. Closing Conference

- Primarily listen to the Compliance Officer's proposal, and do not argue or debate the initial proposed findings.
- Remind the compliance officer of the scope of the inspection as stated in the opening conference.
- If directed by OSHA counsel, provide additional information and documentation relevant and supportive of the company's position as well as any information which shows abatement of any alleged violation.
- Obtain from the OSHA compliance officer an acknowledgment of receipt of the documents provided.
- Take detailed notes on the alleged hazards identified and the problem areas indicated by the compliance officer along with the applicable standards and suggested abatement procedures.
- Provide the OSHA compliance officer with the name, title, full address, and phone and fax numbers of the person to whom all OSHA correspondence should be directed.



C. After the Inspection

- Try to obtain all sample and monitoring reports from OSHA.
- Review all areas noted by the compliance officer and make appropriate abatement.
- Provide the company's OSHA counsel with copies of all of the documents provided to OSHA and all of the notes, photographs, videos, etc., taken during the inspection.
- The company's OSHA counsel should make a written request to OSHA to ensure that all trade secrets and proprietary information disclosed during the inspection are kept confidential.
- If facility is issued citations by OSHA, the following should be done:
 - Post the citation (with penalty amounts deleted -Note: in state plan states need to check rule on posting requirements) in the area where employee notices normally are posted.
 - Immediately notify the company's OSHA counsel about the citation and send a copy of the citation to them.
 - With the advice of counsel, schedule an informal conference with OSHA.
 - Post Notice to Employees of informal hearing.
 - Where an agreement cannot be obtained quickly, employer must file a Notice of Contest within fifteen (15) working days of the employer's receipt of citations. Some state plan states maintain different procedures. An employer who misses a contest deadlines cannot typically get an extension or overcome the default.

