



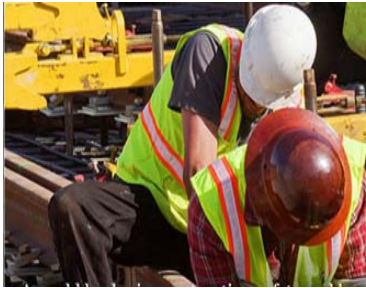
**Mayor Robert Sullivan & the City of Brockton's Health Equity Taskforce**

***Stop the Spread  
Stay Safe  
Stay Open***

**Brockton Businesses Roundtable**

**Oct. 15, 2020**

**Presented by Worker Safety Initiative Subcommittee**





## **Brockton Businesses Roundtable Agenda**

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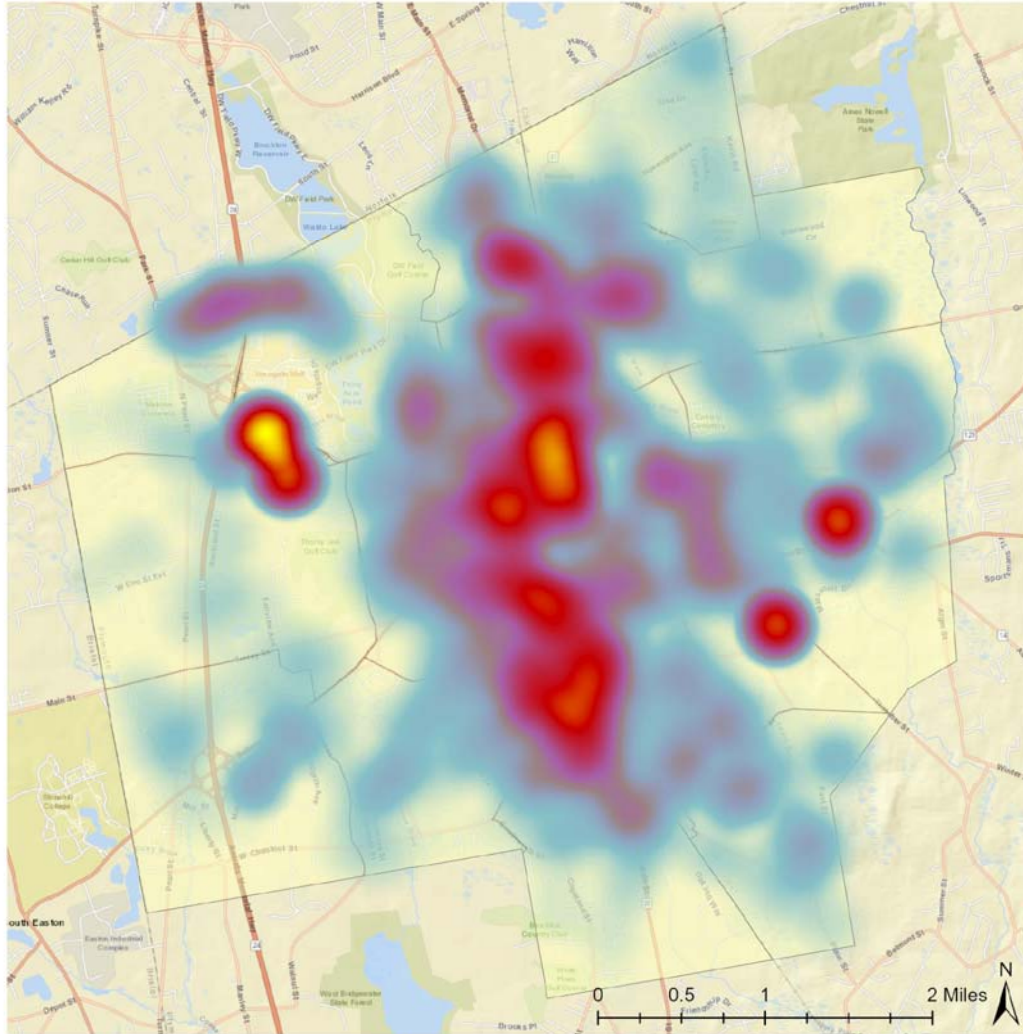
- **Welcome and Introductions**
- **Brief remarks from Mayor Sullivan**
- **Overview of Health Equity Task Force**
- **City COVID-19 Update**
- **Overview of State Mandatory COVID-19 Standards**
- **Best Practices Guidance**
- **Legal Overview: Paid leave and Furloughs**
- **Q & A**



## Brockton Health Equity Task Force Members - Workplace Safety Initiative

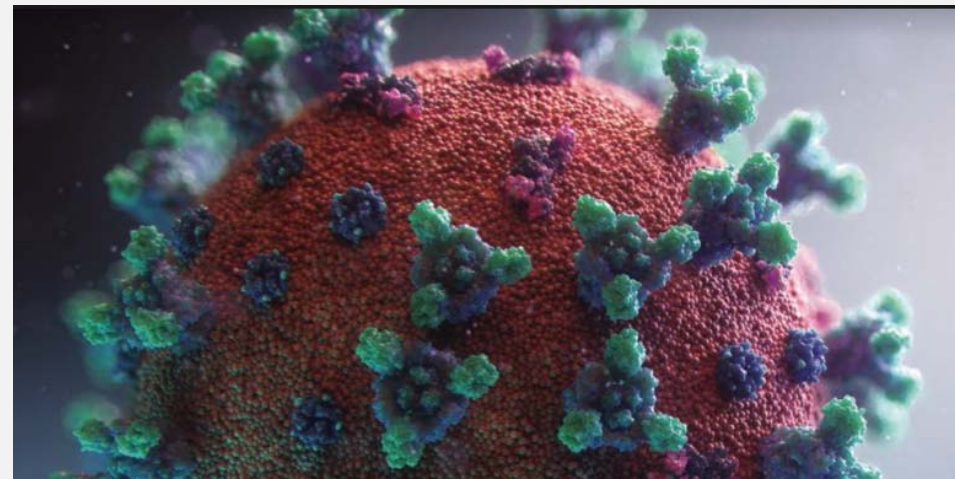
- **Isabel Lopez**, *Co- Chair* (Brockton Workers Alliance)
- **Lisa Field**, *Co-Chair* (Massachusetts Nurses Association)
- **Dr. Letitia “Tish” Davis** (MassCOSH)
- **Tolle Graham** (MassCOSH)
- **Al Vega** (MassCOSH)
- **Caddie Nath Folsom**, Attorney (Justice Center of Southeast Massachusetts, Legal Services)
- **Brenda Rodrigues**, President (SEIU Local 888)
- **Elsie Jean Baptiste** (Brockton Workers Alliance)
- **Natache Bazile** (Brockton Workers Alliance)





# COVID-19 Update

Brockton Business Roundtable  
October 15, 2020



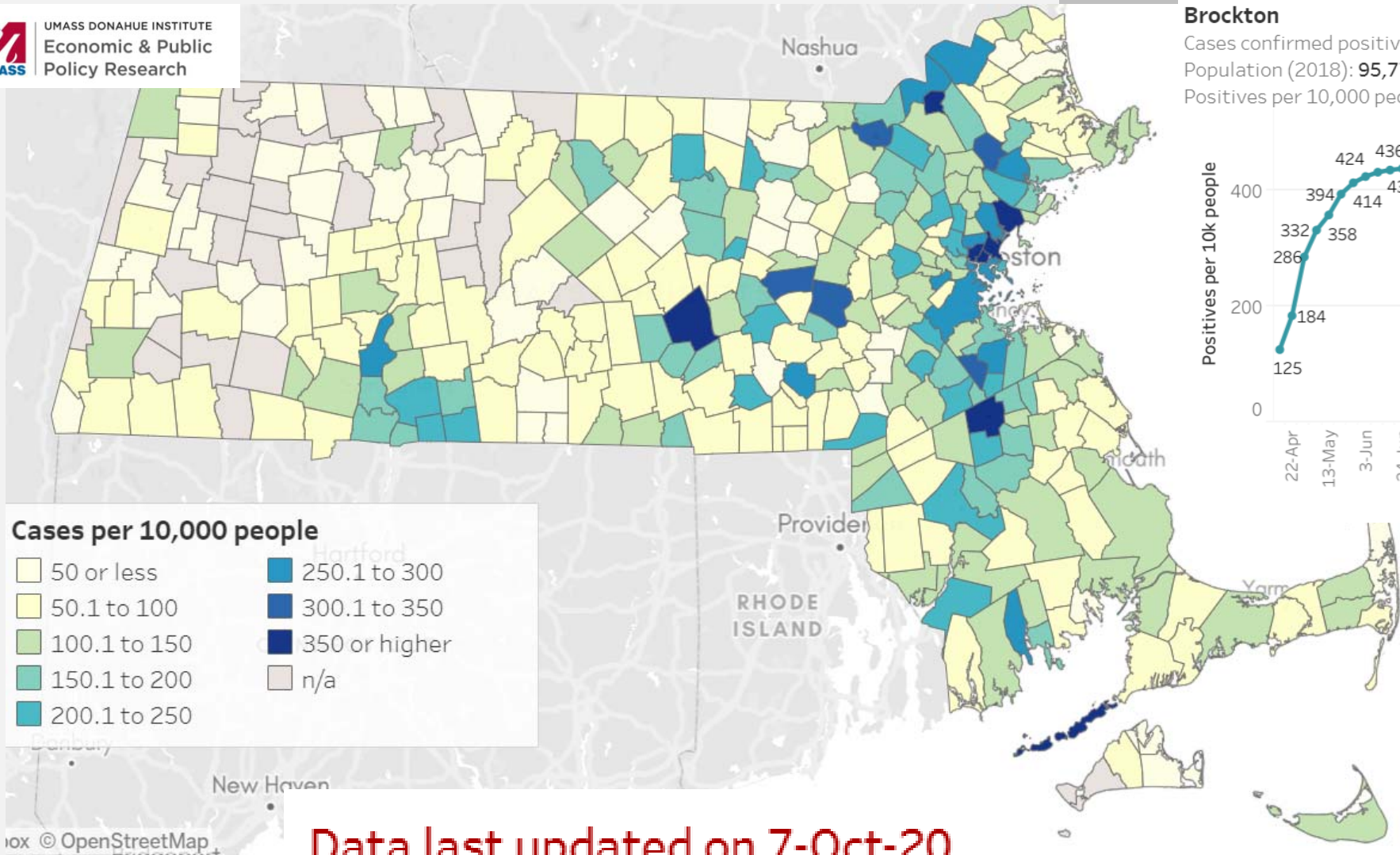
Richard Herman, MD, FACEP  
[rherman@cobma.us](mailto:rherman@cobma.us)

**BROCKTON**  
CITY OF CHAMPIONS





UMASS DONAHUE INSTITUTE  
Economic & Public  
Policy Research

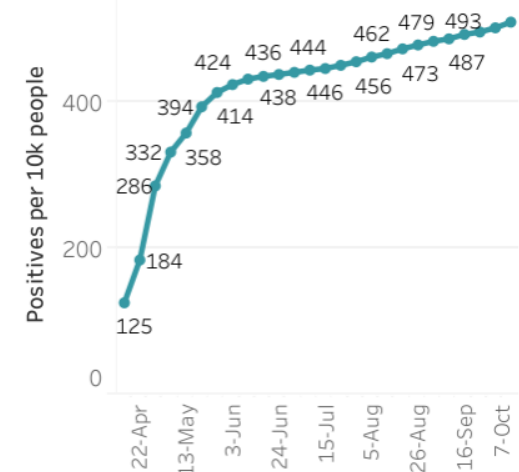


### Brockton

Cases confirmed positive by testing: 4,884

Population (2018): 95,777

Positives per 10,000 people: 509.9



Data last updated on 7-Oct-20



# TOP 10 COVID CITIES IN MASSACHUSETTS

Rank	City	Total cases per 10,000 people since start of pandemic	Most recent average daily cases per 100k population
1	Chelsea	918	30.9
2	Lawrence	622	41.9
3	Lynn	523	12.3
4	<b>Brockton</b>	<b>510</b>	11.9
5	Revere	509	20.1
6	Everett	504	25.2
7	Worcester	352	11.5
8	Lowell	323	16.4
9	Marlborough	320	19.9
10	Framingham	320	17.8

## CITY OF BROCKTON: SOCIOECONOMIC RANK

Indicator	Rank out of Top 100
People of color	5
Overcrowding	12
Share of frontline workers	1
Population density	25
Average household size	4
Poverty rate	15



UMASS DONAHUE INSTITUTE  
Economic & Public  
Policy Research





# COVID Color Metric:

- Average daily cases per 100,000 population

**RED**

Average daily cases per 100,000 is **greater than 8**

**YELLOW**

Average daily cases per 100,000 is **between 4 - 8**

**GREEN**

Average daily cases per 100,000 is **less than 4**

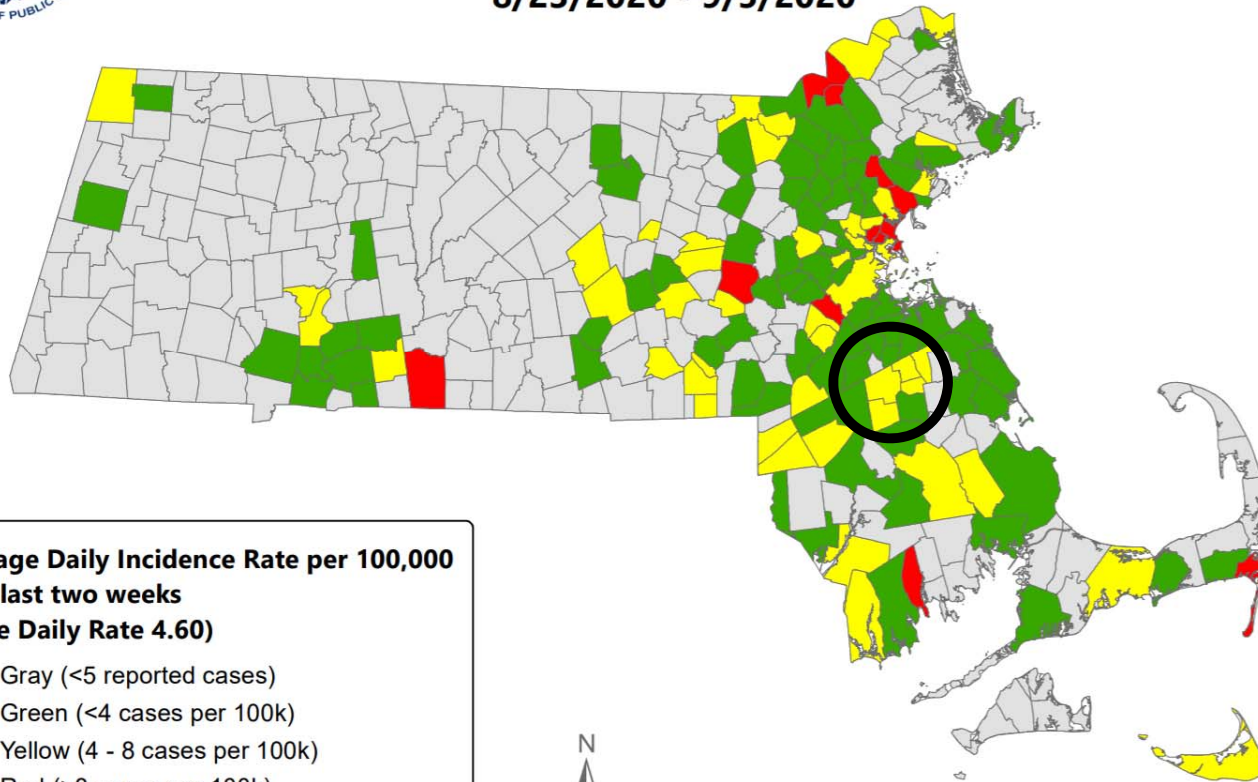
**UNSHAD  
ED**

Fewer than 5 total cases over the past 14 days. Generally, this is for communities with small populations and very few cases.



Massachusetts Department of Public Health COVID-19 Dashboard - Wednesday, September 9, 2020

**Average Daily Incidence Rate (per 100,000, PCR only) for COVID-19  
in MA by City/Town Over Last Two Weeks  
8/23/2020 - 9/5/2020**



**Average Daily Incidence Rate per 100,000  
over last two weeks  
(State Daily Rate 4.60)**

- Gray (<5 reported cases)
- Green (<4 cases per 100k)
- Yellow (4 - 8 cases per 100k)
- Red (>8 cases per 100k)

\* Unknown Official City/Town (N = 72)  
Cases are excluded when City/Town is unknown.

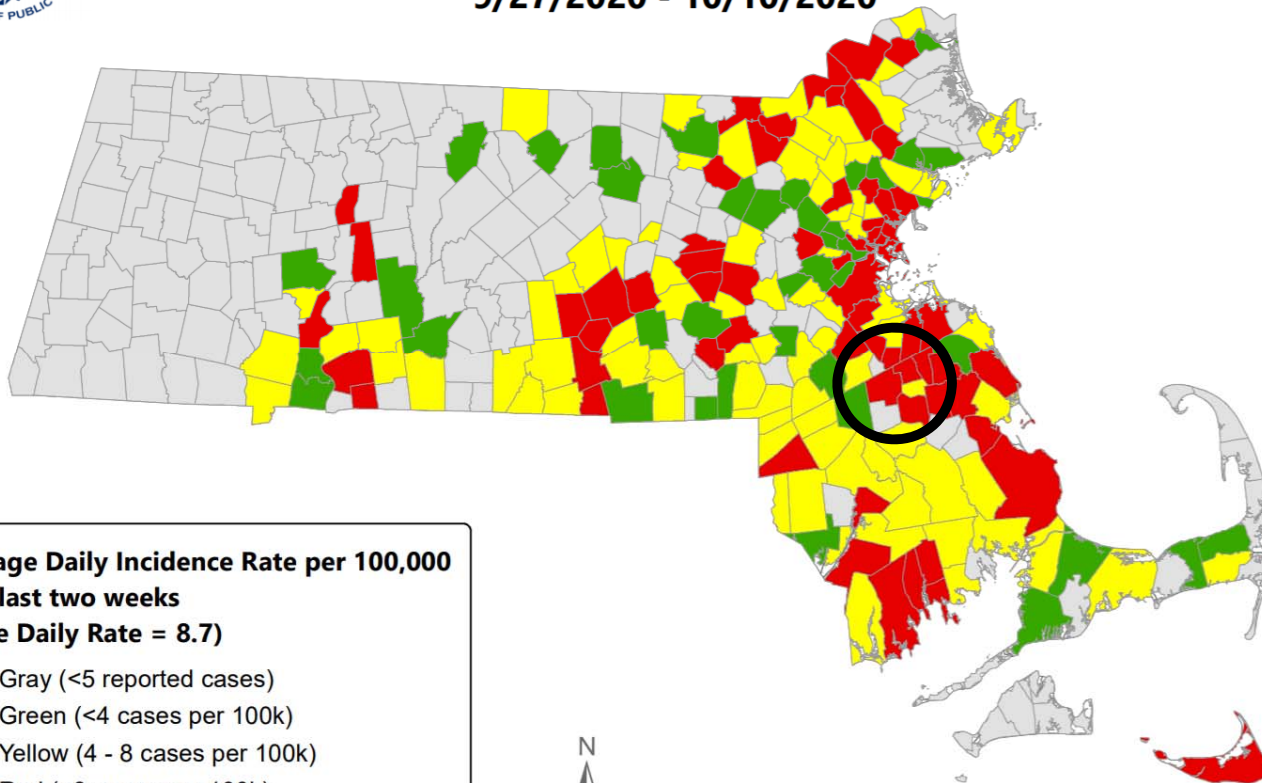
Bureau of Infectious Disease and Laboratory Sciences

\* Data as of 09SEPT2020  
and are subject to change.



Massachusetts Department of Public Health COVID-19 Dashboard - Wednesday, October 14, 2020

**Average Daily Incidence Rate (per 100,000, PCR only) for COVID-19  
in MA by City/Town Over Last Two Weeks  
9/27/2020 - 10/10/2020**



**Average Daily Incidence Rate per 100,000  
over last two weeks  
(State Daily Rate = 8.7)**

- Gray (<5 reported cases)
- Green (<4 cases per 100k)
- Yellow (4 - 8 cases per 100k)
- Red (>8 cases per 100k)

\* Unknown Official City/Town (N = 19)  
Cases are excluded when City/Town is unknown.

Bureau of Infectious Disease and Laboratory Sciences

\* Data as of 14OCT2020  
and are subject to change.

# City of Brockton COVID-19 Daily Dashboard

Thursday, October 15, 2020

New Reported  
Cases Today

**13**

Total Cases

**4,991**

New Reported  
Deaths Today

**2**

Total Deaths

**293**

Brockton Positive Test  
Rate

**3.5 %**

Oct 4 – Oct 10

Statewide rate = 1.3%  
(7-day average)

Active Cases

**204**

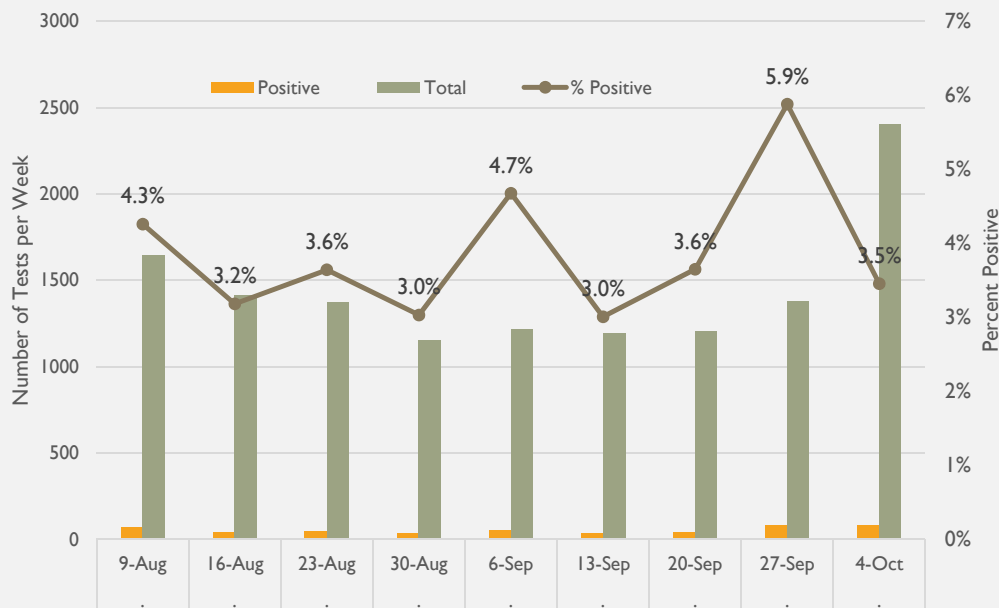
Yesterday 193

Currently in  
Hospital / ICU\*

**- / -**

Yesterday  
12 / 3

BROCKTON COVID Testing Positive Rate



Average Daily Cases per  
100,000 Population  
(14-day period)

**11.9**

Sep 27 – Oct 10

**RED**

Average daily cases per  
100,000 is **greater than 8**

State average = 8.7

**BROCKTON**  
CITY OF CHAMPIONS

\* Combined census: Good Samaritan Medical Center and Signature Brockton Hospital

Data has been obtained from MDPH and MAVEN and is generally believed to be current and accurate.

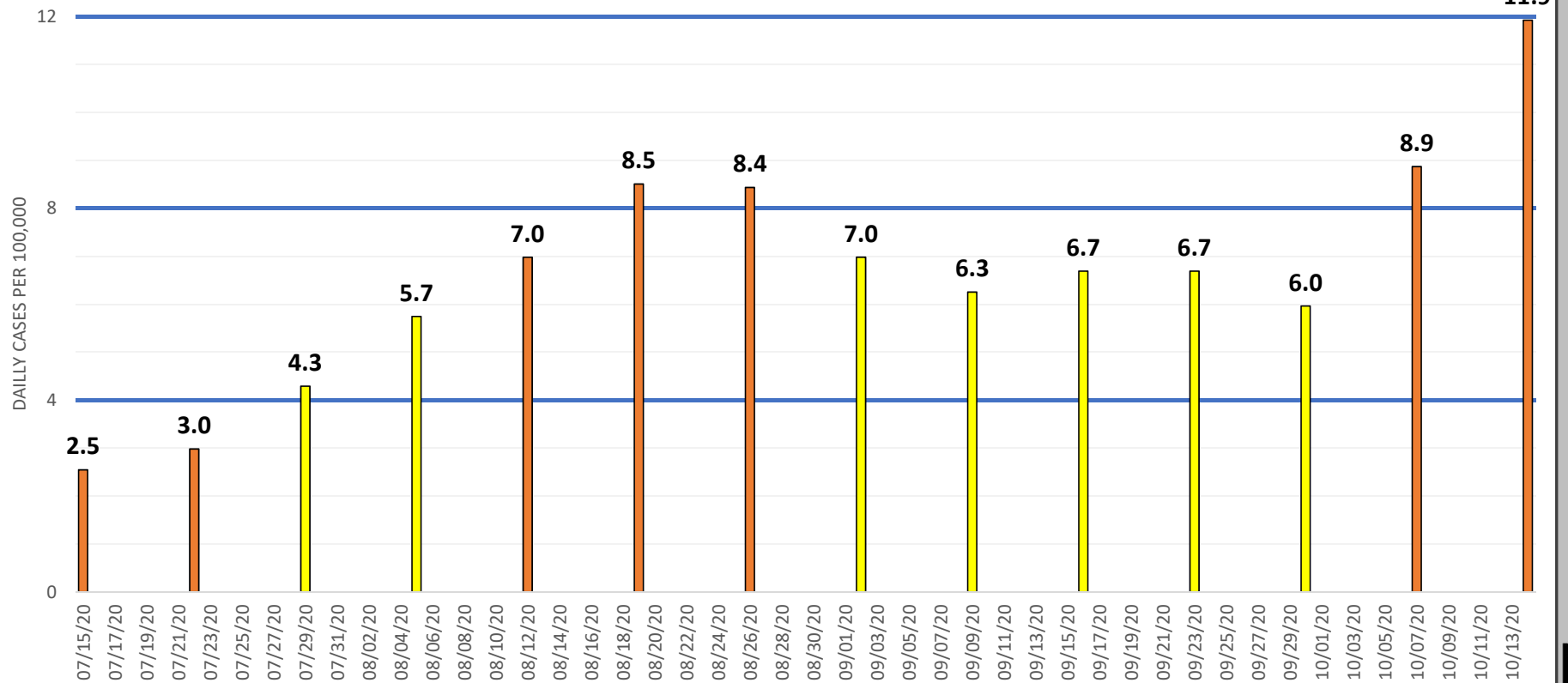
More recent estimate of average daily cases per 100k population →

12.2

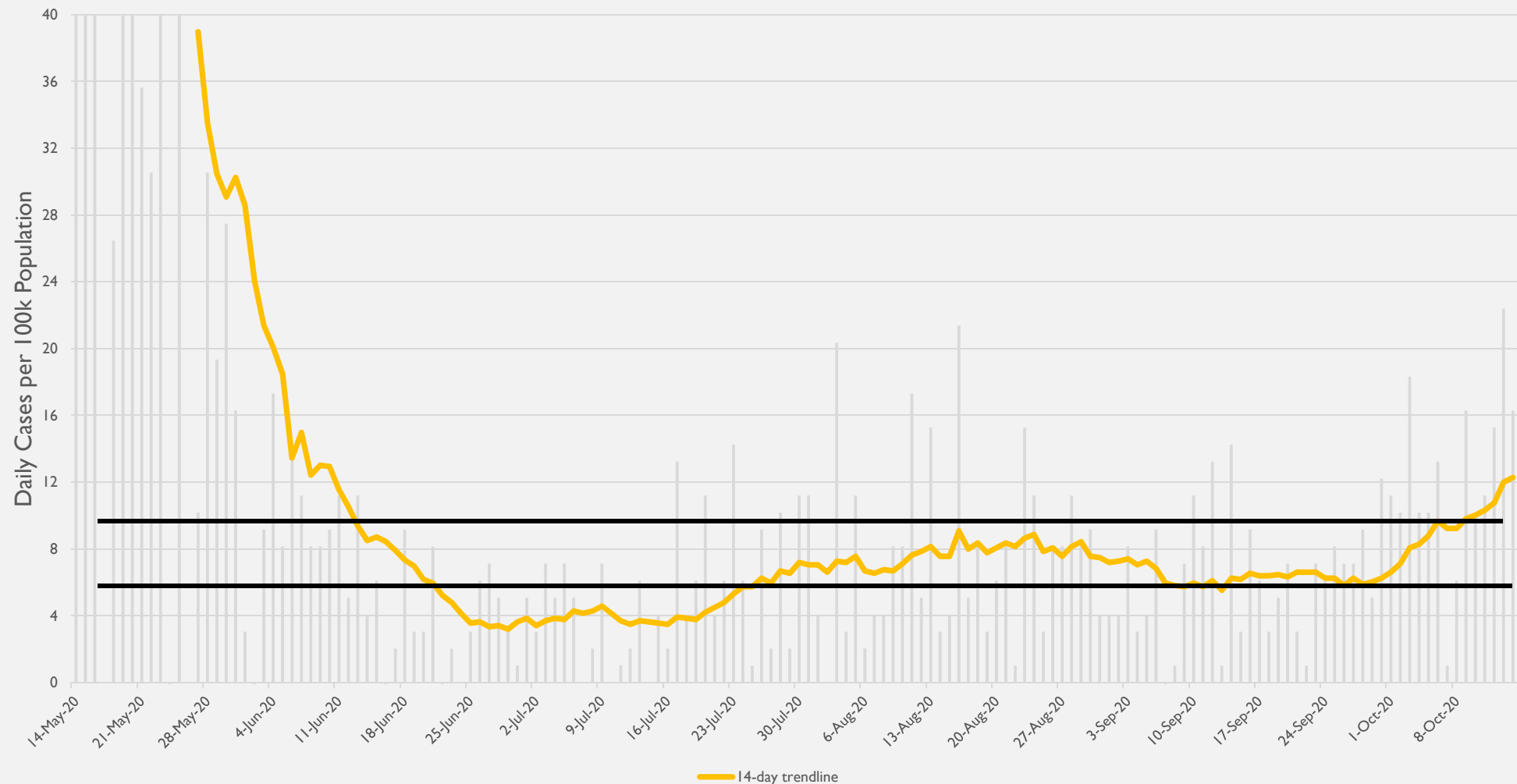
Sep 28 thru Oct 11

rherman@cobma.us

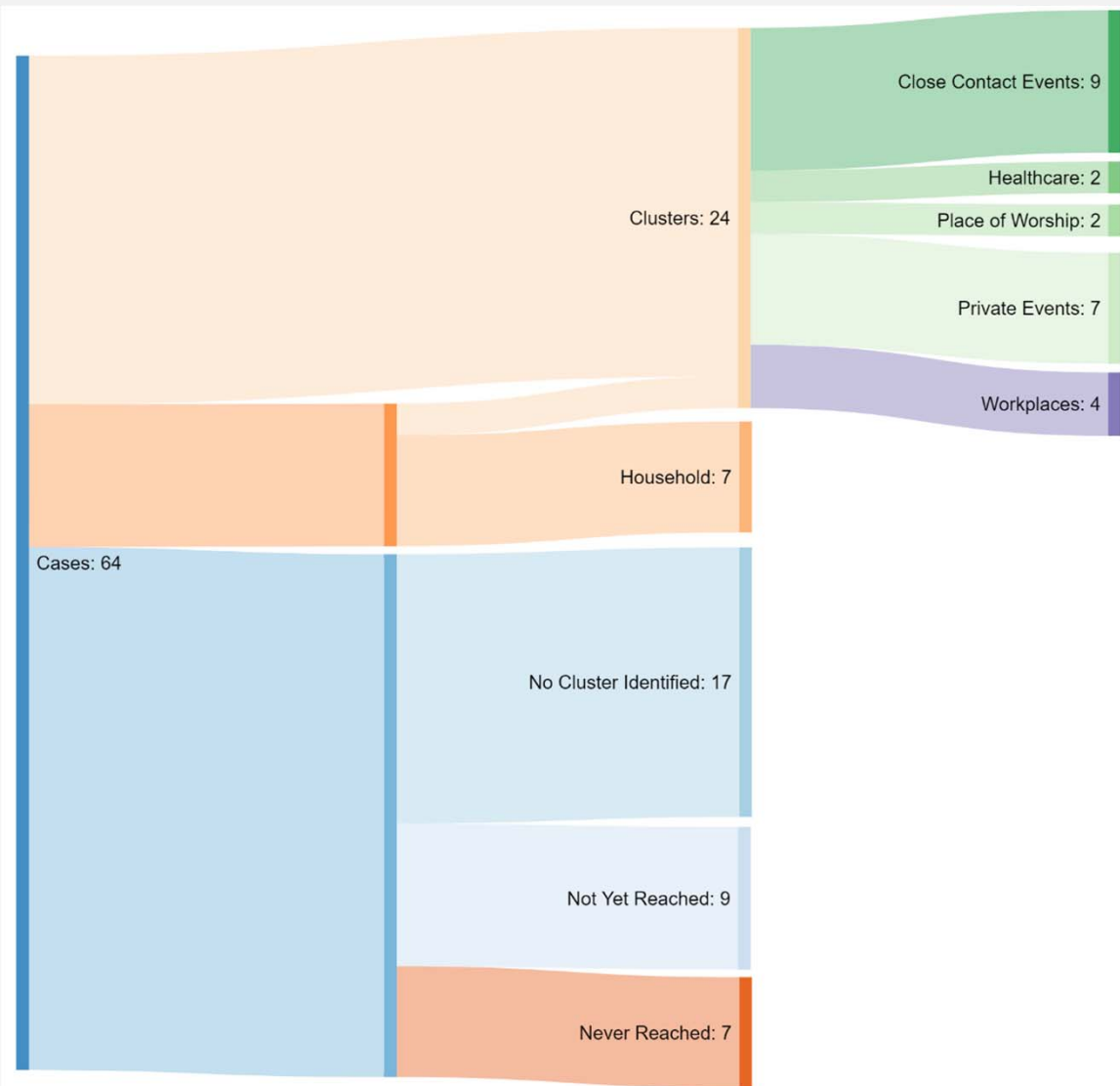
Daily Case Count per 100,000 Population  
(Each bar represents the average of prior 14 Days)



Daily Cases per 100,000 Population







# Demographic Characteristics

## Age

Min, max	0, 105
Mean, std	47.9, 20.3

## Sex

Female	2,633 (58.5%)
Male	1,863 (41.4%)

## Race

White	848 (22.3%)
Black/African American	1,718 (45.1%)
Asian	44 (1.2%)
Native Hawaiian/Pacific Islander	5 (0.1%)
American Indian/Alaskan Native	3 (0.1%)
Other	815 (21.4%)
Unknown	376 (9.9%)

## Hispanic

Yes	503 (11.3%)
No	2,531 (57.0%)
Unknown	1,403 (31.6%)

Most ethnicity data missing  
(4,371 missing)



# Occupation

Occupation data were provided for 702 cases; to note,

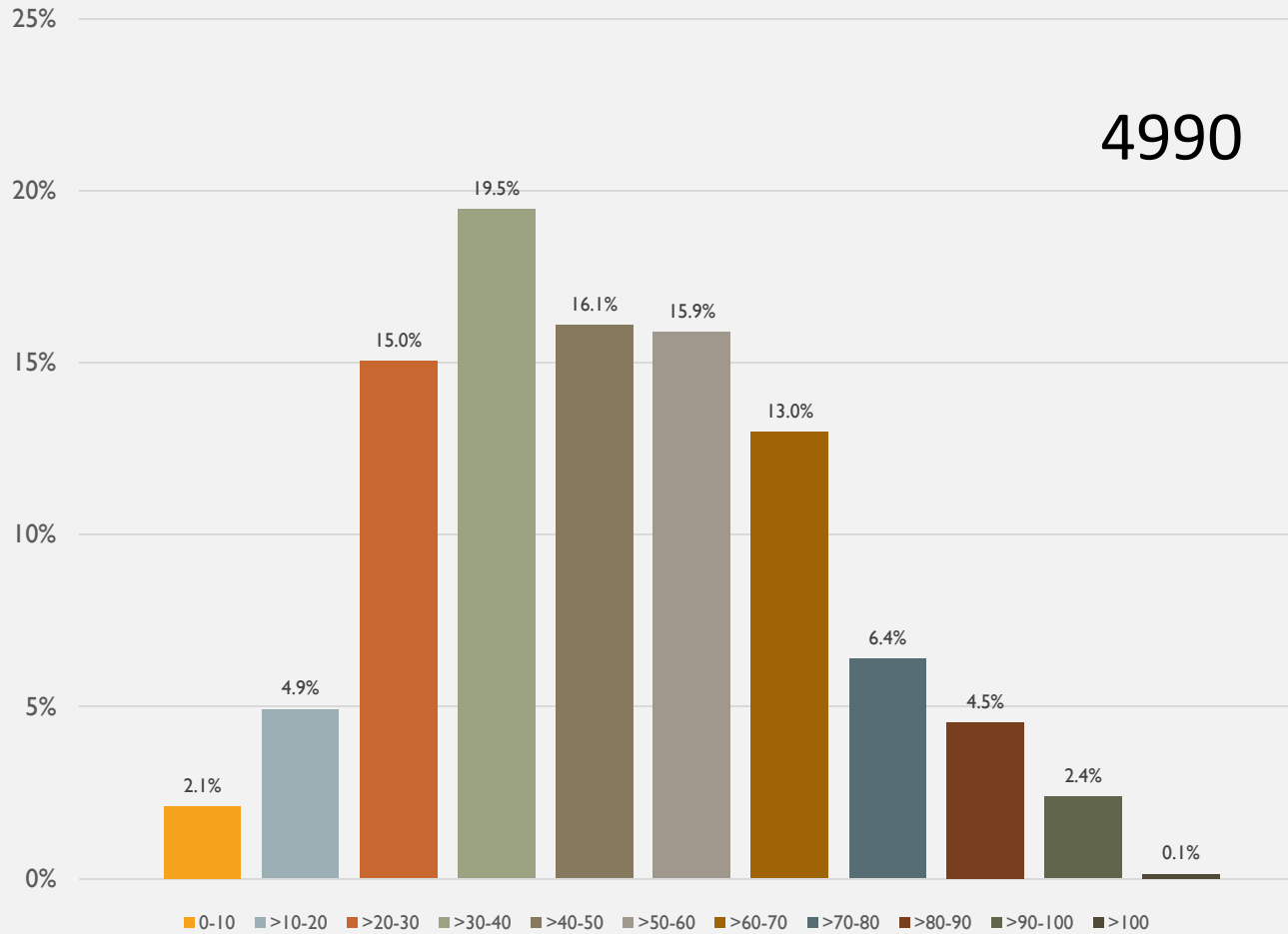
- 5 teachers/teacher assistants, 5 daycare workers
- 191 medical professionals
  - 119 nursing, psychiatric, and home health aides
  - 48 nurses (NP, RN, LPN)
  - Others include pharmacist, occupational therapist, lab tech, dental hygienist, paramedic
- 8 transportation/material moving occupations
- 31 in food service



N

CITY OF CHAMPIONS

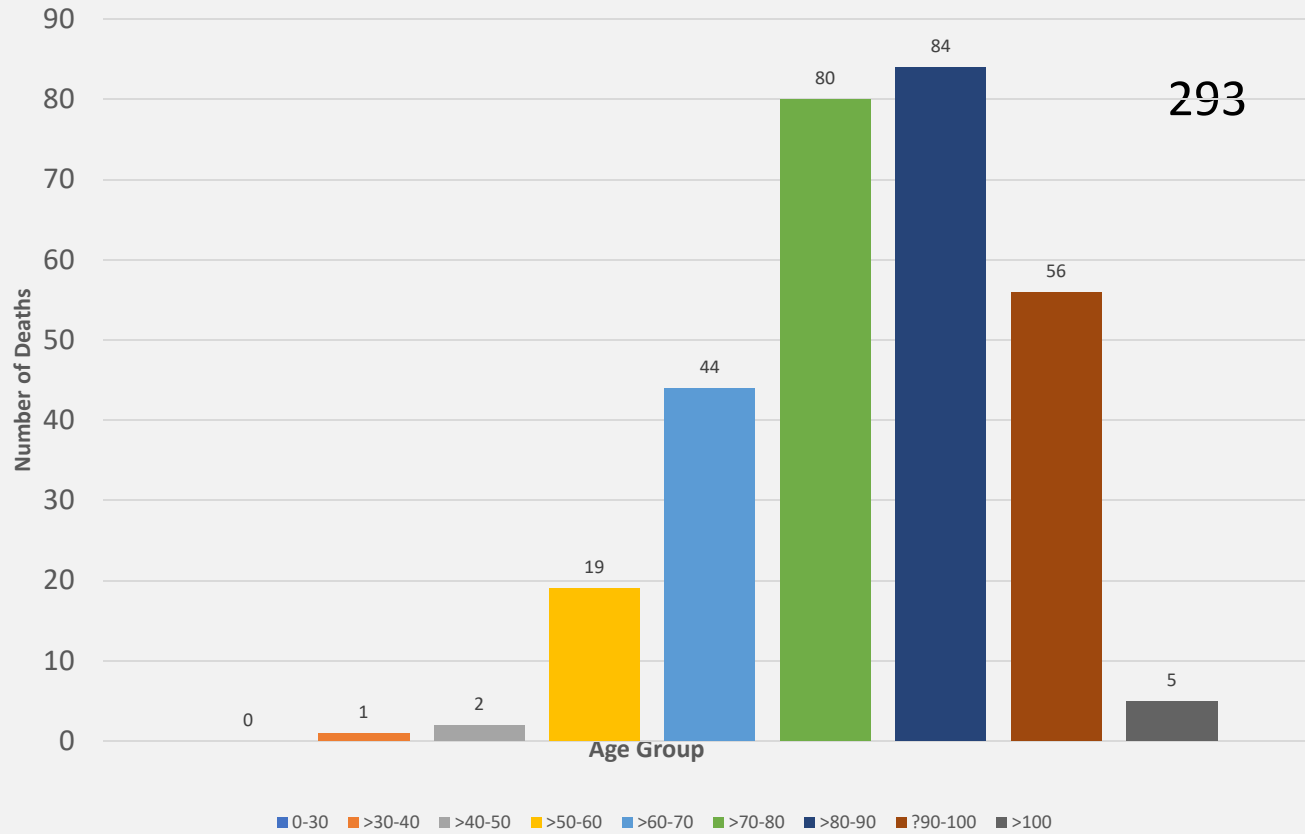
# COVID Cases by Age Group - City of Brockton as of October 14, 2020



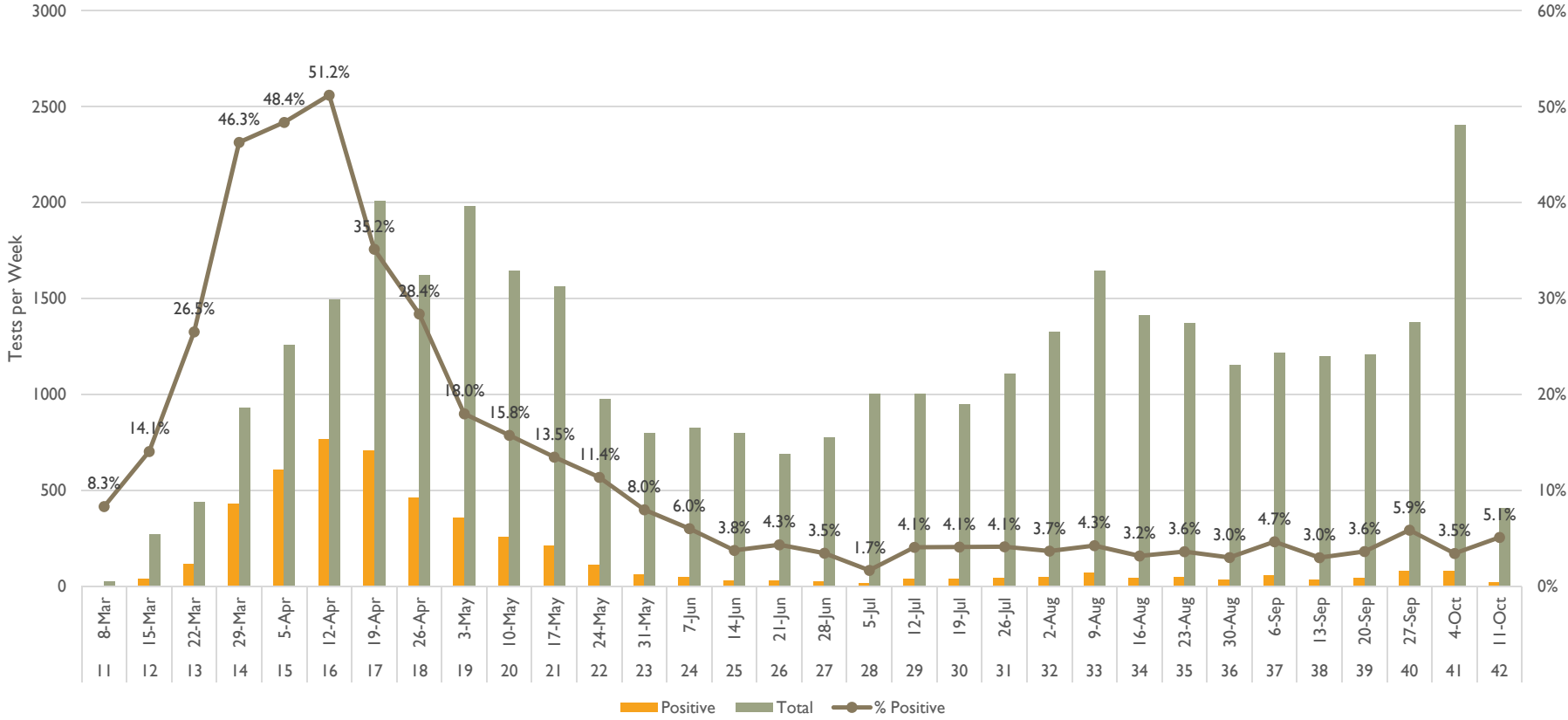
4990

## COVID Deaths by Age Group - City of Brockton

as of October 14, 2020



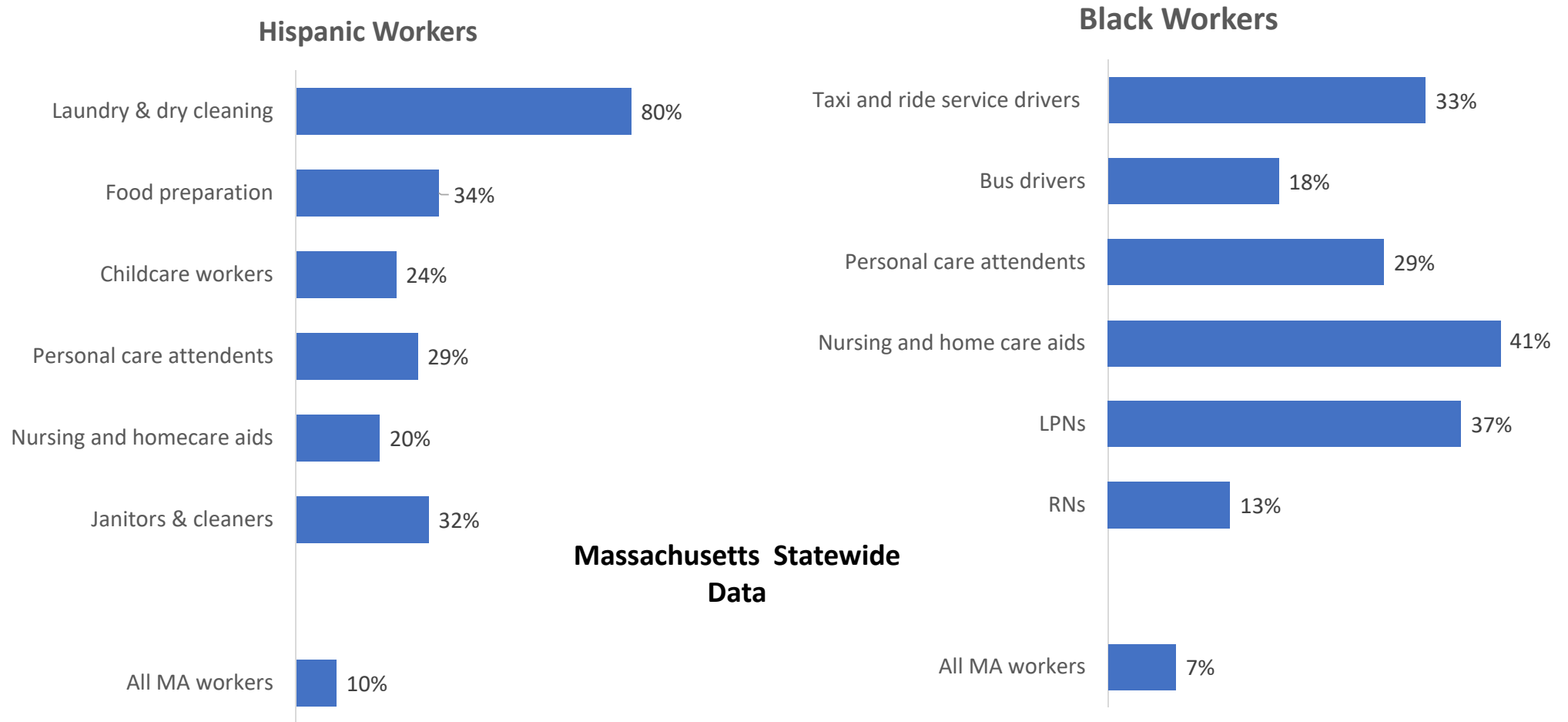
MDPH - BROCKTON - COVID Testing







# People of color are more likely employed in frontline jobs



Source: Current Population Survey, Massachusetts, 2016-2018

But first, a poll!



# Overview of MA COVID-19 workplace safety rules\*

Employers must:

- **Comply with general and sector-specific** COVID-19 workplace safety rules
- **Self-certify compliance** with all COVID-19 workplace safety rules
- **Post all required signage**, including employer and employee posters
  - In English and other languages spoken by at least 5% of employer's workforce
- **Report cases of COVID-19** among employees that you are aware of to Brockton Public Health Department and assist in follow-up of exposed co-workers



\* Issued and enforced under Governor's Executive Orders (and in process of being incorporated in state regulations:454 CMR 31.00.)

# Enforcement

- **MA Department of Labor Standards (DLS) and Local Boards of Health** are responsible for enforcement of COVID-19 Workplace Safety Rules
- **Federal OSHA** is responsible for private sector workplace health and safety in MA. OSHA has no permanent rule or standard that governs airborne infectious diseases BUT
  - Record-keeping and reporting rules do apply for work-related COVID-19
  - Other existing rules may apply e.g. “respirator rule”



## More on the Enforcement Process

- **Inspections**
  - Both DLS and LBOH have the authority to inspect the workplace
- **Process and Penalties**
  - Verbal consultation and redirection
  - Written warning and order to correct
  - Civil fine up to \$300 per violations up to 3 times
  - Cease and desist letter
  - File for an injunction to temporally close business
- **Any person may file a complaint**
  - Workers can not be discriminated against for filing a complaint.





## What workers/customers are reporting statewide

- As of October 5, **DLS had 1,106** COVID-19-related worker health and safety complaints open
- Types of complaints



### MOST COMMON

Poor hygiene	Lack Masks/PPE	Lack social distancing	Retaliation of those who complain	Making sick people work	No compliance attestation posted
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## Brockton Worker Stories

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E. worked at a local food factory that supplies local supermarkets, small grocery stores, etc. When the COVID-19 pandemic started, supervisors kept telling workers that if they felt sick, they had to stay at home and that company needed to keep producing with or without them. E. felt sick and decided not to tell her supervisor because she was fearful of getting fired. Instead, she self medicated with over the counter medicines and stayed home for a few days to recover.

# General COVID-19 Workplace Safety Rules

- **Social Distancing**

- Require at least 6 ft. inside and outside – “to greatest extent possible”.
- Establish protocols to insure workers can socially distance
- Provide signage
- **Require all workers wear face coverings or masks**

- **Hygiene Protocols**

- Provide hand-washing capabilities.
- Ensure frequent handwashing and adequate supplies to do so

- **Cleaning and Disinfection**

- Establish and maintain cleaning protocols
- **Regularly disinfect high touch areas**
- Clean and disinfect when employee is diagnosed with COVID-19

## Staffing and operations

- Train workers on social distancing and hygiene protocols.
- **Develop written control plan including a return-to-work plan**
- Do not permit workers with COVID-19 like symptoms to report to work
- **Report cases of COVID-19 among employees to Local Board of Health**



# Create a COVID-19 Control Plan

## Assess physical spaces and tasks

To determine potential sources of exposure: airborne, droplets, contaminated surfaces

## Implement/enforce workplace specific safety protocols

That meet state standards and best practices



## Provide worker training

And ongoing communication



## Keep sick workers out of the workplace

Implement screening, return-to-work protocols, paid sick leave. Report cases to public health



# Assessing the hazard: how can workers and customers be exposed to the virus?

**SARS-CoV-2 spreads via:**

1. **Large respiratory droplets** (from a sneeze or cough)
2. **Aerosols** (very small particles). Airborne transmission is recognized as an important source of the virus
3. Touching an object or surface covered in virus droplets, then touching your nose, eyes, or mouth (**Fomites**)



## ***Best Practices Guidance***

# **Implementing your COVID-19 Control Plan**

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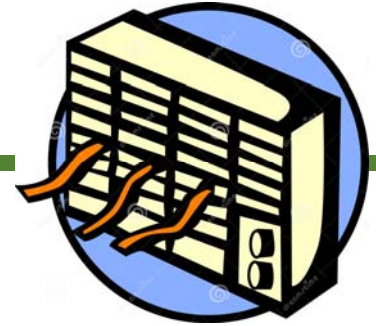
- **Engage employees in development of plan**

***It takes a collective effort to stay open!***

- Designate individual onsite with authority to enforce the plan
- **Have clear process for workers to raise concerns**
- Have good signage to reduce potential conflicts with customers
- **Include communication strategy for providing employees with ongoing updates**



## *Best Practices Guidance* for SARS COVID-19 Ventilation



**Outside air (OA) is clean. Your indoor air is potentially hazardous with the virus.**

- Maximize amount of **outside air** (%OA) coming in
- Maximize **air exchange** (air changes per hour)
- Maximize **filtration** of potentially contaminated air
- Identify **directional air flow** to prevent or minimize exposure to contaminated air (fans, blowers, air conditioners)





## *Best Practices Guidance* **Cleaning and Disinfecting**

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- Use [EPA-registered disinfectants](#)\* with label claims to be effective against SARS-CoV-2.
- Use basic cleaners and water to pre-clean surfaces before applying an EPA-registered disinfectant to frequently touched surfaces or objects for appropriate contact times as indicated on the product's label)
- Provide the appropriate PPE needed to prevent exposure to the chemicals that you are using ([29 CFR 1910 Subpart I](#))
- 
- Provide training and Safety Data Sheets and other manufacturers instruction for the best way to safely use the cleaners and disinfectants (OSHA's Hazard Communication ([29 CFR 1910.1200](#) and Respiratory Protection standard ([29 CFR 1910.134](#)))
- Do not use compressed air or water sprays to clean potentially contaminated surfaces, as these techniques may aerosolize infectious material

\*MA EPP contracts for pre-approved products and contracts for cleaning and disinfectants

# *Best Practices Guidance*

## Face coverings and Masks

- Face coverings/masks are critical - but do not replace need for social distancing
- Type depends on exposure – know the difference
- Provided by employer to assure consistent practices
- Teach workers how to use and store them

### Face coverings, masks, and respirators—what's the difference?



**Cloth face covering: keeps droplets from getting into air**



**Surgical masks: keeps droplets from getting into air and provides more protection for wearer**



**N95 Respirator: Most protective – for high risk jobs. Protects the wearer from inhaling airborne virus and keeps droplets from escaping into the air.**

## *Best Practices Guidance*

# Return-to-work after COVID-19

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- **Use time and symptoms-based criteria**
  - **At least 10 days** after symptoms first appeared and **least 24 hours without fever** and improvement in symptoms.
    - Cases without symptoms: **At least 10 days** have passed since date of first positive COVID-19 diagnostic test
- **Do NOT require proof of a negative COVID-19 test**
  - Burden on health care system
  - May exclude people who are no longer infectious
- **May request employee to provide clearance from isolation notice from Local Board of Health or health care provider**

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/disposition-in-home-patients.html>

## *Best Practices Guidance*

# Identifying and reporting cases among employees to Public Health

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- **Develop protocol for employees to report to employer if they test positive for COVID-19**
- **Notify Brockton Board of Health (LBOH where employer is located.)**
  - By phone or FAX. Not email
  - Be prepared to provide:
    - Name/address of case,
    - If case present in workplace during 2 days prior to symptoms onset or testing
    - Worksite address– if different from main employer address/Number of workers at site
- **Assist LBOH in identifying workers who have been in close contact (6 feet for 15 minutes or more) with infected person**
- **Co-workers determined to have been in close contact will be quarantined for 14 days**

<https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html>

## *Best Practices Guidance*

### Keeping workers who are sick out of the workplace

- **Implement daily screenings**
  - Current SYMPTOMS of COVID-19
  - Fever greater than 100.4 F
  - Close contact in the last two weeks with someone diagnosed with COVID-19
- **Paid sick leave is important to encourage honest reporting**



<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

## Brockton Worker Stories

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- E. was working at a local supermarket when she contracted the virus back in June and also passed it on to one of her children. When E. contracted the virus, she told her supervisor and was told that she had to stay home until she feels better. She has asked her employer for pay and they told her that she didn't qualify to receive any benefits. She's been home for more than three months now. Two weeks ago, the employer told her that she had been replaced by someone else and E. is currently waiting to hear back if employer will employ her again.

# **It's the Law:**

## **What Employers Need to Know about paid sick leave and furloughs**

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- **When employees are entitled to paid leave**
- **Employer Requirements for lay offs, furloughs & shutdowns**
- **How to track Reopening**



## Paid Leave

### Families First Coronavirus Response Act

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#### Who is Subject to the FFCRA Requirements:

ALL **private** employers  
with  
Fewer than **500 employees**

# Paid Leave

## Families First Coronavirus Response Act

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**An employee qualifies for **AT LEAST** two weeks of paid leave if the employee:**

1. Is under quarantine for COVID-19
2. Has been advised to self quarantine due to COVID-19
3. Has COVID-19 symptoms & is awaiting diagnosis
4. Is caring for someone quarantined under No. 1 or 2
5. Is caring for a child whose school/day care is closed
6. Is experiencing any other similar condition as specified by USHHS

# Paid Leave

## Families First Coronavirus Response Act

- **How much leave does the employee get?**
  - For reasons 1-4 & 6 (everything but childcare): Two weeks
    - 80 hours for full timers
    - Number of hours that employee would normally work over two weeks for part timers
  - For reason 5 (childcare): Up to 12 weeks
- **How much must the employee be paid while on leave?**
  - For reasons 1-3: Regular rate of pay or minimum wage (\$12.75/hr), whichever is higher
  - For reason 4 or 6: 2/3 of regular rate of pay or 2/3 of minimum wage, whichever is higher
  - For reason 5: 2/3 of regular rate of pay or 2/3 of minimum wage, whichever is higher (2 wks sick + 10 wks FMLA)

# Paid Leave

## Families First Coronavirus Response Act

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# Paid Leave

## Families First Coronavirus Response Act

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### Why should you comply?

#### The Carrot: Tax Credits

- Dollar-for-Dollar reimbursements for ALL qualifying wages paid under FFCRA
  - \$511/employee/day for full rate or \$200/employee/day + benefits

#### The Stick: Enforcement under Fair Labor Standards Act, 29 U.S.C. s. 16 and 17

- Criminal: \$10,000 fine & up to 6 months in prison
- Civil: Damages + Attorneys' Fees

# Paid Leave

## Families First Coronavirus Response Act

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- Minimum wage and sick leave requirements **apply regardless of the employee's immigration status.**
- **All employees** are entitled to the sick leave provisions of the FFCRA **regardless of immigration status.**
- The employer is **eligible for dollar-for-dollar reimbursement** for paid sick leave wages **regardless of the immigration status** of the employee.

# Paid Leave

## Families First Coronavirus Response Act

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### **Limited Exemption**

Small businesses with fewer than 50 employees **MAY** be exempt from providing paid leave for Reason 5 (unavailability of school or childcare) **IF** compliance would **jeopardize the viability of the business**

### *Complete Summary*

[https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave#\\_ftnref2](https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave#_ftnref2)



# Layoffs, Furloughs & Shutdowns

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- **Layoffs:** Employees have a right to be paid in full all outstanding wages owed and all earned vacation time on the day of the layoff.
- **Furloughs:** A furlough must be an agreement between the employer and employee. Employees should continue to receive benefits contributions during a furlough. If the employer is no longer able to afford benefits contributions, furlough becomes a layoff, and the employer must pay out earned wages and vacation time within 6-7 days.
- **Shutdowns:** Employers cannot delay payment due to a shutdown. If employees are asked to stay home due to partial or total shut down, hourly employees do not need to be paid. Salaried employees must receive full pay if they work any part of the week during a shut down.

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# Q&A

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**Final poll!**



# COVID-19 Resources for Massachusetts Employers

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**Full list will be sent to participants along with slides**