

Tool: Model COVID-19 Medical Screening Policy

Regulators have made it clear that given the unique circumstances of the COVID-19 pandemic, employers may implement pre-screening measures to ensure that people who have or may have the virus don't get into work and spread it to others. But limits still apply and you can get into a lot of trouble if you don't follow them. Here's a Model Policy your firm can adapt that provides for the necessary privacy, health and safety, non-discrimination and other protections.

COVID-19 PRE-SCREENING & TEMPERATURE CHECKS POLICY

1. POLICY STATEMENT

COVID-19 coronavirus is highly contagious and implementing social distancing practices is essential to prevent its spread. Accordingly:

During the current COVID-19 pandemic, no persons will be permitted to enter or remain at an XYZ Law Firm work site or facility unless and until they submit to and receive clearance under the pre-screening process set forth in this Policy.

2. PURPOSE

In recognition of the invasive nature of medical pre-screening and the potential hazards it poses, XYZ Law Firm has adopted this Policy to clearly explain how the process will work and ensure that it is done fairly, effectively, safely, consistently and in a manner that complies with current US Centers for Disease Control (CDC) and other public health guidelines (collectively, “Guidelines”).

3. SCOPE

The requirement to undergo pre-screening under this Policy applies not just to laboratory employees but to all persons seeking entrance to XYZ Law Firm facilities, including but not limited to contract workers, couriers, clients, customers and visitors. **No person will be exempt from pre-screening and pre-screening will be required prior to any and all entry and not waived for any occasion.** Those wishing to avoid undergoing pre-screening may do so by staying away and not seeking to enter the facility.

4. PRE-SCREENING PROCEDURES

XYZ Law Firm will create a pre-screening checkpoint in the front entrance of the building that all persons will be required to pass through before entering the facility. A nurse or other qualified health professional stationed at the checkpoint will administer the pre-screening exam in accordance with the following procedures and criteria.

4.1 Body Temperature Check

Screening personnel will take each entrant’s body temperature to ensure they do not have a fever. No person whose body temperature meets or exceeds the fever threshold of 100.4°F (38°C) shall be allowed entry into the facility.

4.2 Other Symptoms & Risk Factors Check

In recognition of the possibility that a person can have COVID-19 without having a fever, the nurse or screener will ask all entrants the following YES/NO questions:

- Are you experiencing any of the following symptoms: cough, fever, difficulty breathing or sudden loss of smell?
- Have you been outside the US within the past two weeks?
- Have you had close contact, i.e., within six feet (two meters) of a person confirmed as having COVID-19 within the past two weeks?

4.3 Admittance Criteria

No person who answers YES to any of the above questions will be allowed to enter the facility.

Exception: Individuals who provide critical health care or support services at the lab may be admitted if they are asymptomatic and agree to do ALL of the following:

- Wear a face mask at all times while in the facility;
- Adhere to all XYZ Law Firm social distancing protocols and requirements; and
- Self-monitor while in the workplace in accordance with XYZ Law Firm medical procedures, policies and protocols.

4.4 Pre-Screening Form

Screening personnel will record the results of each check on the XYZ Law Firm COVID-19 Pre-Screening Form, a copy of which is attached to this Policy as Exhibit A.

5. PRIVACY PROTECTIONS

ABC Company will implement the following safeguards to minimize privacy intrusions during and after the screening process.

5.1 No Additional Information to Be Collection

In recognition of entrants' privacy rights and that the protected health information (PHI) collected under Sections 4.1 and 4.2 above is the minimum necessary to accomplish the social distancing and health and safety purpose of pre-screening, screening personnel will neither request nor seek to collect any further medical information of any kind during the pre-screening process.

5.2 Pre-Screening Records Retention

In recognition that the information contained in pre-screening records is PHI, XYZ Law Firm will retain the records of entrants who are employees that fail to pass the pre-screening criteria in a confidential personnel file that will not be used or disclosed except in accordance with the XYZ Law Firm Employee Privacy Policy, and that will be treated as confidential data that must

be kept secure in accordance with the XYZ Law Firm Data Security Policy. XYZ Law Firm will not retain the pre-screening records of:

- Entrants who pass pre-screening; or
- Entrants who do not pass pre-screening and are denied entry but who are not employees of XYZ Law Firm.

6. HEALTH & SAFETY OF TEMPERATURE TAKING PROCESS

A competent person will perform a hazard assessment to identify potential infection, health and safety hazards to both screening personnel and entrants during the temperature-taking process and XYZ Law Firm will implement the following measures to eliminate or control identified hazards:

- Where reasonably practicable, the use of engineering control, e.g., substitution of contact thermometers with infrared non-contact thermometers to eliminate the need for contact between screening personnel and entrants;
- Administrative and work controls, including ensuring that screening personnel are properly trained and follow safe work procedures; and
- Use of appropriate personal protection equipment.

7. DURATION OF POLICY

This Policy is a temporary measure that will last only as long as the COVID-19 pandemic and will end once the Guidelines' social distancing mandate becomes no longer necessary. In addition, XYZ Law Firm reserves the right to modify any and all of the Policy terms and procedures, including the elimination or addition of requirements, as Guidelines change over the course of the pandemic.