



Reopening the Workplace

OSHA General Duty Clause & Returning to Work:
Employer Requirements and Legal Obligations

Presenters:

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Reopening the Workplace COVID-19 Special Series

The Institute is excited to announce a new webinar series to help employers navigate the unprecedented issues in the workplace arising from the Coronavirus pandemic.

This series focuses on reopening the workplace. Our Institute leaders, our nationally renowned faculty, and special guests will join together to discuss legal considerations, reassessing jobs in a changed environment, and challenges of managing remote workers.

Key Focus Areas

- OSHA General Duty Clause
- OSHA & CDC Guidance
- State Requirements
- Reopening & Returning to Workplace
- OSHA Enforcement

Key Takeaways

- Review Guidance & State requirements
- Assess Risk
- Develop plan to address level of exposure risk in your organization
- Implement infection prevention measures
- Institute procedures for identification and isolation of sick employees
- Communicate workplace flexibilities and protections

Links to OSHA/CDC Guidance

OSHA COVID-19 Guidance Homepage:

<https://www.osha.gov/SLTC/covid-19/>

OSHA Guidance on Preparing Workplaces:

<https://www.osha.gov/Publications/OSHA3990.pdf>

CDC COVID-19 Guidance for Businesses/Employers:

<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>

Upcoming Sessions

Guidance on avoiding discrimination and harassment upon returning to work

OSHA general duty clause and what it requires of employers as employees return to work

When do you have to provide paid leave to your employees during the COVID-19 pandemic

How to handle sick employee in the workplace

Issues with taking temperatures or otherwise checking employees for COVID-19 symptoms

How to handle employees who refuse to return to work

Pandemic return to work: What rights do employees have?

David S. Fortney



David Fortney is a co-founder of Fortney & Scott, LLC, a Washington, D.C.-based law firm counseling and advising clients on the full spectrum of work-place related matters, including employment discrimination and labor matters, compliance programs, government contracting, and developing strategies for avoiding or responding to workplace-related crises. Mr. Fortney's broad-based practice includes equal employment opportunity requirements, wage and hour matters, federal contractor's affirmative action and non-discrimination obligations, collective bargaining, and workplace health and safety. He brings experience from the public and private sectors, and he represents clients before federal and state agencies, including the U.S. Department of Labor's agencies, the Equal Employment Opportunity Commission, and the National Labor Relations Board.

Previously, Mr. Fortney served as the chief legal officer and other positions at the U.S. Department of Labor in Washington, D.C. during the term of President George H.W. Bush.

Mr. Fortney is on the Board of Directors of the American Employment Law Council, a co-founder of the Institute for Workplace Equality, and a Member of the ABA Council for the Labor & Employment Section. Mr. Fortney has been recognized as one of the leading employment lawyers in Washington, D.C. by the CHAMBERS USA survey of America's Leading Lawyers for Business in all years from 2005 through present. He was selected for inclusion in the 2008 through present editions of *The Best Lawyers in America*, *Washington D.C.'s*, *Washington D.C.'s Best Lawyers*, and *Super Lawyers*. Mr. Fortney received an AV rating (the highest level) by Martindale-Hubbell.



John D. Clifford

John Clifford is an Associate at FortneyScott. He assists clients with a variety of workplace-related matters, including employment discrimination, compensation and leave issues, and other employment matters that confront employers each day. Mr. Clifford's practice focuses on guiding employers in their efforts to maintain policies and practices that are compliant with local and federal law, in particular counseling federal contractors regarding their affirmative action and nondiscrimination obligations, and advising in matters involving the DOL's Office of Federal Contract Compliance Programs.

Mr. Clifford has experience representing clients in litigation before federal and state courts, and administrative agencies including the EEOC and the Office of Compliance. Mr. Clifford has defended employers against claims of discrimination, sexual harassment, retaliation, as well as wage and hour and breach of contract claims, and has assisted employers seeking to protect their business interests through the enforcement of non-competition and non-solicitation covenants.

In addition, Mr. Clifford has worked with employers to investigate allegations of worker misconduct, and to develop policies to address these matters.

Mr. Clifford received his law degree, with honors, from the George Washington University Law School, and received his Bachelor's degree from the University of Michigan