

## Marist College New York Health and Essential Rights Act or HERO Act

### I. BACKGROUND

Marist College has adopted New York State’s Infectious Disease Exposure Prevention Plan for Private Education to protect employees against exposure and disease during an airborne infectious disease outbreak. This plan goes into effect when an airborne infectious disease is designated by the New York State Commissioner of Health as a highly contagious communicable disease that presents a serious risk of harm to the public health. This plan is subject to any additional or greater requirements arising from a declaration of a state of emergency due to an airborne infectious disease, as well as any applicable federal standards.

*Employees should report any questions or concerns with the implementation this plan to the designated contacts listed on Page 2 of this plan.*

This plan applies to all “employees” as defined by the New York State HERO Act, which means any person providing labor or services for remuneration for a private entity or business within the state, without regard to an individual’s immigration status, and shall include part-time workers, independent contractors, domestic workers, home care and personal care workers, day laborers, farmworkers and other temporary and seasonal workers. The term also includes individuals working for digital applications or platforms, staffing agencies, contractors or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, regardless of whether delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter. The term does not include employees or independent contractors of the state, any political subdivision of the state, a public authority, or any other governmental agency or instrumentality.

## II. RESPONSIBILITIES

This plan applies to all employees of Marist College, and [all] / [the following work sites]:

|                        |
|------------------------|
| Poughkeepsie, New York |
| New York, New York     |

This plan requires commitment to ensure compliance with all plan elements aimed at preventing the spread of infectious disease. The following supervisory employee(s) are designated to enforce compliance with the plan. Additionally, these supervisory employees will act as the designated contacts unless otherwise noted in this plan:

| Name              | Title                           | Location      | Phone        |
|-------------------|---------------------------------|---------------|--------------|
| Christina Daniele | V.P. of Human Resources         | Donnelly Hall | 845-575-3349 |
| Eva Jackson       | Director of Employee Relations  | Donnelly Hall | 845-575-3349 |
| John Blaisdell    | Director of Safety and Security | Donnelly Hall | 845-471-1822 |
|                   |                                 |               |              |

## III. EXPOSURE CONTROLS DURING A DESIGNATED OUTBREAK

### 1. MINIMUM CONTROLS DURING AN OUTBREAK

During an airborne infectious disease outbreak, the following minimum controls will be used in all areas of the worksite:

- General Awareness:** Individuals may not be aware that they have the infectious disease and can spread it to others. Employees are instructed to:
  - Maintain physical distancing, where feasible;
  - Exercise coughing/sneezing etiquette;
  - Wear face coverings, gloves, and personal protective equipment (PPE), as appropriate;
  - Individuals limit what they touch;
  - Stop social etiquette behaviors such as hugging and hand shaking, and
  - Wash hands properly and often.
- “Stay at Home Policy”:** If an employee develops symptoms of the infectious disease, the employee should not be in the workplace. The employee should inform the designated contact and follow New York State Department of Health (NYSDOH) and Centers for Disease Control and Prevention (CDC) guidance regarding obtaining medical care and isolating.

Marist College instructs all employees to remain at home if they are unwell. Temporary policies have been developed, to align with federal, state, and county public health states of emergency which include modifications to the sick leave policy, with a provision for mandatory quarantine or isolation, if applicable.

3. **Health Screening:** To ensure the ongoing health and safety of the community, Marist will follow New York State directives to implement a mandatory health screening program for employees. Employees will be screened for symptoms of the infectious disease prior to the start of their work day or arrival on campus. If an employee does not pass the screening, they are instructed to notify their supervisor and contact a healthcare professional.

Employees are instructed to self-monitor throughout their shift and report any new or emerging signs or symptoms of the infectious disease to the designated contact. An employee showing signs or symptoms of the infectious disease will be removed from the workplace and should contact a healthcare professional for instructions. The health screening elements will follow guidance from NYSDOH and CDC guidance, if available.

4. **Face Coverings:** To protect the health of all members of the College community, Marist will require employees to wear face coverings in accordance with New York State and CDC guidelines. Face coverings and physical distancing will be paired, whenever possible.

The face covering must cover the nose and mouth, and fit snugly, but comfortably, against the face. The face covering itself must not create a hazard, e.g. have features could get caught in machinery or cause severe fogging of eyewear. The face coverings must be kept clean and sanitary and changed when soiled, contaminated, or damaged.

On [August 16, 2021](#), Marist College enacted a temporary change to health and safety guidelines, which requires the use of masks in all indoor administrative and academic spaces on campus regardless of vaccine status.

5. **Physical Distancing:** Physical distancing will be followed as much as feasible. Avoid unnecessary gatherings and maintain a distance of at least six feet (or as recommended by the NYSDOH/CDC for the infectious agent) from each other. Use a face covering when physical distance cannot be maintained.

Marist College may implement any or all of these additional controls in various campus spaces depending on the situation:

- restricting or limiting customer or visitor entry;
- limiting occupancy;
- allowing only one person at a time inside small enclosed spaces with poor ventilation;
- reconfiguring workspaces;
- physical barriers;
- signage;
- floor markings;
- telecommuting;
- remote meetings;
- preventing gatherings;
- restricting travel;

- creating new work shifts and/or staggering work hours;
  - adjusting break times and lunch periods;
  - delivering services remotely or through curbside pickup;
6. **Hand Hygiene:** To prevent the spread of infection, employees will be guided to wash hands with soap and water for at least 20 seconds or use a hand sanitizer with at least 60% alcohol to clean hands BEFORE and AFTER:
- Touching your eyes, nose, or mouth;
  - Touching your mask;
  - Entering and leaving a public place; and
  - Touching an item or surface that may be frequently touched by other people, such as door handles, tables, gas pumps, shopping carts, or electronic cashier registers/screens.

To support increased hand sanitation, Marist has increased the number of hand sanitizer dispensers throughout the campus in order to ensure placement at the entrance to every building.

7. **Cleaning and Disinfection:** In conjunction with social distancing and personal hygiene guidelines to minimize the spread and health risks of COVID-19, the College will employ a consistent, thorough, and deliberate cleaning strategy across all campus facilities. This strategy includes use of hospital-grade, EPA-approved products for disinfecting and deep cleaning.

As part of this strategy, it is expected that individuals take responsibility for cleaning and sanitizing their own work spaces. The Housekeeping Department will provide sanitizing wipes and hand sanitizer, to be used within personal work spaces. Housekeeping will provide sanitizing wipes at high-touch communal areas, such as classroom podiums. Housekeeping staff will increase the frequency of sanitizing services with a focus on high-touch surfaces, such as public restrooms, handrails, tables, faucets, and doorknobs, among others.

8. **“Respiratory Etiquette”:** Because infectious diseases can be spread by droplets expelled from the mouth and nose, employees are instructed to exercise appropriate respiratory etiquette by covering nose and mouth when sneezing, coughing or yawning.

9. **Special Accommodations for Individuals with Added Risk Factors:** Some employees, due to age, underlying health condition, or other factors, may be at increased risk of severe illness if infected. Please inform your supervisor or the HR department if you fall within this group and need an accommodation.

The College recognizes that there may be faculty, administrators, and staff who are required to return to work on campus, but who may not be able to do so. Supervisors are encouraged to be flexible and collaborative in an effort to identify solutions that will meet both staff needs and the needs of the department. Marist is committed to

providing reasonable accommodations for faculty, administrators, and staff who may be at-risk for contracting an airborne illness. Individuals will be instructed to work with the Director of Employee and Labor Relations, to identify appropriate accommodations on a case-by case basis relative to operational needs and applicable laws (e.g. Americans with Disabilities Act) and will be approved or denied at the sole discretion of the College and in accordance with applicable federal and state laws.

## 10. **ADVANCED CONTROLS DURING AN OUTBREAK**

For activities where the Minimum Controls alone will not provide sufficient protection for employees, additional controls from the following hierarchy may be necessary. Marist College will evaluate if the following are necessary and feasible.

- **Elimination**
- **Engineering Controls**
- **Administrative Controls**

1. **Elimination:** Marist will review campus events and activities to determine whether adequate controls could not provide sufficient protection for employees.
2. **Engineering Controls:** Marist will consider appropriate controls to contain and/or remove the infectious agent, prevent the agent from being spread, or isolate the worker from the infectious agent. Examples of engineering controls include:
  - i. Mechanical Ventilation:
    - a. Local Exhaust Ventilation, for example:
      - Ventilated booths (lab hoods);
      - Kitchen Vents; and
      - Vented biosafety cabinets.
    - b. General Ventilation, for example:
      - Dedicated ventilation systems for cooking areas, malls, atriums, surgical suites, manufacturing, welding, indoor painting, laboratories, negative pressure isolation rooms;
      - Increasing the percentage of fresh air introduced into air handling systems;
      - Avoiding air recirculation;
      - Using higher-efficiency air filters in the air handling system;
      - If fans are used in the facility, arrange them so that air does not blow directly from one worker to another; and
  - ii. Natural Ventilation, for example:
    - Opening outside windows and doors to create natural ventilation; and

- Opening windows on one side of the room to let fresh air in and installing window exhaust fans on the opposite side of the room so that they exhaust air outdoors. (Note: This method is appropriate only if air will not blow from one person to another.)
- iii. Install cleanable barriers such as partitions and/or clear plastic sneeze/cough guards.
  - iv. Change layout to avoid points or areas where employees may congregate (e.g., install additional timeclocks).
11. “**Administrative Controls**” are policies and work rules used to prevent exposure. Examples include:
- Increasing the space between workers;
  - Slowing production speed to accommodate fewer workers at a time;
  - Disinfecting procedures for specific operations;
  - Not shaking out soiled laundry;
  - Employee training;
  - Identify and prioritize job functions that are essential for continuous operations;
  - Cross-train employees to ensure critical operations can continue during worker absence;
  - Limit the use of shared workstations;
  - Post signs reminding employees of respiratory etiquette, masks, handwashing;
  - Rearrange traffic flow to allow for one-way walking paths;
  - Provide clearly designated entrance and exits;
  - Provide additional short breaks for handwashing and cleaning;
  - Establishing pods or cohorts working on same shift;
  - Personal Protective Equipment (PPE) are devices like eye protection, face shields, respirators, and gloves that can help protect the wearer from infection. PPE will be provided, used and maintained in a sanitary and reliable condition at no cost to the employee. The PPE provided to an employee will be based on a hazard assessment for the workplace.

12. **EXPOSURE CONTROL READINESS, MAINTENANCE AND STORAGE:**

The controls we have selected will be obtained, properly stored, and maintained so that they are ready for immediate use in the event of an infectious disease outbreak and any applicable expiration dates will be properly considered.

#### IV. HOUSEKEEPING DURING A DESIGNATED OUTBREAK

13. Disinfection Methods and Schedules Objects that are touched repeatedly by multiple individuals, such as door handles, light switches, control buttons/levers, dials, levers, water faucet handles, computers, phones, or handrails must be cleaned frequently with an appropriate disinfectant. Surfaces that are handled less often, or by fewer individuals, may require less frequent disinfection. The disinfection methods and schedules selected are based on specific workplace conditions.

Housekeeping activities focus on high-touch surfaces, such as residence hall communal rooms, public restrooms, exercise rooms, library tables, buttons, handrails, tables, faucets, doorknobs, and shared keyboards.

When appropriate, routine ATP testing of high touch locations on campus may be utilized to focus cleaning/disinfecting efforts in higher risk areas and electrostatic sprayers may be utilized to assist with full surface disinfection of classroom spaces.

14. The New York State Department of Environmental Conservation (NYSDEC) and the Environmental Protection Agency (EPA) have compiled lists of approved disinfectants that are effective against many infectious agents (see [dec.ny.gov](http://dec.ny.gov) and [epa.gov/pesticide-registration/selected-epa-registered-disinfectants](http://epa.gov/pesticide-registration/selected-epa-registered-disinfectants)). Select disinfectants based on NYSDOH and CDC guidance and follow manufacturer guidance for methods, dilution, use, and contact time. Marist College utilizes ALPHA-HP, VIREX II 256, and germicidal bleach for the disinfection and cleaning of all campus facilities.
15. Adjustments to Normal Housekeeping Procedures Normal housekeeping duties and schedules should continue to be followed during an infectious disease outbreak, to the extent practicable and appropriate consistent with NYSDOH and/or CDC guidance in effect at the time. However, routine procedures may need to be adjusted and additional cleaning and disinfecting may be required.

Housekeeping staff may be at increased risk because they may be cleaning many potentially contaminated surfaces. Some housekeeping activities, like dry sweeping, vacuuming, and dusting, can resuspend into the air particles that are contaminated with the infectious agent. For that reason, alternative methods and/or increased levels of protection may be needed.

Rather than dusting, for example, the CDC recommends cleaning surfaces with soap and water before disinfecting them. Conducting housekeeping during “off” hours may also reduce other workers’ exposures to the infectious agent. Best practice dictates that housekeepers should wear respiratory protection. See [cdc.gov](http://cdc.gov) for more guidance.

All Marist staff responsible for the implementation of these policies comply with OSHA’s communication standard (29 CFR 1910.1200) and Bloodborne Pathogens standard (29 CFR 1910.132). Additionally, staff are trained on proper use of PPE, and all materials with the respective approved Safety Data Sheets (SDS), appropriate disinfectant product best practices, including dwell times, and familiarity with various types of areas and surfaces. All employees who may be at risk of exposure due to their regular job duties will be provided appropriate PPE.

16. If an employee develops symptoms of the infectious disease at work, it is ideal to isolate the area in accordance with guidance issued by New York State or the CDC, before cleaning and disinfecting the sick employee’s work area. This delay will allow contaminated droplets to settle out of the air and the space to be ventilated.

Marist will follow CDC and New York State guidelines for standard practices and appropriate regulations specific to facility cleaning and disinfection.

17. As feasible, liners should be used in trash containers. Empty the containers often enough to prevent overfilling. Do not forcefully squeeze the air out of the trash bags before tying them closed. Trash containers may contain soiled tissue or face coverings.

## **V. INFECTION RESPONSE DURING A DESIGNATED OUTBREAK**

If an actual, or suspected, infectious disease case occurs at work, take the following actions:

- Instruct the sick individual to wear a face covering and leave the worksite and follow NYSDOH/CDC guidance.
- Follow local and state authority guidance to inform impacted individuals.

## **VI. TRAINING AND INFORMATION DURING A DESIGNATED OUTBREAK**

18. The Vice President of Human Resources will ensure that employees are informed of the existence and location of this Plan, the circumstances of when it can be activated, the infectious disease standard, employer policies, and employee rights under the HERO Act. (Note: training need not be provided to the following individuals: any individuals working for staffing agencies, contractors or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, where delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter).
19. When this plan is activated, Marist will provide all employees access to training which will cover all elements of this plan and the following topics:
  1. The infectious agent and the disease(s) it can cause;
  2. The signs and symptoms of the disease;
  3. How the disease can be spread;
  4. An explanation of this Exposure Prevention Plan;
  5. The activities and locations at our worksite that may involve exposure to the infectious agent;
  6. The use and limitations of exposure controls
  7. A review of the standard, including employee rights provided under Labor Law, Section 218-B.
20. The training will be:
  1. Provided at no cost to employees and accessible for completion during working hours. If training during normal work hours is not possible, employees will be compensated for the training time (with pay or time off);
  2. Appropriate in content and vocabulary to your educational level, literacy, and preferred language; and
  3. Verbally provided in person or through telephonic, electronic, or other means.



## VIII. RETALIATION PROTECTIONS AND REPORTING OF ANY VIOLATIONS

No employer, or his or her agent, or person, acting as or on behalf of a hiring entity, or the officer or agent of any entity, business, corporation, partnership, or limited liability company, shall discriminate, threaten, retaliate against, or take adverse action against any employee for exercising their rights under this plan, including reporting conduct the employee reasonably believes in good faith violates the plan or airborne infectious disease concerns to their employer, government agencies or officials or for refusing to work where an employee reasonably believes in good faith that such work exposes him or her, other workers, or the public to an unreasonable risk of exposure, provided the employee, another employee, or representative has notified the employer verbally or in writing, including electronic communication, of the inconsistent working conditions and the employer's failure to cure or if the employer knew or should have known of the consistent working conditions.

Notification of a violation by an employee may be made verbally or in writing, and without limitation to format including electronic communications. To the extent that communications between the employer and employee regarding a potential risk of exposure are in writing, they shall be maintained by the employer for two years after the conclusion of the designation of a high-risk disease from the Commissioner of Health, or two years after the conclusion of the Governor's emergency declaration of a high-risk disease.

Violations of this plan and retaliation during regular business hours and for weekends/other non-regular business hours when employees may be working should be reported to the following individuals:

- Vice President of Human Resources
- Director of Employee Relations
- Director of Safety and Security