

## Information Bulletin

# CORONAVIRUS - General Information for the Workplace

### What is the Coronavirus?

According to the Center for Disease Control (CDC), the Coronavirus (COVID-19) is a new respiratory virus that originated in Wuhan, China and has an incubation period of two (2) to fourteen (14) days before symptoms appear. This virus is NOT currently spreading widely in the United States. The CDC has assessed the immediate health risk to the general American population as LOW.

There is still much to be learned about the transmissibility, severity of symptoms and other aspects of the virus that are still being investigated by the world health organizations. It is important to take reasonable precautions without resorting to unreasonable panic. The majority (97%) of those effected have survived.

**Additional information can be viewed at the following link for the CDC <https://www.cdc.gov/>**

### How is it spread?

It is believed that it is most probably spread person-to-person through coughs and sneezes. There is also evidence that the virus has been spread by animal sources, including individuals with links to seafood or animal markets. The CDC does not believe it is spread through air, water or food.

### Who is most susceptible to the coronavirus?

Individuals most at risk for any potential exposure to the virus are:

- Healthcare professionals that provide treatment to exposed patients
- Airport workers that screen or interact with international travelers as part of their job
- Individuals who travel internationally on a regular basis
- The elderly and pregnant women
- Individuals with compromised immune systems due to other medical conditions
- Individuals with chronic respiratory illnesses

### What are the common symptoms?

- Mild to severe respiratory illness.
- Fever (100.4 or greater).
- Cough.
- Difficulty breathing.

### How long can the coronavirus live on hard surfaces?

It can vary. Similar viruses can live for a few hours, depending on the hardness of the surface and the ambient air conditions. The harder the surface, the longer the virus can survive.

### What should I do if I think I may have been exposed to the virus or if I am displaying the symptoms?

Stay home, do not initiate contact with the general public or family members. You must **call ahead** to your doctor or the hospital before leaving for treatment and explain your concerns. The healthcare provider will give instructions as to when and how you can enter the facility for treatment.

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# Coronavirus

## How Can I Protect Myself and Others in the Workplace?

**You can help protect yourself, your co-workers and your workplace from this health hazard by practicing some commonsense behaviors.**

- ❖ Wash your hands often with soap and water for at least 20 seconds. Use an alcohol-based hand sanitizer that contains at least 60% alcohol if soap and water are not available.
- ❖ Avoid touching your eyes, nose and mouth with unwashed hands.
- ❖ Avoid close contact (within 6 feet) with people who are sick.
- ❖ If you are sick with any of the symptoms listed below, stay home and/or seek medical treatment until you are symptom free for at least 24 hours.
  - Mild to severe respiratory illness.
  - Fever (100.4 or greater).
  - Cough.
  - Difficulty breathing.
- ❖ Cover your cough or sneeze with a tissue, then throw the tissue in the trash. When a tissue is not immediately available cough or sneeze into your elbow to minimize contamination to your hands.
- ❖ Sanitize frequently touched objects and work surfaces with disinfecting wipes or sprays which are available in your work area.
- ❖ Avoid handshakes and hugs; use the elbow bump as a greeting.
- ❖ Inform your supervisor if you observe the common symptoms in fellow co-workers.

## **FREQUENTLY ASKED QUESTIONS BY EMPLOYERS**

### **Employer - Workplace Precautions**

- Ensure hand soap and hot water is available for employee use at all times
- Provide alcohol-based (60% -95% alcohol) hand sanitizer in or near each work area and maintain supplies for continuous use.
- Provide facial tissues when possible
- Provide disinfecting cleaning products (disposable wipes or sprays) that can used to sanitize desks, break room surfaces and conference room tables.
- Advise managers to remain vigilante for employees that may exhibit signs of being ill (especially with respiratory illnesses) and determine if an employee should be sent home until symptoms subside. This is going to be a crucial decision for hourly employees who may be reluctant to miss a day of pay.
- Purchase disposable facemasks to have available for use by employees exhibiting the key symptoms.

### **1. What are the requirements concerning privacy and confidentiality if an employee tests positive for coronavirus?**

If an employee has a confirmed diagnosis of coronavirus, according to the CDC, the employer is permitted to tell the co-workers they have been exposed to the virus so that they may determine how best to seek medical advice. However, the employer can not reveal the name of the infected employee as this would be in violation of federal privacy laws. The employer should take every reasonable action to ensure the privacy of the infected employee.

### **2. Does the Americans with Disabilities Act (ADA) restrict an employer's interaction with the employee with suspected Coronavirus?**

Not if it's a pandemic. This health crisis has not been declared a pandemic. The ADA protects employees with disabilities, but during a global health emergency, as recently declared by the World Health Organization (WHO), employees can be required to be medically examined to determine if they have contracted the disease when an employer has a reasonable belief that employees will pose a direct threat due to a medical condition.

The Equal Employment Opportunity Commission (EEOC) states, "if the CDC or state or local public health authorities determine that the illness is like seasonal influenza, it would not pose a direct threat or justify disability-related inquiries and medical examinations. By contrast, if the CDC or state or local health authorities determine that pandemic influenza is significantly more severe, it could pose a direct threat.

*Bottom line, the assessment by the CDC or public health authorities would provide the objective evidence needed for a disability-related inquiry or employer required medical examination" and the current assessment level in the United States will not support required medical examinations at this time.*

Currently, the most common decision an employer will need to make for an employee who is displaying symptoms similar to coronavirus, is to allow an accommodation such as a leave of absence or the ability to work from home for a limited amount of time.

### **3. Would I need to pay employees who go on leave during a quarantine period or because they have contracted coronavirus?**

The employee may be required to be paid if the employee is subject to a contract or collective bargaining agreement that requires pay when employees go on work-required leave. In the absence of a contract, hourly employees work at-will and are not guaranteed wages or hours. In other words, these employees do not need to be paid. Exempt employees do not have to be paid if they are sent home for an entire workweek. However, if exempt workers work for part of the workweek, they will have to be paid for the entire week.

### **4. Is there an obligation to accommodate employees who do not want to work in public-facing positions due to risk of infection?**

Employees should not be disciplined for refusing to work if they believe that there is a risk of infection because making such a complaint may be a protected activity. If the employer can establish that there is no basis for any exposure to the disease, the employee does not have to be paid during the time period the employee refuses to work.

### **5. Should I ask for a doctor's note for an employee returning from several missed days of work and who reported some symptoms similar to the coronavirus.**

If you have a company policy that requires medical clearance after missing a prescribed number of work days due to illness, you have the ability to request a doctor's note before the employee can return to work. However, it may be best not to require a healthcare provider's note for employees who are sick with acute respiratory illness to validate their illness or to return to work, as healthcare provider offices and medical facilities may be extremely busy and may not be able to provide such documentation in a timely way.

### **6. What should I do if an employee becomes sick while traveling on business?**

Ensure employees who become sick while traveling or on temporary assignment understand that they should notify their supervisor about the situation and promptly call a healthcare provider for advice if needed. The company must be willing to pay the extended travel expenses for an employee who is too ill to immediately return home or who is advised by the healthcare provider to delay returning home.

### **7. What happens if I suspect I or an employee have coronavirus?**

If you or the employee have had close contact with someone exhibiting coronavirus symptoms who has recently traveled from China or another effected country, you and/or the employee should call ahead to a health care professional and mention your close contact and the person's recent travel. The health care professional will work with the state's public health department and the CDC to determine if you or the employee need to be tested for coronavirus.

## **8. Will the employer healthcare and disability benefits programs provide coverage for employees diagnosed with the coronavirus.**

**Disability** - Yes, if such payments are provided in the employer's benefit plan. The employer or HR department should provide the employee with the necessary forms to apply for the benefit. As always, the insurance carrier will make the final determination as to whether the employee is eligible to receive disability benefits.

**Medical Coverage** – Illness caused by this virus should be covered by the employee's medical plan just as any other medical condition as described in the plan documents.

**Uninsured Employees** – The Affordable Care Act requires that all individuals have some level of healthcare coverage; either employer sponsored or through a government plan. However, if an uninsured employee is displaying the key symptoms of the virus and seek help at a hospital it is highly likely that they will receive the treatment they need with the intent of minimizing any financial hardship to the patient. Currently, the US government is conducting hearings to consider a program to compensate hospitals for the care of uninsured coronavirus patients paving the way for this group to get the treatment they need regardless of their ability to pay. However, that measure has not been passed of the publication of this bulletin.

## **9. What other employee accommodations do I need to be prepared to consider during this health situation?**

Employers should maintain flexible policies that permit employees to stay home to care for a sick family member. Employers should be aware that an increased number of employees may need to stay home to care for sick children or other sick family members.

**FMLA** - Assuming that the FMLA applies to your company, coronavirus would qualify as a "serious health condition" under FMLA, allowing an employee to take FMLA leave if either the employee or an immediate family member contracts the disease. The employee would be entitled to job reinstatement as well. State law may provide additional leave benefits.

## **Conclusion**

The foregoing information is provided based on currently known information. The progress of this disease is constantly evolving, and this information is subject to change. It is advisable to review the CDC website for future updates. <https://www.cdc.gov/>

If you are in doubt as to what actions are legally permissible during this health crisis contact your local health department, your legal counsel or your human resources representative.

## Communication Protocol for Suspected Coronavirus Event (example)

**If an employee is displaying the key symptoms of the virus, designate action protocols (such as those below) to help contain the situation.**

### What are the key symptoms?

- Mild to severe respiratory illness.
- Fever (100.4 or greater).
- Cough.
- Difficulty breathing.

- The effected employee should be immediately, but discreetly, separated from the rest of the workforce and placed in a private location.
- Avoid close physical contact with the employee as much as possible (within 6 feet).
- Once you are in the private location, request that the individual wear a disposable face mask (provided by the company) during the evaluation conversation.
- Immediately contact \_\_\_\_\_ to inform them of the situation and seek additional guidance if necessary.
- \_\_\_\_\_ will conduct a phone discussion with the employee to determine the risk factors for exposure to the virus.

### ***Risk Factor Inquiry***

- Are they currently being treated by a healthcare professional for these symptoms? If they are being treated and have a diagnosis that clears them of the virus it may still be wise to send them home until the symptoms subside.
  - Have they or an immediate family member recently traveled to an effected part of the country?
  - Have they cared for an individual that was diagnosed with the virus?
  - Has an immediate family member displayed similar symptoms?
- If there is agreement that the employee is displaying the key symptoms and/or has experienced one or more of the risk factors, the employee will be sent home and advised to call ahead to their healthcare provider to schedule treatment if they have not already done so.
    - The employee will not be permitted to return to work until they have been symptom free for 24 hours.
    - If the recovery period is three (3) days or more the employee may be required to provide a doctor's release prior to returning to work (based on company policy).
    - If the employee is cleared to return to work no additional steps will be taken.
  - The Manager should disinfect the hard surfaces in the private meeting space and continue to observe the rest of the staff over the next 2 weeks for signs of the key symptoms.

## If a Coronavirus Diagnosis is Confirmed in the Workplace

If a coronavirus diagnosis is confirmed in the workplace, the Organizational Leadership will contact the local health department and follow its recommendations. You should then conduct a meeting with the staff to inform them of the situation (without naming the employee) and advise them of recommended action steps to safeguard their health as well as the organization's action steps to protect the workplace.

### Basic Meeting Outline (example)

- Discuss the need to remain calm and let the staff know you have a plan for this contingency.
- Review the basic information about the virus and how it is transmitted.
- Review the recommended precautions.
  - Remind the staff that transmission most often occurs with close physical contact (within 6 feet) when an individual coughs or sneezes.
  - Infrequent transmission can occur from touching an infected surface and then touching one's nose, mouth or eye areas.
- Advise employees on options to determine their health status and that of their family members.
  - Many larger cities have a hotline that citizens can call with questions. Provide the number if available.
  - Individuals can choose to contact their primary care provider, although this options should only be used if the individual is displaying symptoms.
- If the health department has ordered that the employees be placed in quarantine be prepared to explain the process, return to work date and any compensation coverage available.
- Share the company's plan to disinfect the impacted worksite (recommend a plan/vendor to provide this service).
- Allow the use of the free elements of the Employee Assistance Plan (EAP) counseling service for all impacted employees who may need the emotional support ( if this benefit is available as part of the organization's healthcare options)
- Reinforce the Open Door policy for those who may have questions after the meeting.
- Dismiss the meeting with the focus on every employee being observant, supportive and committed to protecting others by making the right decisions if future symptoms are observed in themselves or family members.