



COVID-19 in the Workplace

A Questco Update – April 16, 2020

As businesses face daily new challenges in the wake of the COVID-19 pandemic, many are now confronting a new challenge: demands from their own employees for a safer work environment. All this while trying to maintain business operations and serve your customers. The ability to manage these competing challenges may ultimately dictate the economic and operational fate of many companies.

To help ensure you are complying with COVID-19 related workplace requirements, we offer the following considerations. This summary incorporates current regulations prescribed by the Equal Employment Opportunity Commission (EEOC) and Americans with Disabilities Act (ADA).

Safe Workplace

It's the employer's obligation to provide a safe and healthy workplace, and to protect the privacy of employees. As such, the following steps should be considered:

- Ensure that only essential personnel remain on site. Limit outside visitors and allow for remote work whenever possible.
- Cancel non-essential employee travel.
- Promote frequent and thorough handwashing, following all CDC guidelines to stop spread of germs. Post CDC signs in restrooms and common areas.
- Support social distancing and consider staggering employee work times and / or breaks, as possible.
- Deep clean office surfaces frequently, using CDC approved cleaning supplies.
- Provide antibacterial wipes, hand sanitizer, and tissues in the workplace.
- Discourage employees from using other employees' phones / equipment.
- Install high efficiency air filters and/or increase ventilation in workplace, if possible.
- Consider requiring the use of masks and gloves (or other personal protective equipment based on the risk level of specific jobs) as applicable and be sure to provide training for proper use of the equipment.

Should You Monitor Employee Temperatures?

Due to the pandemic, employers are permitted to ask employees how they are feeling and take employees' temperatures; however, caution should be used, and the following should be carefully considered:

- Some people with COVID-19 do not have a fever. Taking temperatures might not be a worthwhile way to gage the health of your employees.
- Make clear that the temperature test is being used solely to determine if the employee may have a symptom of COVID-19 and communicate the temperature threshold. [Ex: 100 degrees F.]
- The equipment (infrared thermometer) used should be trustworthy and sanitized between each employee. The location should be private, and the person taking temperatures must be trained on how to do so correctly.
- Consistency is important – it should include everyone or no one.
- A log of temperatures can be kept, but all temperature information must be kept confidential.
- Questions must be limited to COVID-19 related symptoms as identified by the CDC; i.e., fever, chills, cough, shortness of breath, or sore throat.

Contact your Questco Human Resources Consultant if you feel strongly you need to implement such a program and need assistance.

Communication is Key

- Communicate with employees regularly to confirm what the company is doing to ensure their safety (and provide all the above information in dual languages if you have a multi-lingual workforce).
- Clearly communicate the need for all employees to stay home if ill (experiencing any flu-like or respiratory systems) and instruct them to call in to notify their manager.
- Require any employee who becomes ill at work with COVID-19 coronavirus symptoms to notify their supervisor immediately. Ask employees to self-monitor and notify manager if any potentially infectious symptoms develop while at work.
- Talk to employees to identify individual risk factors (employees at high risk) and address individually.
- Ask employees to self-report if employee has had contact with anyone who has been diagnosed with COVID-19.
- Ensure that employees know that his/her self-disclosure is very important and appreciated by the company, and that he/she will not be discriminated or retaliated against because of any potential illness or diagnosis and their name will not be shared with others.
- Reasonable accommodation requests should be implemented if an employee who, due to a preexisting disability, is at a higher risk for COVID-19, without it causing an undue hardship on the employer.

Contact your Questco Human Resources Consultant if you need assistance reviewing this type of request.

If a Sick Employee Surfaces

Should an employee suspect that they have the virus or exhibit symptoms related to the virus, immediate action must be taken:

- Whether self-reported or not (based on symptoms witnessed by manager), it's important to be consistent in your response to all COVID-19 cases.
- Treat suspected cases like it's a confirmed case for purposes of sending home potentially infected employees.
- In a calm and discreet manner, immediately send employee home if they are ill with any COVID -19 related respiratory symptoms, avoiding interaction with others.
- Keep information confidential – to be shared only with a very limited number of employees – including the direct manager, senior leader(s) and human resources.
- Recommend that the employee seek the appropriate medical care and plan to stay home for 14 days, or the length recommended by their healthcare provider or health department.
- If possible, close off areas used by infected person and clean the work area.
- Ask employee to provide a list of who they have recently come into close contact with (within 6 feet) while at work within the last 14 days, or 2 days before symptoms appeared.

If COVID-19 Diagnosis is Confirmed

- **Confirm Scope**
 - Identify all employees who may have come in contact with the diagnosed employee while at work over the past 14 days.
 - Identify any contractors, customers, vendors who may have been exposed to the diagnosed employee. Consider consulting legal counsel to notify these individuals of potential exposure.
 - Assess whether the case was “work related” under the OSHA recording rule (if the employee contracts the virus while on the job) and handle accordingly.

- **Deep clean infected areas.** Require use of mask and gloves while cleaning, ensure cleaning of work areas and rest areas, bathrooms, as well as doorknobs, handrails, buttons.
- **Confirm plan for compensation of impacted employees,** taking into account any governmental leave mandates.
- **Communicate with Care & Concern**
 - Do not share specific employee names with non-management employees, the diagnosed employee's name should be kept confidential.
 - Contact your Questco Human Resources Consultant for support.
 - Impacted employees should be contacted promptly about the potential exposure. They should contact their healthcare providers and carefully monitor for symptoms.
 - Employer can implement a 14-day quarantine for all impacted non-essential employees.
 - Notify impacted employees of benefits that they may be entitled to such as ESL, EFMLA, FMLA, and company-authorized sick leave.
 - If you work in a shared office building or area, inform building management of a positive case of the COVID-19 virus.
 - Notify state and local health officials. Disclosing employee name to public health agency is allowable per the EEOC.

Road to Recovery

- Keep in touch with diagnosed and impacted employees. Require them to provide regular updates, perhaps weekly.
- When employee is symptom free for at least 72 hours (without medication) and exhibits no respiratory symptoms, and it's been at least 7 days since their symptoms first appeared, they are typically cleared to return to work.
- If employee tested positive for COVID-19 and had symptoms, the CDC requirements include the above-mentioned conditions as well as two consecutive negative tests.
- A written doctor's note confirming clearance to return to work can be required; however, the CDC suggests, and we encourage, relaxed requirements as local healthcare professionals are overwhelmed and a Teladoc visit may have been used. In all cases, follow the guidance of their healthcare provider and local health department.

Information about COVID-19 transmission and risk is evolving, therefore it's important to seek the most up-to-date information about the virus. Here are a few links to information published by various governmental agencies. Additionally, we recommend checking your state and local government sites for information specific to your community.

Centers for Disease Control (CDC) at www.cdc.gov/coronavirus/2019-ncov

Occupational Safety and Health Administration (OSHA) at www.osha.gov/covid-19