

JacksonLewis

Handling Coronavirus Issues In the Workplace

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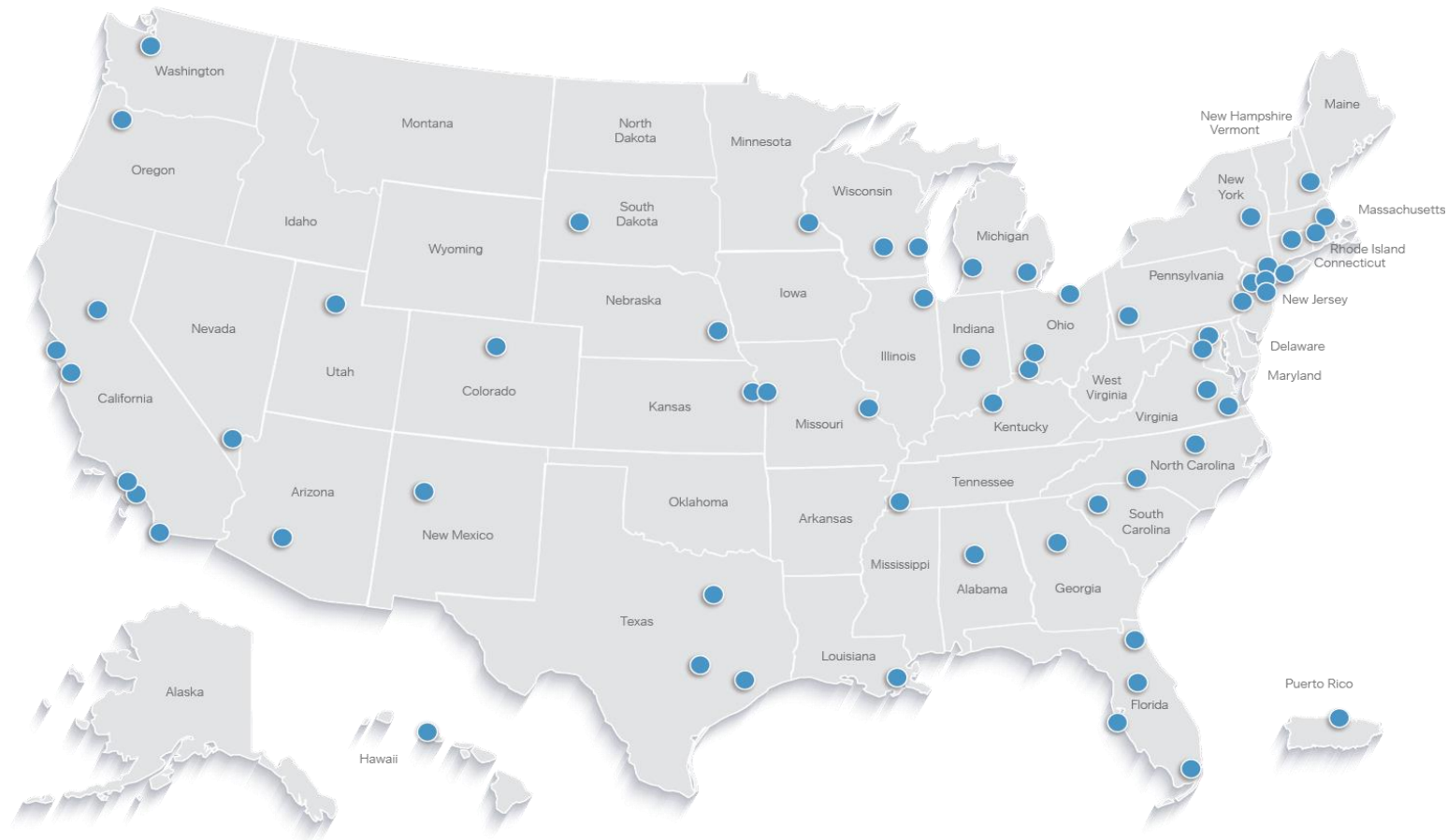
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Situation As Of 3/16/2020

Widespread ongoing transmission with restrictions on entry to the United States

CDC recommends that travelers avoid all nonessential travel to the following destinations. Most foreign nationals who have been in one of these countries during the previous 14 days will not be permitted to travel to enter the United States.

- [China](#)
- [Iran](#)
- [Most European Countries](#)
- [United Kingdom and Ireland](#)

Widespread ongoing transmission without restrictions on entry to the United States

CDC recommends that travelers avoid all nonessential travel to the following destinations:

- [South Korea](#)

Ongoing community transmission

CDC recommends that older adults and people of any age with serious chronic medical conditions should consider postponing nonessential travel to the following destinations:

- [Global Outbreak Notice](#)

15 DAYS TO SLOW THE SPREAD

Listen to and follow the directions of your **STATE AND LOCAL AUTHORITIES**.

IF YOU FEEL SICK, stay home. Do not go to work. Contact your medical provider.

IF YOUR CHILDREN ARE SICK, keep them at home. Do not send them to school. Contact your medical provider.

IF SOMEONE IN YOUR HOUSEHOLD HAS TESTED POSITIVE for the coronavirus, keep the entire household at home. Do not go to work. Do not go to school. Contact your medical provider.

IF YOU ARE AN OLDER PERSON, stay home and away from other people.

IF YOU ARE A PERSON WITH A SERIOUS UNDERLYING HEALTH CONDITION that can put you at increased risk (for example, a condition that impairs your lung or heart function or weakens your immune system), stay home and away from other people.



For more information, please visit

CORONAVIRUS.GOV

DO YOUR PART TO SLOW THE SPREAD OF THE CORONAVIRUS

Even if you are young, or otherwise healthy, you are at risk and your activities can increase the risk for others. It is critical that you do your part to slow the spread of the coronavirus.

Work or engage in schooling **FROM HOME** whenever possible.

IF YOU WORK IN A CRITICAL INFRASTRUCTURE INDUSTRY, as defined by the Department of Homeland Security, such as healthcare services and pharmaceutical and food supply, you have a special responsibility to maintain your normal work schedule. You and your employers should follow CDC guidance to protect your health at work.

AVOID SOCIAL GATHERINGS in groups of more than 10 people.

Avoid eating or drinking at bars, restaurants, and food courts — **USE DRIVE-THRU, PICKUP, OR DELIVERY OPTIONS.**

AVOID DISCRETIONARY TRAVEL, shopping trips, and social visits.

DO NOT VISIT nursing homes or retirement or long-term care facilities unless to provide critical assistance.

PRACTICE GOOD HYGIENE:

- *Wash your hands, especially after touching any frequently used item or surface.*
- *Avoid touching your face.*
- *Sneeze or cough into a tissue, or the inside of your elbow.*
- *Disinfect frequently used items and surfaces as much as possible.*

CORONAVIRUS.GOV

School operations can accelerate the spread of the coronavirus. Governors of states with evidence of community transmission should close schools in affected and surrounding areas. Governors should close schools in communities that are near areas of community transmission, even if those areas are in neighboring states. In addition, state and local officials should close schools where coronavirus has been identified in the population associated with the school. States and localities that close schools need to address childcare needs of critical responders, as well as the nutritional needs of children.

Older people are particularly at risk from the coronavirus. All states should follow Federal guidance and halt social visits to nursing homes and retirement and long-term care facilities.

In states with evidence of community transmission, bars, restaurants, food courts, gyms, and other indoor and outdoor venues where groups of people congregate should be closed.

Legal Considerations for Employers

- Occupational Safety and Health Act (OSHA)
- Americans with Disabilities Act (ADA)
- Title VII and other laws against national origin and other discrimination
- Federal, state and local leave laws including Family and Medical Leave Act (FMLA) and paid sick leave laws
- State and local statutes and ordinances that apply to the particular industry or type of employer
- Fair Labor Standards Act (FLSA) and state and local wage and hour laws
- Section 7 of the National Labor Relations Act (NLRA)
- Genetic Information Nondiscrimination Act (GINA)
- Individual privacy rights under state laws and common law
- Immigration laws

Most Frequently Asked Questions of JL DLHM COVID-19 Response Team

FAQ1

Who presents a risk in the workplace even without symptoms?

** Applies to US communities without sustained community transmission

**Should ALSO consider realities of the specific workplace

**Employers will need to check local and state health department guidance

High Risk = away from WP for 14 day incubation	Medium Risk = away from WP for 14 day incubation
<p>Living with, intimate partner of, or providing care for an individual outside of a healthcare setting who is:</p> <ul style="list-style-type: none">• Symptomatic• Laboratory confirmed COVID-19 <p>Without consistent use of defined precautions for home care and home isolation</p>	<p>Living with, intimate partner of, or providing care for an individual outside of a healthcare setting who is:</p> <ul style="list-style-type: none">• Symptomatic• Laboratory confirmed COVID-19 <p>With consistent use of defined precautions for home care and home isolation</p>
<p>Travel from Hubei Province, China</p>	<p>Travel from:</p> <ul style="list-style-type: none">• Mainland China outside Hubei Province• Iran• Other country with widespread transmission (Level 3)• Country with sustained community transmission (Level 2)
	<p>Close contacts (within 6 feet for prolonged period of time or direct contact with infectious secretions) with someone confirmed to have COVID-19</p> <p>On aircraft, being seated within 6 feet (2 rows) with symptomatic, laboratory confirmed COVID-19 individual</p>

CDC Advises Symptomatic Employees With Low or No Known Risk Of Exposure To Do The Following

- Self-isolate
 - Stay away from others not infected to prevent potential spread of virus
 - Practice social distancing
 - Stay out of public places where close contacts may occur
 - Stay 6 feet away from others
 - Seek medical advice to see if evaluation is needed
 - Do not take public transportation until symptoms are gone without using fever or symptom relieving medication
- **Applies in communities without sustained transmission
- **Be sure to check local and state health department orders on their websites

FAQ 2

What should I be communicating to my employees now?

- We are actively evaluating all business-related risks.
- We are unaware of any company personnel being infected with COVID-19.virus.
- We will continue to monitor employee travel to affected areas.
- When necessary, we will make sure that individuals who have been potentially exposed remain away from the workplace for at least 14 days.
- Explanation of how COVID-19 spreads.
- CDC recommendation for steps to minimize risk of spread.
- Stay home when you are sick.
- Explanation of symptoms.
- Who to call if you or a close contact develops symptoms of COVID-19.
- Carefully consider all available information before planning personal spring or summer vacation.

FAQ 3

How should employers handle international travel?

- Review current CDC travel alerts and guidance
- Going beyond the CDC's guidance may open door to risk of legal claims but employers must weigh that risk against the need to take reasonable steps to provide a safe workplace for employees and customers
- CDC recommends that travelers from Level 3 countries self quarantine for 14 days
- CDC recommends that travelers from Level 2 countries (which is the rest of the world) monitor their health and limit interactions with others for 14 days
- Employers should also review travel alerts and advisories from State Department and travel information from the destination countries
- Advise employees not to travel if they have symptoms of acute respiratory illness.
- Make sure employees know what to do and who to contact if they become sick while travelling.

FAQ 4

What if an employee has a family member at home with confirmed COVID-19?

- Consult CDC's Risk Assessment.
- Employee's who live with, care for, or are intimate with an individual who is symptomatic and confirmed positive for COVID-19, would fall under either Medium Risk or High Risk, depending on circumstances
- CDC recommends High Risk individuals quarantine themselves
- CDC recommends that Medium Risk individuals remain at home or in a comparable setting for 14 days
- Situations where risk level is uncertain are challenging but in that case consult the CDC risk levels, the type of workplace, and the job being performed by the employee

FAQ 5

Do employers have to pay employees who are away from work due to concerns of exposure?

Consider:

- Will the employee be performing any work?
- Is the employee exempt and likely to do some work no matter what during the week?
- Is the employee ill and unable to work?
- Your policies, past practices and any CBA.
- Any applicable state or local paid leave, predictive scheduling or other wage and hour law.
- Did the potential exposure occur in connection with work or in connection with personal travel?
- In a best case scenario, employees will be able to work from home and continue to do their jobs and get paid. Non-exempts should have a remote work guidelines about keeping track of time, taking breaks etc.
- In a less than ideal situation, remote work will not be available but you can allow employees to use accrued PTO if you want to do so—consider the message AND your budget AND your public image

FAQ 6

What steps should employers require before allowing employees to return to work?

- Has the employee experienced symptoms?
- Evaluate information regarding the workplace, industry, potential exposure, etc.
- What is the employer's policy regarding return to work for other medical absences?
- CDC encourages employers not to require employees who have an acute respiratory illness to present a doctor's note to validate their illness or to return to work because the medical facilities may be overwhelmed.
- If employee is sick and is in a jurisdiction with PSL, the law may not allow you to seek a doctor's note for PSL

FAQ 7

What if an employee or customer/client is confirmed to have COVID-19 after being in our workplace?

Consider:

- Communicate with state/local health department ASAP.
- Follow directions regarding disinfection.
- Work with CDC and state/local health department to identify potential contacts.
- Perform risk assessment on employees who had contact with the individual. The CDC's Risk Assessment focus is on "close contacts" i.e. within 6 feet for prolonged period of time or direct contact with body secretions.
- Those with close contacts need to remain away from the workplace for 14 days and monitor themselves for symptoms.
- Focus on communication with employees keeping in mind confidentiality obligations under ADA and FMLA for employees.
- Manage PR issues.
- Be prepared to cover for absent employees.

FAQ 8

Are there steps US employers should take now to reduce the spread of COVID-19 at work?

Consider CDC recommendations:

- Sick employees should stay home/separate sick employees.
- Communicate to your employees that you want them to stay home when sick (following call-off procedures), use respiratory etiquette, wash hands.
- Perform routine environmental cleaning.
- Employees who have been diagnosed with COVID-19 or who have had close contact with individual confirmed to have COVID-19 should notify Human Resources and remain out of the workplace for 14 days.
- Depending on the local community spread of COVID-19, and the type of work environment, employers may want to consider increased reliance on online services and potentially using visitor confirmations upon entry to the workspace

FAQ 9

What should employers do to prepare to continue to operate in the event of a community outbreak in the US?

- Identify objectives such as: (a) reducing transmission among staff, (b) protect people at higher risk, (c) maintain business operations, (d) minimize adverse impact on supply chain.
- Identify possible work-related exposures i.e. business and personal travel by employees and how you will handle.
- Prepare for increased absences.
- Consider available staffing options including remote work, staggered shifts, etc.
- Plan to minimize exposure between employees and the public.
- Plan employee communications.
- Plan for supply chain disruption if various areas experience widespread COVID-19 spread.
- Check your force majeure clauses if you have ongoing contractual commitments.

FAQ 10

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Bonus FAQ

What is the status of H.R. 6201 The Families First Coronavirus Response Act?

- A version of HR 6201 was passed by the House on 3/14/2020
- Media reports over the weekend indicated the bill was all but signed, sealed and delivered...
- On 3/16/2020 extended debate began about the bill.
- It is unclear what will be included in the final bill so take what you read with a grain of salt until the bill is passed by the Senate.

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- Agencies Publish Guidance for Employers on Responding to the 2019 Novel Coronavirus
- Employer Obligations Under Proposed Families First Coronavirus Act HR 6201

Frequently check [cdc.gov](https://www.cdc.gov) and/or [coronavirus.gov](https://www.coronavirus.gov)

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Thank **you.**