



# What if Your Employee Tests Positive for COVID-19?

*Key Advice for Clients*

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**Littler**<sup>®</sup>

Presented by



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# Agenda



- Introduction/Overview
- “Exposure” v. “Non-Exposure”
- Response to employees exhibiting COVID-19 symptoms
- What to do if an employee tests positive for COVID-19
- How to handle situation of an employee that has been in close/direct contact with a confirmed COVID-19 individual
  - Communication (privacy)
- Situations where employees are afraid to come to work
- Returning employees to work
- Cleaning and disinfecting

# Exposure v. Non-Exposure

## EXPOSURE

- Employees discloses, or presents at work, with symptoms of COVID-19
- Employee tests positive for COVID-19
- Employee has been in close/direct contact with confirmed COVID-19 individual
- Employer is notified by health department of confirmed COVID-19 individual

## NON-EXPOSURE

- Employee has been in close/direct contact with a suspected COVID-19 individual
- Employee is fearful to report to work

# Employee Discloses, or Presents at Work, With Symptoms of COVID-19

- COVID-19 symptoms include fever, chills, cough, shortness of breath, and sore throat
  - Tell symptomatic employee that they must remain home until 72-hours symptom free without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants)
  - Request, but do not require, that employee obtain doctor's note and/or fitness for duty form returning the employee to work.
- Do not alert or self-quarantine any other employees
- Do not clean and disinfect the job site in response
  - The Company should have in place regular housekeeping practices, which includes cleaning and disinfecting frequently used surfaces, equipment, and other elements of the work environment. Employees should similarly regularly do the same in assigned work areas

# Employee Tests Positive for COVID-19

- Employees that test positive must be in self-quarantine.
- Conduct an analysis to determine other employees that have had close/direct contact with the confirmed-positive employee within the last 14 days.
  - **DO NOT REVEAL IDENTITY OF CONFIRMED-POSTIVE EMPLOYEE!**
  - Close contact is 6 feet for a prolonged period – walking past someone in the hallway is not a prolonged period.
  - An example of direct contact is being coughed on by another person.
  - Part of the analysis includes asking the confirmed-positive employee with whom they have close/direct contact within the last 14 days.

# Employee Tests Positive for COVID-19

- Alert those employees that have had close/direct contact with the confirmed-positive employee within the last 14 days and direct those employees to self-quarantine for 14 days from the last close/direct contact with the confirmed-case.
  - **DO NOT REVEAL IDENTITY OF CONFIRMED-POSTIVE EMPLOYEE**
  - Encourage those potentially exposed employees to seek medical care and a COVID-19 test, especially if exhibiting symptoms.
- Clean and disinfect the office.
- Not required, but recommended to contact local health department to receive guidance on any recommendations or requirements that the local department of health has for an employer that has received a confirmed-employee diagnosis.

# Employee Has Been in Close/Direct Contact With a Confirmed COVID-19 Individual

- This applies to any contact an employee might have had with any confirmed-positive case (*e.g.*, coworker, family member, doctor, friend)
- Direct employee to self-quarantine for 14 days from the last close/direct contact with confirmed-case.
  - Encourage those employees to seek medical care and test, especially if exhibiting symptoms.
- Unless this employee later tests positive, do not alert or self-quarantine any other employees. If this employee does test positive, follow steps detailed for confirmed COVID-19 employee.
- Unless this employee later tests positive, it is not necessary to clean and disinfect the work place beyond usual cleaning. If this employee does test positive, follow steps for cleaning discussed later in this presentation.



# Non-Exposure Situations

## Employee has been in close/direct contact with a suspected-COVID-19 individual

- An employee does not need to self-quarantine for close contact with a “suspected” COVID-19 individual.
- If the “suspected” COVID-19 individual later tests positive, follow prior-discussed steps.

# Employee is Fearful to Report to Work

- The Company should institute the following precautions to prevent the spread of COVID-19 in the workplace:
  - Ensure an adequate supply of tissues, trash receptacles, alcohol-based hand sanitizers and/or wipes.
  - Institute regular housekeeping practices, which includes cleaning and disinfecting frequently used surfaces, equipment, and other elements of the work environment. Employees should regularly do the same in assigned work areas.
  - Limit the sharing of workstations, computers, phones, desks, offices, tools, or equipment as much as possible.
  - To the extent job duties permit, maintain social distancing.
- If the above practices are instituted, and an employee refuses to report to work out of fear, the Company should engage with the employee to determine if they can provide other personal protective equipment or practices that would resolve the employees fear.
- If the employee refuses to come to work even with the other precautionary measures, the Company should offer the employee the option to utilize available leave, and if no leave available, permit the employee to remain on unpaid administrative leave.
- There may be situations where an employee discloses a disability or a perceived disability under the ADA or under any state equivalent law. In this situation, the Company may need to engage in the interactive process and determine if the employee needs an accommodation. If this situation were to arise, the Company should follow their leave and accommodation policies to ensure compliance with federal/state/local law.

# Notice to Employee of Exposure

- Provide a general statement that the Company has been informed by an employee (or customer, vendor, etc.) working at or in the same area or worksite that he/she has a confirmed case of COVID-19 based on test results obtained on a specific date.
- Inform employee that the confirmed-positive employee has been directed to self-quarantine until permitted to return to work.
- “We are alerting you to this development because, based on the Company’s investigation, we believe that you may have come into contact with the confirmed-positive case, on or about [DATE].”
- Direct the exposed employee to self-quarantine (not report to work) until, at least, 14 days from last contact with confirmed case.
- Encourage employee to seek medical advice and a COVID-19 test, especially if they are exhibiting symptoms of the virus.

# Notice to Employee of Exposure

- Provide information on when exposed employee can return to work.:
  - If you do not test positive for COVID-19, or experience symptoms, by [14 days from last contact with confirmed case], you may return to work. However, please inform [COMPANY CONTACT] if any of the following occur during your self-quarantine:  
you experience flu-like symptoms, including fever, cough, sneezing, or sore throat; or  
you test positive for COVID-19.
- Provide statement regarding privacy and non-discrimination:
  - We also want to take this opportunity to remind you that one of our core values as a company is respect for and among our employees [or customers]. We will treat information regarding the identity of employees [or customers] with suspected or confirmed cases of COVID-19 as confidential to the extent practicable and will comply with applicable laws regarding the handling of such information. Further, per Company policy, we will not tolerate harassment of, or discrimination or retaliation against, employees [or anyone].

# When Can Employee Return to Work?

- **Employee was symptomatic but not confirmed with COVID-19**
  - The employee must remain at home until he or she is symptom free for 72-hours without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants).
  - You can request a doctor's note, but understand that they might be difficult to come by.
- **Employee directed to self-quarantine because of close contact with confirmed COVID-19 individual but does not test positive**
  - Employees must remain at home until 14 days from last close/direct contact with confirmed-positive carrier and may return if no symptoms experienced during the period of self-quarantine.
- **Employee tests positive but is asymptomatic**
  - CDC guidelines currently indicate that employees who test positive and are symptom free may return to work when at least 7 days have passed since the date of his or her first positive test, and s/he has not had a subsequent illness.

# When Can Employee Return to Work?

- **Employee tests positive and is directed to recover at home**
  - CDC guidelines currently indicate that Employees may return to work when: (1) At least 72 hours have passed since recovery; and (2) at least 7 days have passed since symptoms first appeared.
  - Recovery is defined as: (1) resolution of fever without the use of fever-reducing medications; and (2) resolution in respiratory symptoms (e.g., cough, shortness of breath).
- **Employee tests positive and requires hospitalization**
  - Employees may return to work only when directed to do so by their medical care provider.
  - Employees need to provide documentation clearing their return to work.

# Cleaning and Disinfecting

- The Company should institute regular housekeeping practices, which includes cleaning and disinfecting frequently used surfaces, equipment, and other elements of the work environment. The Company should also provide employees disposable wipes and encourage employees to do the same in assigned work areas.
- If the Company institutes the above practice, the below cleaning controls only need to be implemented if the Company learns of a confirmed case within 36-48 hours of last contact with the confirmed case.

## Asymptomatic

- If confirmed-case was asymptomatic the last time s/he was at the work place, conduct a general cleaning of the areas (e.g., offices, bathrooms, and common areas) used by the confirmed-case focusing especially on frequently touched surfaces.
  - General cleaning can be done with disinfectant wipes.
  - Gloves that are compatible with the type of disinfectant wipes are also recommended.

# Cleaning and Disinfecting

- **Symptomatic**
- If the confirmed-case was symptomatic the last time s/he was at the work place, the following CDC recommended cleaning and disinfecting procedures are triggered.
- If practical, prior to cleaning, open outside doors and windows to increase air circulation in the area. If possible, wait up to 24 hours before beginning cleaning and disinfecting.
- Cleaning staff should clean and disinfect all areas (e.g., offices, bathrooms, and common areas) used by the confirmed-case focusing especially on frequently touched surfaces.
- Ensure that cleaning staff has the appropriate PPE.
  - PPE does not include respirators, but does include disposable gloves and gowns for all tasks, including handling trash.
- How to clean.
  - Gloves and gowns should be compatible with the disinfectant products being used.
  - Additional PPE might be required based on the cleaning/disinfectant products being used and whether there is a risk of splash.
  - Gloves and gowns should be removed carefully to avoid contamination of the wearer and the surrounding area. Be sure to thoroughly wash hands after removing gloves.
  - After cleaning a room or area occupied by ill persons, gowns should be removed while gloves are still on, then gloves should be removed and hands must be cleaned immediately after gloves are removed.
  - Cleaning staff should immediately report breaches in PPE (e.g., tear in gloves) or any potential exposures to their supervisor.



# Cleaning and Disinfecting

- In order for the Company to perform CDC recommended cleaning in-house (i.e., follow the above-steps), the Company should:
  - (1) develop policies for worker protection
  - (2) provide training to all cleaning staff on site prior to providing cleaning tasks
  - (3) training should include when to use PPE, what PPE is necessary, how to properly don (put on), use, and doff (take off) PPE, how to properly maintain PPE, and how to properly dispose of PPE.
- If the Company cannot perform cleaning and disinfecting in-house, it must contract with an outside contractor.

