

CDC Offers Employers Help For Coronavirus Planning

by Dennis J. Merley - Thursday, February 27, 2020



Coronavirus (COVID-19) and a possible pandemic are now issues of global concern. As Americans (and American workplaces) begin to feel the effects of the illness and the fears that it raises, employers are now facing the task of keeping their workers safe while remaining compliant with applicable federal and state law.

Employers are required by the [Occupational Safety and Health Administration \(OSHA\)](#) to maintain a safe working environment. COVID-19 may offer a challenge in that regard unlike anything we have seen to date. Fortunately, the Centers for Disease Control just issued an [interim guidance](#) to help employers prevent workplace exposure and minimize risk posed by COVID-19.

CDC's Recommendations

The guidance is an excellent resource containing a number of practical measures such as the following:

- Actively encourage sick employees to stay home until they are free of symptoms for at least 24 hours.
- Send employees home if they demonstrate symptoms while at work

- Emphasize coughing/sneezing etiquette and hand hygiene, and provide tissues, soap and water, and alcohol-based hand rubs.
- Perform routine environmental cleaning of all frequently touched surfaces and provide disposable wipes so that commonly used surfaces can be wiped down before use.
- Advise employees who might be traveling to guidance as to the particular country they will be visiting, check for symptoms before departing and, if they get sick while traveling, to inform the employer and contact a health care provider.
- If an employee has been exposed:
 - Employees who have a sick family member at home with COVID-19 should notify their supervisor.
 - If an employee is confirmed to have COVID-19, the employer should inform fellow employees of their possible exposure but maintain confidentiality.

There is much, much more in the CDC's guidance and every employer should take time ASAP to review it and consider implementing their advice regarding prevention and policies.

Legal Considerations

Naturally, any workplace concern must be addressed within the confines of the complex web of federal and state laws that govern the workplace. Since the full extent of the impact of COVID-19 upon employers is far from known, the legalities of employer actions will almost certainly be a matter of significant evolution.

At present, here are some primary considerations:

- Avoid discrimination. Do not single out any particular group, e.g. people from countries where COVID-19 is more prevalent, for greater scrutiny. Also be mindful of protections under the Americans with Disabilities Act (ADA) for people with disabilities or those who are perceived to have them.
- Review what is required under the Family and Medical Leave Act, as well as state law requirements covering leaves of absence and the use of sick leave.
- Confirm your obligations under any internal policies, collective bargaining agreements and/or employment contracts regarding time off and paid versus unpaid leave.
- Protect employee privacy in regard to medical information.

Bottom Line

While we hope that our fears of wide-spread impact from COVID-19 prove to be unwarranted, we are in the early days yet. Employers should begin taking the necessary steps to minimize risk and must stay alert to signs of possible infection.

In the meantime, we will watch for and report on significant developments as they arise.

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