

Coronavirus Q&A for Employers

Coronaviruses are a family of viruses that can cause illnesses such as the common cold, severe acute respiratory syndrome (SARS) and Middle East respiratory syndrome (MERS). In 2019, a new coronavirus was identified as the cause of a disease outbreak in China (COVID-19). Other respiratory illnesses, like seasonal influenza, are currently widespread in many U.S. communities.

Cases of COVID-19 have been reported in a growing number of countries, including the U.S. public health groups, such as the [World Health Organization \(WHO\)](#) and the [U.S. Centers for Disease Control and Prevention \(CDC\)](#), are monitoring the situation and posting updates on their websites. These groups have also issued [recommendations for preventing and treating the illness](#).

Finally, the CDC has posters that encourage [staying home when sick](#), [cough and sneeze etiquette](#), and [hand hygiene](#) at the entrance to your workplace and in other workplace areas where they are likely to be seen.

This is an emerging, rapidly evolving situation and CDC will provide updated information and guidance as it becomes available.

Q: What are the symptoms?

A: According to the CDC, [signs and symptoms](#) of COVID-19 may appear two to 14 days after exposure and can include fever, cough and shortness of breath or difficulty breathing.

Q: How does COVID-19 spread?

A: According to the CDC, COVID-19 is a new disease and ***we are still learning how it spreads, the severity of illness it causes, and to what extent it may spread in the United States.*** However, in general the virus is thought to spread mainly from person-to-person who are in close contact with one another (within about 6 feet) when an infected person coughs or sneezes or from contact with infected surfaces or objects and then touching their own mouth, nose, or eyes.

Q: Do you have any tips regarding prevention and minimizing transmission?

A: The CDC always recommends everyday [preventive actions](#) to help prevent the spread of respiratory diseases, including:

- Avoiding close contact with people who are sick.
- Avoiding touching your eyes, nose, and mouth.
- Staying home when you are sick.
- Covering your cough or sneeze with a tissue, then throw the tissue in the trash.
- Cleaning and disinfecting frequently touched objects and surfaces.
- Washing your hands often with soap and water for at least 20 seconds, especially after going to the bathroom; before eating; and after blowing your nose, coughing, or sneezing.
- Using an alcohol-based hand sanitizer with at least 60% alcohol.

Q: What if my employee is showing signs of an illness?

A: Employees who have symptoms of acute respiratory illness (fever, cough, shortness of breath or difficulty breathing) should be encouraged to stay home and not come to work until they are free of fever. Asking an employee who is showing symptoms of a contagious illness to leave the premises is an acceptable and reasonable request. Continue to communicate regularly with the employee and allow the employee to return to work when they are free from fever for 24 hours. Employees who are diagnosed with Coronavirus should follow guidance from public health officials and their doctor before being released from isolation and thus returning to work.

Q: Should we be reviewing our FMLA, PTO (or equivalent) and sick leave policies?

A: Yes. Employers should prepare for possible increased numbers of employee absences due to illness in employees and their family members, or dismissals of early childhood programs and K-12 schools due to high levels of absenteeism or illness. Many employers have specific policies in place for highly communicable illnesses such as the flu. However, some employers have more general policies. Employers should maintain flexible policies that permit employees to stay home to care for themselves or a sick family member. Consider the following:

- An employee who is experiencing a serious health condition or who requires time to care for a family member with such a condition may be entitled to take unpaid leave under the Federal Family and Medical Leave Act (FMLA) or state specific leave law. If your policy is to use/exhaust PTO or other leave in conjunction with FMLA, we recommend you not alter your process now.
- Not all employers are subject to the FMLA. Therefore, consider your current leave of absence policies. If your current policies do not adequately address the situation, consider amending them to speak to this circumstance. For example, consider allowing an employee to take additional unpaid (or paid) leave if the employee is not cleared to return to work (i.e. quarantined) and has exhausted all their leave under your current policy.
- Employees generally are not entitled to FMLA or leave as a reasonable accommodation to stay home to avoid getting sick.
- An employee may qualify for FMLA leave if the employee is showing signs and symptoms which rise to the definition of “serious health condition”, and the employee completes the necessary medical certification.
- Employees in certain jurisdictions may be entitled to paid sick leave if time off is needed to care for themselves, a sick family member, in the event of illness, or if their workplace, child’s school or day care is closed due to a public health emergency.

Q: Should we be encouraging remote work?

A: During an outbreak in your geographic area, consider encouraging employees to work from home if possible, even if not sick. The ability to work remote will depend on the nature of the work and your company culture. In general, if the employee can work remotely, we recommend the employee be provided the opportunity to continue working. In this situation, this would not be considered a “leave.”

Q: Should I be reviewing my discrimination and ADA policies?

A: Yes, to prevent stigma and discrimination in the workplace, do not make determinations of risk based on race or country of origin, and be sure to maintain confidentiality of employees with confirmed COVID-19.

- The EEOC has said that the ADA and Rehabilitation Act rules continue to apply, but they do not interfere with or prevent employers from following the [guidelines and suggestions made by the CDC](#) about steps employers should take regarding the Coronavirus.
- The ADA prohibits making disability-related inquiries or medical exams, unless job related and consistent with business necessity, or the employer has reasonable belief that the employee poses a direct threat to the health or safety of employees. During an outbreak, employers should seek public health advice to make reasonable assessments to determine if situations rise to a “direct threat.”
- Employees may be eligible for leave as a reasonable accommodation under the ADA or related state or local law, if the underlying condition constitutes a qualifying disability.
- The EEOC has provided [guidance](#) that can help employers implement strategies to navigate the impact of Coronavirus in the workplace.

Q: Has OSHA developed new standards in light of the Coronavirus (COVID-19)?

A: As of this writing, no, there is no specific OSHA standard covering COVID-19 and [existing OSHA standards](#) apply. However, some OSHA requirements may apply to preventing occupational exposure to COVID-19. Among the most relevant are:

- [OSHA's Personal Protective Equipment \(PPE\) standards](#), which require using gloves, eye and face protection, and respiratory protection.
- When respirators are necessary to protect workers, employers must implement a comprehensive respiratory protection program in accordance with the [Respiratory Protection standard](#).

- [The General Duty Clause](#) of the Occupational Safety and Health (OSH) Act of 1970, which requires employers to furnish to each worker “employment and a place of employment, which are free from recognized hazards that are causing or are likely to cause death or serious physical harm.”
- [OSHA’s Bloodborne Pathogens standard](#) applies to occupational exposure to human blood and other potentially infectious materials that typically do not include respiratory secretions that may transmit COVID-19. However, the provisions of the standard offer a framework that may help control some sources of the virus, including exposures to body fluids (e.g., respiratory secretions) not covered by the standard.

Q: What do I tell my employees who are traveling for business?

A: Advise employees to check themselves for symptoms of [acute respiratory illness](#) before starting business travel and notify their employer and stay home or cancel non-essential trips if they are sick. In addition,

- An employer may restrict business travel. Employers should continue to consult the CDC’s website: [“Coronavirus Disease 2019 Information for Travel”](#) for travel notices concerning risk.
- Ensure employees who become sick while traveling or on temporary assignment understand they should notify their employer and promptly call a healthcare provider for advice.
- If outside the United States, sick employees should follow the employer’s policy for obtaining medical care in that country.
- Employers and employees alike are encouraged to simply use their best judgment regarding non-essential travel.

Q. Can we require employees to notify us of their personal travel plans?

A: As an employer, you cannot restrict personal travel, therefore this type of inquiry is not recommended. We recommend that you educate and empower your employees as outlined above.

Q: What if I suspect that an employee has signs and symptoms of an illness while traveling?

A: If an employee is showing symptoms, it is recommended that you require a set period away from the workplace and receive medical clearance before the employee may return. If practical, the employee should be encouraged to work remotely during this period. However, these determinations should be made on a case-by-case basis following guidance established by public health officials.

Q: Where can I find the latest travel restrictions?

A: The CDC issued a [warning notice](#) to avoid all non-essential travel to China. CDC and U.S. Customs and Border Protection have implemented [enhanced health screenings](#) to detect travelers with fever, cough, or difficulty breathing when entering the United States. In addition, we encourage employers to continue to monitor the [CDC’s Traveler’s Health Notices](#) for the latest guidance and recommendations for each country to which you will travel.

Q: What if I receive a workers’ compensation claim related to Coronavirus?

A: Workers’ compensation policies generally extend insurance benefits to employees for illness or injuries “arising out of or in the course of employment.” Workers’ compensation claims often focus on whether the claimed injury is truly work-related, the injured employee’s activity, the time and the location. Therefore, if your employees travel to an infected area, maintain detailed records identifying potential exposures. Similarly, healthcare workers might contract the coronavirus through caring for an ill patient and be entitled to benefits provided by workers’ compensation insurance. Employers should file a first report of injury form if an employee may have contracted an illness through their employment.

Q: Are employees entitled to unemployment benefits if we decide to temporarily shutdown or layoff employees?

A: Unemployment insurance provides benefits to eligible workers who are unemployed through no fault of their own and meet other eligibility requirements. Temporary shutdowns and/or layoffs generally meet those requirements.