



Coronavirus Information

Overview:

Coronaviruses are a large family of viruses that are common in humans and many species of animals. COVID-19 is the strand making the news. Most symptoms are mild, and appear 2-14 days after exposure including fever, cough, and shortness of breath. Symptoms can become more severe, but most common in the elderly, or those who are immuno-compromised. Coronavirus is spread from person-to-person contact (within 6 feet), through respiratory droplets when sneezing. The Occupational Safety and Health Administration (OSHA) states that most U.S. workers remain at low risk of exposure and infection. ***Both OSHA and the Centers for Disease Control and Prevention (CDC)'s main recommendation is frequent and proper handwashing as well as not touching your face.***

As of early March 2020, 70,000 cases of coronavirus have been confirmed across the globe, mainly in mainland China. There now are cases confirmed in the U.S. Employers who are concerned that an employee(s) may have been exposed should consult the CDC's risk assessment. This guidance addresses various potential exposure scenarios and identifies four exposure risk categories: (1) High Risk, (2) Medium Risk, (3) Low Risk and, (4) No Identifiable Risk. Any employee who falls under "Medium Risk", but has no symptoms, is recommended to avoid areas where people congregate (including workplaces) for 14 days. It is recommended, by the CDC, that employers begin to consider how their plans are faced with an outbreak. Could employees telecommute, or could employers stagger shifts to create distance among employees? Finally, scale back on any non-essential travel, and consider postponing any big conferences or large meetings.

For local businesses, there is a low-risk for supply chain transmission or exposure due to international shipping. The virus does not survive long on surfaces and does not survive huge temperature fluctuations. In response, different countries have adopted differing policies (from extreme to almost non-existent), so you may need to look up the policy for your specific suppliers.

Further predicted implications include:

- Supply chain disruptions
- Decreases in Energy Prices
- Pressure on Tourism, Hospitality, and Education
- Economic hardships, and increased likelihood of civil unrest
- Problems for incumbent administrators
- Cascading systemic failures

With attention to employee safety and legal preparedness, employers can take simple steps to minimize employee's risk of infection, as well as their own legal risk.



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Main Recommendations:

1. Stay Informed:

- Despite the widespread media panic, the CDC recommendations, are very much on par with the simple steps it already recommends for the seasonal flu including washing your hands and avoiding touching your face.
- Follow reputable sources such as the Center for Disease Control and Prevention (CDC), The World Health Organization (WHO), and the European Center for Disease Prevention and Control (ECDC), for updates, including possible updates in prevention protocol.
- Be sure that your corporate policy is in alignment with official recommendations, can be a potential legal safeguard.

2. Intensify Communications And Hygiene:

- Remind staff of proper handwashing techniques.
- Remind staff to avoid touching their face (specifically eyes nose and mouth).
- Place posters that encourage staying home when sick, cough and sneeze etiquette, and hand hygiene at the entrance of your workplace and other places where they are likely to be seen. (Linked Below)
- Perform routine cleaning, with the same cleaners normally used, including frequent cleaning of commonly touched surfaces such as countertops, elevator buttons, and doorknobs. Note No additional disinfection beyond routine cleaning is recommended at this time.
- Provide disposable wipes for commonly used surfaces (doorknobs, keypads, remotes, etc.).
- Instruct staff to inform management if they have been exposed, or show symptoms of the infection. Failure to do so can potentially expose a company to liability should an employee become exposed in the workplace.

3. Consider Restrictions About Returning To Work:

- Anyone who has recently traveled internationally, particularly Asia, should self-quarantine for 14 days.
- Actively encourage sick employees to stay at home, until they have been fever and symptom-free for at least 24 hours.
- Consider alternatives to in-office work. Telecommuting, webinars, and working from home can be effective forms of social distancing
- Do not require a healthcare provider's note for employees who are sick with acute respiratory illness to validate their illness to return to work. Healthcare provider



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officers are most likely extremely busy and may not be able to execute these requests in a timely manner.

- Written policies should be explicit about when employees with potentially transmissible conditions will and will not be allowed back.

4. Be mindful of an employer's duty to care.

- The Occupational Safety and Health Act (OSHA), requires employers to provide employees with a workplace "Free from recognized hazards", and OSHA can cite employers for violating this if they have not taken reasonable steps to abate such hazards.
- Consider further liability to third parties such as customers. For example, a restaurant employee, sick on the job, can pass the infection to not only co-workers but customers.

5. Evaluate Leave and Pay

- Ensure your sick leave policies are flexible and consistent with the public health guidelines.
- Be mindful of legislation such as the Family and Medical Leave Act (FMLA), and the Americans with Disabilities Act (ADA), as well as state compensation laws, and company policies. Figure out how much paid leave each employee is eligible for.
- Consider under which circumstances they want to expand benefits or protection for employees on leave. Employees may use more sick days this year, and the company could consider allowing extra.
- Where possible, maintain a flexible policy that permits employees to stay home to care for a sick family member. Know more employees than usual may need to stay at home to care for a sick loved one.
- On March 6th Democrats in the House and Senate introduced legislation that would require all U.S. employers to grant workers paid sick days in light of the virus. At this time nothing has been passed. Keep an eye out for updates on the bill.

6. Alleviate Stress and Anxiety

- Consider being more flexible than normal. For example instead of terminating employees who refuse to come into the office for fear of illness, consider letting them work from home.
- Be aware that mental health conditions (such as germ phobia) may be protected by the Americans with Disabilities Act (ADA), and employers need to take a modified approach pursuant to reasonable accommodations.



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7. Protect Privacy

- Employees may be obligated to disclose if he/she becomes infected or is at a high-risk for infection (anything that could interfere with the employee's ability to perform essential job functions).
- Even rigorous privacy rules allow employees to disclose protected health information to authorities for public health purposes. All such information must be handled within the data privacy framework of the organization and done so with care.
- If an employee has contracted the virus, the employers should immediately notify the CDC, as well as other employees. Then, file any appropriate paperwork (FMLA, state law, workers' compensation, etc.)

8. Have A Contingency Plan

- This may include, temporary succession planning for key decision-makers, and understanding and preparing in advance for legal requirements such as furloughs and layoffs.
- Companies should have a basic preparedness plan. This includes establishing a communication team and releasing a detailed communication plan with clear messages (on all organization's sites). Consider different scenarios and how you could mass communicate information in each of them. Should landlines go down, cellphones, text, apps, etc may be effective forms of communication.
- Most jurisdictions require formal notifications for layoffs above a certain number of employees, and failure to do so can result in penalties.

Frequently Asked Question:

- My employee is returning from a visit to China. Can I ask them to work from home for 14 days?
 - Yes, at this point anyone returning from mainland China is routinely being asked to self-quarantine, and seek medical assistance if they develop symptoms.
- If my employee cannot work remotely, do I have to pay them for the 14 day period I have asked them to self-quarantine?
 - While there are currently no federal law requirements, check your state and company policies.
- Can I ask an employee to work from home if they visited Asia but not China (for example Thailand). Is this discrimination based on race or perceived disability?
 - Yes, you may ask them to work from home. As long as you are consistent in the response regardless of the individual's protected classification.



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- If my employee contracts Coronavirus while traveling for work am I, as the employer, liable?
 - This is different than the common cold or flu. Check your worker's compensation policy for this unique circumstance. Most employment laws were not written with a virus outbreak in mind. You are not required to employ an individual who presents a "direct threat" of harm.
- Should I or my employees wear masks?
 - Masks don't filter the virus from the air, but instead, do a better job of preventing people from touching their face. Masks are better for those who are already sick to prevent spreading their illness. Social distancing is a good way to help prevent the spread of the virus.
- Should I put hand sanitizer out in the office?
 - Hand-washing is the single most effective way of preparation (also avoid touching your face. An alcohol-based gel is fine to use in a pinch, but hand washing is far more effective.

Additional Resources:

The CDC: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

CDC Posters:

- Home When Sick:

<https://www.cdc.gov/nonpharmaceutical-interventions/tools-resources/educational-materials.html>

- Cough And Sneeze

https://www.cdc.gov/healthywater/hygiene/etiquette/coughing_sneezing.html

- Hand Hygiene

<https://www.cdc.gov/handwashing/materials.html>

OSHA: <https://www.osha.gov/SLTC/covid-19/>

Harvard Business: <https://hbr.org/2020/03/what-are-companies-legal-obligations-around-coronavirus>