

Four Things All Employers Should Do to Prepare for the Coronavirus

By Nathan Pangrace

The coronavirus (COVID-19) has spread across 16 states in the U.S. with at least 150 confirmed cases and eleven deaths. The spreading epidemic is a wake-up call for employers to review their current policies and procedures in place to protect employees from infectious diseases in the workplace. Here are four things all employers should do immediately to prepare for and respond to the spread of the coronavirus.

1. Protect employees from exposure.

The Center for Disease Control (CDC) recommends that employers take several steps to control employees' exposure to the coronavirus. These steps include frequent hand washing with soap and water or an alcohol-based hand sanitizer, routinely cleaning commonly touched surfaces, shielding coughs and sneezes with a tissue, elbow, or shoulder, and encouraging employees to stay home or leave work if they have symptoms of the virus. Symptoms consist of a temperature of over 100.4 °F and coughing, sneezing, and shortness of breath. Other steps employers may consider are limiting or cancelling business travel to areas where the coronavirus is most prevalent. Doing so can prevent illness or loss of productivity due to quarantine or employee absences. The CDC also recommends that employers prevent employees and visitors exposed to the coronavirus from coming to the workplace for a period of at least 14 days after exposure.

2. Review and update PTO and sick leave policies.

The spread of the coronavirus also presents an opportunity for employers to revisit their existing sick leave and paid time off (PTO) policies. Such policies are critically important in a pandemic because they reduce potential exposure and spread of the virus at work by allowing employees to take off without fear of being penalized. It is also essential to review leave policies to ensure they are consistent with federal, state, and local law. Employees suffering from the coronavirus may be eligible for up to 12 weeks of unpaid protected leave under the FMLA. A temporary non-chronic illness like the coronavirus is not a disability under the ADA; however, the ADA does limit an employer's ability to require an employee to undergo a medical evaluation. Under the ADA, an employer may require such an evaluation if the employee's condition poses a direct threat to the workforce. Lastly, to protect employee privacy and avoid violating HIPAA, employers should maintain the confidentiality of any employees diagnosed with coronavirus, keep communications about their condition confidential, and store medical documents in a location separate from their personnel file.

3. Maximize employees' ability to work remotely.

Another way for employers to combat the spread of the coronavirus is to adopt policies permitting employees to work remotely or telecommute. These policies should be reviewed by counsel to ensure they comply with wage and hour laws such as the FLSA and state workers' compensation statutes. Additionally, employers should consider canceling in-person conferences and meetings. Video conferencing maybe a good alternative to in-person meetings when possible

4. Creating an infectious disease outbreak response plan.

Lastly, the CDC recommends that employers implement strategies to protect their workforce from coronavirus by creating an infectious disease outbreak response plan. The plan should identify work-related exposure and health risks to employees and be consistent with public health recommendations. It should ensure supervisors are trained to recognize symptoms of infectious diseases and have access to information on infection control and company policies. The plan should also include a reliable system for real-time public health communication with employees. Employers should share their plan with employees and explain what human resource policies and benefits will be available in the event of an outbreak.

For questions or additional guidance about how employers should respond to the spread of the coronavirus, please contact one of the listed Roetzel attorneys.

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