

## COVID-19 Diagnosis At Your Workplace? What Next?

### **7 Things Employers Need To Know**

As the Coronavirus pandemic outbreak has brought major *disruption* and *fear* to the workplace, we're facing *HR issues* and *questions* that we've *never dealt with before*.

As part of *Benefit Pro's* effort to *assist clients* navigate through this crisis, we've developed this quick Q&A guide – "**7 Things Employers Need to Know**" if an employee is diagnosed with COVID-19.

#### **Q: One Of Our Employees Calls In And Says They Tested Positive For Coronavirus. What Now?**

**A: Inform others** of possible exposure to COVID-19 in the workplace. Follow CDC guidelines and be sure to identify anyone who has been in "**close contact**" with the diagnosed individual to **send home** and **self-quarantine for the recommended 14 days**. CDC defines "close contact" as being 6' apart for a prolonged period of time.

Immediately "**cordoned off**" work area(s) frequented by the diagnosed individual until the areas are properly cleaned and disinfected.

#### **Q: How Do We Announce This To Other Employees?**

**A: You are legally required to notify employees** if they are exposed. That said, your "**messaging**" is **vital** with the goal of demonstrating a "**caring culture**" and **peace of mind**. Acknowledge that safety is the Company's highest priority and there is no immediate cause for concern, but the Company is taking precautionary measures. This can be done verbally, in writing or electronically. Allow employees who may have been exposed to get medical assistance.

#### **Q: Is There A Potential HIPAA Or Privacy Issue?**

**A: Yes, DO NOT DISCLOSE the identity** of the individual as they are protected under **HIPAA, ADA, FEHA** and other privacy laws. Although in a smaller company or team, employees can likely deduce who the infected person is, it's still the employer's obligation not to divulge confidential information.

#### **Q: Are They Eligible For Paid Leave? Benefits?**

**A: An employee diagnosed with COVID-19** (or asked to self-quarantine by their employer) who is scheduled for work, but unable to work or telework is entitled for up to **80 hours paid sick leave** under the Emergency Paid Sick Leave Act (EPSL – FFCRA) through December 31, 2020. Health benefits must be maintained for employees under EPSL.

#### **Q: Where Can They Go For COVID-19 Testing?**

**A: UCSD, Sharp, Scripps, Rady Children's, Kaiser and VA hospitals, with the list growing.** However, the San Diego County Public Health Department issued **that testing should be offered only to those with symptoms severe enough to require hospitalization, those 65 and older, have a chronic health**



*condition, live in a group home or have a high-risk job. These conditions are expected to ease as testing becomes more widely available.*

**Q: What If Employees Refuse To Come To Work? Or Strike? How To Keep Them At Work?**

**A:** You **cannot force employees** to come to work, as they may have **legitimate health and safety concerns** (OSHA, ADA & FEHA). You may choose to opt to place them on **unpaid leave** if they do not have personal leave time or another protected leave (FMLA, CFRA, FFCRA) available. If they have a **pre-existing condition** that increases vulnerability or a **mental disorder** exacerbated by fear of COVID-19, you may want to offer a **work from home** reasonable accommodation. **This is a highly complex area – consult your legal counsel or HR advisor.**

**Q: What Can We Do To Prevent Transmission At Work? Are There Sanitation Guidelines Going Forward That We Should Be Following?**

**A:** Protecting workers against infectious diseases must become an **organizational priority**. Besides regular **cleaning and disinfecting** of the work environment, be sure to strongly encourage workers to **“stay home” if they are sick**. It is recommended to **promote frequent and thorough hand washings and discourage the use of “other worker’s” phones, desks, tools, etc.** Also, continue to promote social distancing among employees and customers when advised by state or local health authorities. [See updated CDC guidance for details.](#)

**DISCLAIMER** – The above are general HR and government agency guidelines researched as of the date of this notice April 8, 2020. **For your specific situation(s), we recommend that you consult your legal counsel.** Changes in legislative requirements and guidelines may impact the handling of your situation given the fluidity of this pandemic crisis.