

4-Step Plan For Handling Confirmed COVID-19 Cases When Your Business Reopens

4.20.20

Businesses will soon reopen, presenting employers with new challenges as part of the next phase of the COVID-19 pandemic. With no known vaccine or treatment currently available for the novel coronavirus, reopened employers will likely experience confirmed cases of the illness in their workplace. Now is the time to develop plans to address this inevitable situation.

4 Steps to Handle Confirmed COVID-19 Cases In Your Workplace

You should follow this four-step plan when addressing a confirmed COVID-19 case in your workplace:

1. Isolate/Quarantine Confirmed Employees

The infected employee should remain at home until released by a physician or public health official. If a medical note releasing the employee is unavailable, follow the CDC guidelines on when an employee may discontinue self-isolation, which contain specific requirements dependent upon whether the employee tested positive for COVID-19 and the symptoms exhibited.

2. Address And Isolate Employees Working Near An Infected Co-Worker

You should ask infected employees to identify all individuals who worked in close proximity (within six feet) for a prolonged period of time (10 minutes or more to 30 minutes

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or more depending upon particular circumstances, such as how close the employees worked and whether they shared tools or other items) with them during the 48-hour period before the onset of symptoms. Send home all employees who worked closely with the infected employee for 14 days under CDC Guidance to ensure the infection does not spread. While quarantined, those employees should self-monitor for symptoms, avoid contact with high-risk individuals, and seek medical attention if symptoms develop.

Please note that the CDC has developed alternative guidelines for critical workers. If you are an essential business, asymptomatic employees who have been directly exposed to a confirmed case of COVID-19 can continue to work if certain guidelines are met. The CDC may issue even further guidance once businesses begin to reopen, as evidenced by this brand new webpage devoted to reopened businesses.

3. Clean And Disinfect Your Workplace

After a confirmed COVID-19 case, follow the CDC guidelines for cleaning and disinfecting the workplace. Your cleaning staff or a third-party sanitation contractor should clean and disinfect all areas (e.g., offices, bathrooms, and common areas) used by the ill person, focusing especially on frequently touched surfaces.

If using cleaners other than household cleaners with more frequency than an employee would use at home, ensure workers are trained on the hazards of the cleaning chemicals used in the workplace and maintain a written program in accordance with OSHA's Hazard Communication standard. Simply download the manufacturer's Safety Data Sheet (SDS) and share with employees as needed, and make sure the cleaners used are on your list of workplace chemicals used as part of a Hazard Communication Program.

4. Notify Your Employees

Following a confirmed COVID-19 case, and as recommended by the CDC, notify all employees who work in the location or area where the employee works of the situation without revealing any confidential medical information such as the name of the employee (unless the employee has signed an authorization to disclose his or her diagnosis; see samples available in our FP Data Bank). Inform employees of the actions you have taken, including requiring employees who worked closely to the infected worker to go home. Let employees know about your sanitizing and cleaning efforts and remind them to seek medical attention if they exhibit symptoms. The failure to notify employees at your location of a confirmed case may be a violation of OSHA's general duty clause, which requires all



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employers to provide employees with a safe work environment.

Conclusion

Once President Trump announced the “Opening Up America Again” guidance on April 16, which provides discretion to state governors and local officials to make individual determinations about relaxing return-to-work and non-essential business closure orders, states immediately began to announce their plans for reopening businesses. Texas announced plans to start reopening businesses on April 27, and other states like Florida are set to announce similar plans this week. The expected resurgence in businesses getting back to work will inevitably lead to confirmed cases in the workplace, and the time to plan for such a contingency in your workplace is now. In order to ensure your response is consistent with current guidance, seek the advice of counsel to respond appropriately.

This is a constantly evolving area, with new guidance being issued nearly every day. Fisher Phillips will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to Fisher Phillips’ Alert System to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, or any member of our Post-Pandemic Strategy Group Roster. You can also review the FP BEYOND THE CURVE: Post-Pandemic Back-To-Business FAQs For Employers and our FP Resource Center For Employers.

This Legal Alert provides an overview of a specific developing situation. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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