



An Employee Has COVID-19—Now What?

An Employer's Quick 7-Step Guide

Though many experts thought the summer months would bring reprieve, COVID-19 cases are continuing to rise in the United States and, as a result, more employers are dealing with employees testing positive for the coronavirus. Since we published our original plan for responding COVID-19 cases when businesses began to reopen in April, updated guidance has provided some additional considerations employers should keep in mind as they address a positive coronavirus case. Here is our quick seven-step guide to addressing a positive COVID-19 case in the workplace:

Step One - Isolate/Quarantine Infected Employee:

You should instruct the infected employee to remain at home until released by a physician or public health official. If a doctor's 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/or exhibited symptoms.

Step Two - Conduct Contact Tracing to Identify Individuals in "6-15-48" of Infected Employee:

After learning that one or more employees has either, been diagnosed with COVID-19 or is showing symptoms of COVID-19, act quickly to have the infected employee identify all other employees and/or third parties who might have been exposed during the infectious period. Ask the infected employee to identify all individuals who fall in the "6-15-48" zone: those who worked in "close proximity" (within six feet) for a prolonged period (15 minutes or more) with the infected employee during the 48-hour period before the onset of symptoms.

Step Three - Address Those Employees Who Were in Close Proximity to Infected Employee:

Under CDC guidance, you should, without revealing the identity of the infected employee, notify all personnel who could have worked in close proximity of the infected employee, that they may have been exposed and inform them to self-monitor for symptoms, avoid contact with high-risk individuals, and report to your supervisor/manager if symptoms develop, then seek medical attention.

The CDC has developed alternative guidelines for critical infrastructure 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.



An Employee Has COVID-19—Now What? An Employer's Quick 7-Step Guide

Step Four - Recording, Reporting, And Investigating the Work-Relatedness Of COVID-19:

OSHA recently unveiled new recordkeeping requirements requiring covered employers to make an increased effort to determine whether they need to record, and report confirmed coronavirus cases in the workplace. To ensure compliance, you should document your efforts to determine if the positive COVID-19 case was work-related. In most situations, once you learn of an employee's COVID-19 illness, you should:

1. Ask the infected employee how they believe they contracted the COVID-19 illness;
2. While respecting employee privacy, discuss with the infected employee their work and out-of-work activities that may have led to the COVID-19 illness; and
3. Review the employee's work environment for potential COVID-19 exposure.

Look to the surrounding evidence to aid your efforts. OSHA's guidance highlights that certain types of evidence weigh in favor of or against work-relatedness. For example, when there is no alternative explanation, a case is likely work related:

- When several cases develop among workers who work closely together;
- If it is contracted after lengthy, close exposure to a customer or coworker who has a confirmed case of COVID-19; or
- If an employee's job duties include having frequent, close exposure to the general public in a locality with widespread transmission.

If you make a reasonable and good faith inquiry but cannot determine whether it is more likely than not that exposure in the workplace played a role in the confirmed case of COVID-19, the agency says that you do not need to record the illness.

You should also check local and state guidance to determine if there are other investigation, reporting, or recording obligations triggered by a positive COVID-19 case.

Step Five - Clean and Disinfect Your Workplace:

After a confirmed COVID-19 case, follow the CDC guidelines for cleaning and disinfecting the workplace. The 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.



An Employee Has COVID-19—Now What? An Employer's Quick 7-Step Guide

Step Six - Determine If Other Employees and Third Parties Should Be Notified:

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. Notification should be done without revealing any confidential medical information such as the name of the employee. Also notify any third parties that may have been exposed by the infected employee.

Inform employees and third parties of the actions taken; including requiring employees who worked closely to the infected worker to self-monitor and the sanitizing and cleaning efforts being completed. Include a reminder to report to their supervisor/manager should they begin to show symptoms and then seek medical attention. 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 employers to provide employees with a safe work environment.

Step Seven - Determine If the Infected Employee (or others) are Eligible for Paid Time Off:

Finally, determine if the employee is eligible for paid time off under company policy, local, state, or federal guidelines. If you are a covered employer under the Families First Coronavirus Response Act (FFCRA), the infected employee may be eligible for emergency paid sick leave. Other potentially exposed employees may also be eligible for emergency paid sick leave. Make sure you maintain appropriate documentation for employees on leave.

Conclusion:

This is an evolving area, with new guidance being issued constantly. Delta Administrative Services will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to Delta Administrative Services via Social Media to get the most up-to-date information. For further information, contact any Delta Administrative Services' representative. You can also review any of our bi-weekly webinars from our COVID-19 section on our website.

The above information is an overview of a specific developing situation. It is not intended to be, and should not be construed as, legal advice for any fact situation.