



CORONA VIRUS: BEST PRACTICES AND COMPLIANCE

BEST PRACTICES:

- Monitor the Centers for Disease Control and World Health Organization websites to obtain the most up-to-date information.
- Ensure you have updated emergency contact information for all employees and ensure your emergency notification procedure is up-to-date.
- Develop a client communication plan in the event key deliverables may be delayed or disrupted.
- Communicate to staff (verbally and in writing) the potential seriousness of the disease outbreak and inform them that, as an organization, you're committed to their safety and wellbeing. With that said, cooperation among employees is of the utmost importance.
- As an organization, ensure your employees have ample amounts of antibacterial soap, paper towel, hand sanitizer, Lysol and disinfectant wipes.
- Encourage employees to clean and wipe down surfaces often.
- If you have a cleaning crew, request that they disinfect door knobs, workstations, counter tops...etc.
- Anticipate employee fear, anxiety, rumors, and misinformation, and plan communications accordingly.

EMPLOYEES SHOULD:

- Report any travel in or out of the country; if the employees' spouse or other close family member is traveling out of the country, this information should be reported as well.
- Stay home if they have respiratory symptoms (coughing, sneezing, shortness of breath) and/or a temperature above 100.4 F.
- Leave work if they develop these symptoms while at the workplace.
- Shield coughs and sneezes with a tissue, elbow, or shoulder (not the bare hands).
- Wash hands often with soap and water for at least 20 seconds or use an alcohol-based hand sanitizer. Paper towel drying is better than jet dryers.
- Avoid touching your eyes, nose, mouth and face.

For help managing these requirements or to schedule a complimentary Compliance Review, contact us today!

EVALUATE CURRENT POLICY & PROCEDURE:

- Evaluate the absolute core functions of your business and ensure they are able to run in the event of a shut down or quarantine (sales, client support, product delivery...etc.)
- Evaluate employees' ability to work from home or work a flex schedule – provide this opportunity when feasible as it keeps productivity up; document the new policy and disseminate to staff as part of your preparedness plan.
- Reconsider work travel to high-risk areas or consider requiring employees who do travel to such high-risk areas to telecommute temporarily or otherwise wait a period of time before returning to the workplace.

COMPENSATION DURING QUARANTINE LEAVE OR BECAUSE VIRUS HAS BEEN CONTRACTED:

- The employee may be required to be paid if the employee is subject to a contract or collective bargaining agreement that requires pay when employees go on work-required leave.
- In the absence of a contract, hourly employees work at-will and are not guaranteed wages or hours. In other words, these employees do not need to be paid (unless they use PTO, sick or other paid leave).
- Exempt employees do not have to be paid if they are sent home for an entire workweek (unless they use PTO, sick or other paid leave). However, if exempt workers work for part of the workweek, they would have to be paid for the entire week.

STATE AND FEDERAL LEAVES OF ABSENCE:

The Coronavirus qualifies as a serious health condition and, employees are eligible for state and federal leaves of absence as outlined below:

*Family Medical Leave Act (50 or more EE's);
Paid Family Leave; Short Term Disability;
Workers Compensation*

QUESTIONS TO CONSIDER:

- **Are employees cross-trained?**
- **How will this employees work be covered?**
- **Are job tasks and responsibilities properly documented?**

THE AMERICANS WITH DISABILITY ACT AND CORONA VIRUS:

- The ADA protects employees with disabilities, but during a global health emergency, employees can be required to be medically examined to determine if they have contracted the disease when an employer has a reasonable belief that employees will pose a direct threat.
- When communicating to staff, ensure you protect the identity of the impacted employee; state, "An unidentified employee with whom you may have had recent contact with has been exposed to the coronavirus or has tested positive".

QUESTIONS TO CONSIDER:

- **Do you have a medical request form in place?**
- **Do you have an employee accommodation request form in place?**
- **Are you filing employee medical information separately from employees' personnel file?**

ADDITIONAL QUESTIONS TO CONSIDER:

- **Is there an obligation to accommodate employees who do not want to work in public-facing positions due to risk of infection?**

There may be an obligation to accommodate employees if there is objective evidence that they could potentially be exposed to individuals who may have contracted the virus. For example, airport employees dealing with travelers who have returned from China or other highly impacted areas of Asia, Europe and the United States. Employees should not be disciplined for refusing to work if they believe that there is a risk of infection because making such a complaint may be a protected activity. If the employer can establish that there is no basis for any exposure to the disease, the employee does not have to be paid during the time period the employee refuses to work.

- **What obligations exist to notify or negotiate with a union regarding coronavirus policies, including leave due to quarantine?**

It depends on the terms of any collective bargaining agreement. There may be an obligation to negotiate with a union regarding the quarantine policies because they affect the terms and conditions of employment, which include wages and hours at work. Check the management rights clause in the contract.