



With all the information out there and misinformation on the Coronavirus and its impact on the workplace, we want to share with some general questions and answers in the event your employee has symptoms or tests positive for COVID-19.

What should we do if an employee has tested positive for Coronavirus?

You should send the employee home or advise them to stay home. You should inquire and identify all individuals who work nearby (three to six feet) the previous 14 days. You should send home all identified employees for 14 days to ensure the infection does not spread.

What can I tell employees if a co-worker has tested positive for the Coronavirus?

The Americans with Disability Act (ADA) restrict employers from sharing personal health information of an employee. You should inform employees that possible exposure has occurred without identifying information about the individual who has tested positive. You may also want to consider asking a cleaning company to undertake a deep cleaning of your affected workspaces. If you work in a shared office building or area, you should inform building management so they can take whatever precautions they deem necessary.

What should we do if an employee discloses that they have been in exposed to someone who tested positive for COVID-19?

Follow the same steps, as indicated above. The CDC recommends treating the situation as if it's a confirmed case and self-quarantine. Communicate with identified workers to let them know that an employee has not tested positive for the virus but has been exhibiting symptoms that lead you to believe a positive diagnosis is possible.

Can I ask an employee if they have Coronavirus?

In general, you can ask an employee how they are feeling, but you should not inquire about a specific illness. Otherwise, this could rise to the level of disability-related inquiry.

What can I share with employees about those who have decided to self-quarantine as a precautionary measure to avoid exposure?

You should maintain discretion and not share the name but perhaps send out a communication to staff regarding the option to work remote as an option "no questions asked policy."

Can I require an employee to go home or stay if they are sick?

Yes, you can require employees to remain home who show signs of respiratory illness and stay home until they are symptom-free.

Can we prevent an employee from returning to work until they get a medical release?

Guidance from the Centers for Disease Control and Prevention (CDC) suggests employers remove such requirements during a health crisis as access to health care providers may be limited.



Do I have to pay non-exempt employees who are sent home from work because they are sick?

Most employers provide employees with paid time off for illness. Non-exempt employees who do not have paid leave available are not required to be paid for such absences unless there is a collective bargaining agreement indicating otherwise.

Do I have to pay exempt employees who are sent home from work because they are sick?

An exempt employee must be paid for partial-day absences but may have his or her salary reduced for full-day absences due to sickness if the employer offers a paid sick leave benefit and the employee has exhausted that leave or is not yet eligible for the leave.

Are we obligated to allow employees to work remotely?

While it is not required, telecommuting may be a practical measure to reduce exposure of the virus in some work environments. Employees with disabilities that put them at high risk for complications may request telework as a reasonable accommodation to reduce their chances of infection during a pandemic.

The impact of Coronavirus on businesses and employers is new territory for all. Trying to comprehend and grasp the rapid changes is no easy feat. Cavignac & Associates is here to keep you informed and support you.

<https://www.fisherphillips.com/resources-alerts-comprehensive-faqs-for-employers-on-the-covid>

https://www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitaion_act_coronavirus.cfm

<https://www.osha.gov/SLTC/covid-19/controlprevention.html>

<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>