



COPING WITH CORONAVIRUS: GUIDANCE FOR EMPLOYERS TO PLAN FOR AND RESPOND TO CORONAVIRUS

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Coronavirus Disease 2019 (COVID-19) has been on the forefront of many people's minds in the past several weeks. Employers want to know to what they should be doing, both proactively and reactively, to protect their workforce and business.

The Center for Disease Control and Prevention ("CDC") recently issued interim guidance for businesses and employers regarding the Coronavirus. The CDC recommends that employers take the following steps:

1. Actively encourage sick employees to stay home. Employees with symptoms of acute respiratory illness (cough, shortness of breath) or a fever above 100.4° F should not come into work. Further, those employees should not return to work until they have been free of any such symptoms for a period of 24 hours.
2. Separate ill employees. If an employee comes into work with signs of acute respiratory illness, they should be separated from other employees and sent home as soon as possible.
3. Educate employees. Send company-wide emails and place posters in prominent locations encouraging employees to stay home when sick and educating them on respiratory etiquette and hand hygiene. The CDC provides educational materials on these topics.
4. Perform routine environmental cleaning. Routinely clean all frequently touched surfaces and provide disposable disinfectant wipes for employees to use on their own workspaces.
5. Advise employees who travel for work to take certain measures. Check the CDC's Traveler's Health Notices website for up-to-date guidance and recommendations on travel. Also advise employees to check themselves for symptoms of acute respiratory illness before traveling.

The complete CDC publication can be found [here](#).

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In implementing these guidelines regarding the Coronavirus or other infectious diseases, employers should be cautious not to run afoul of any Federal, State, or Local employment laws. For example:

- Employers should not make determinations of risk based on an employee's race or country of origin;
- Employers should maintain the confidentiality of any employees with a confirmed Coronavirus or other infectious diseases. Employers can and should inform other employees that they may have been exposed to the Coronavirus or other infectious diseases, but should not disclose the source of the potential exposure;
- Under the Americans with Disabilities Act (ADA), an employer may exclude an applicant or employee with a disability from a particular position if that individual poses a direct threat to health or safety in the workplace. Direct threat is defined as a significant risk of substantial harm to the individual or others in the workplace that cannot be reduced or eliminated through reasonable accommodation. This determination must be based on an individualized assessment of the applicant's or employee's present ability to safely perform essential job functions. It cannot be based on generalizations or unfounded fears about a particular condition.