

Interim Guidance: Employer Preparedness Checklist for Coronavirus (COVID-19)



The coronavirus (COVID-19) pandemic involves a fluid and quickly evolving situation that will require employers to be flexible and monitor data in real time. This interim guidance is based on what is currently known about the disease and is subject to change as this situation develops.

STAY UP TO SPEED, INFORMED AND FLEXIBLE

- Monitor the CDC's website for [guidance to businesses](#) and other [updates](#) as this situation progresses. Stay informed of [where](#) the coronavirus has been reported.
- Anticipate that employer responses will be affected by the closure of early childhood programs and K-12 schools and disruptions in public transportation, which may occur if the coronavirus worsens.
- Proactively determine how your company will operate if absenteeism spikes from increases in sick employees, those who stay home to care for sick family members, and those who must stay home to watch their children if dismissed from school.
- Take the time now to learn about coronavirus plans in each community where your business operates. Local conditions will influence decisions made by public health regarding community-level strategies and, ultimately, affect your business.

ESTABLISH A RESPONSE PLAN

- Establish a response plan that is flexible, well-informed and tailored to the essential aspects of your business. In developing your plan, involve key employees to inform the plan and reality-test assumptions upon which the plan is based.
- Identify a cross-trained response team to work with one point of contact to respond to reports of infection or possible exposure.

- Identify essential business functions, essential jobs or roles, and critical elements within your workforce and supply chains (i.e., suppliers, subcontractor services/products, and logistics) required to maintain business operations. Plan for how your business will operate if there is increasing absenteeism or these supply chains are interrupted.
- Be prepared to change your business practices if needed to maintain critical operations. Specifically, identify alternative suppliers, prioritize customers, and be prepared to temporarily suspend some of your operations if needed.
- Cross-train personnel to perform essential functions so that the workplace is able to operate even if key staff members are absent.
- Establish protocol around when an employee should disclose potential exposure and how such disclosure will be treated.
- Plan for how and when the company will notify employees in the case of actual or suspected infection, including how the company will maintain the privacy of the infected individual.
- Develop an infectious disease protocol, compliant with OSHA and health and safety laws and regulations, if not already included in a written safety or emergency action plan.
- Review applicable [OSHA-approved state plans](#) to determine whether the plan has different or more stringent requirements than OSHA. There are currently twenty-eight state-wide occupational safety and health plans.

DEVELOP AN EMPLOYEE COMMUNICATION PLAN

- Anticipate employee fear, anxiety, rumors, and misinformation, and plan communications accordingly.
- Share your coronavirus response plan with employees and explain what human resources policies, workplace and leave flexibilities, and pay and benefits will be available to them.
- Create an internal website and/or call-in line where employees can access relevant information. This website or call-in line should be closely monitored to ensure appropriate and timely responses.
- Identify one designated point of contact regarding the plan for all employees.
- Distribute information about how, to whom, and when to report infection or possible exposure to the virus.
- Post and distribute information on how to identify and prevent coronavirus:
 - Wash hands often with soap and water or use an alcohol-based hand sanitizer if soap and water are unavailable
 - Avoid touching eyes, nose, and mouth
 - Avoid close contact with people who are sick

- Stay home when feeling sick
 - Cover coughs or sneezes with a tissue, then throw the tissue in the trash
 - Clean and disinfect frequently touched objects and surfaces
- Review CDC's [coughing and sneezing etiquette](#) and [clean hands guidelines](#) for more advice.
 - Direct sick employees to stay home. The CDC recommends employees who have symptoms of acute respiratory illness stay home and not return until free of fever and others symptom for at least 24 hours, without the use of medications.

ESTABLISH AND DISSEMINATE POLICY ON TRAVEL

- Check the CDC's [Traveler's Health Notices](#) regularly for the latest on travel restrictions and recommendations for avoiding transmission.
- Limit nonessential business travel to affected areas or areas of increased exposure risk. To the extent travel to these areas is mission-critical, employers will need to establish proper protocol for requisite travel.
- Advise employees to check themselves for symptoms of [acute respiratory illness](#) before starting travel and notify human resources and stay home if they are sick.
- Remind employees that when they travel, they should try to avoid contact with sick people and clean their hands often by washing with soap and water for at least 20 seconds or by using an alcohol-based hand sanitizer with 60%–95% alcohol.

ESTABLISH GUIDELINES FOR REPORTING AND RESTRICTIONS AFTER TRAVEL OR EXPOSURE

- Consider requiring employees to report any travel to affected areas or exposure to coronavirus.
- Consider asking employees returning from areas of significant exposure risk and employees who have had contact with a contagious person to refrain from coming into the workplace for an established period of time (such as 14 days) to protect employees in the workplace from potential exposure.
- Decide when an employee may be sent home due to illness and under what circumstances they may return.

EVALUATE LEAVE OPTIONS

- Review human resources policies to make sure that policies and practices are consistent with public health recommendations and existing state and federal workplace laws.

- Ensure your management team understands available leave options (sick leave, PTO, FMLA, state-paid sick leave programs, etc.), related procedures, and eligibility requirements.
- Consider how to respond to “worst case” scenarios (e.g., if an employee reports possible infection/exposure but does not have available leave benefits to cover absences and cannot afford leave without pay).
- Ensure your management team understands the company’s desired approach with respect to these leave options.
- Understand your employees’ rights and your obligations under other related laws (i.e., the ADA and state law equivalents, OSHA, etc.).
- Consider revising employee policies that may come into play when responding to employee leaves because of coronavirus. For instance, policies covering absence due to illness or job abandonment based on absence should be reviewed for possible temporary modification.
- Openly communicate to employees the company’s policies and position on leave.

EXPLORE REMOTE WORK OPTIONS AND REALITIES

- When deciding on remote work options, be mindful of the precedent this could set for work-from-home requests and any future requests for accommodation in the form of remote work. Employers should be sure to balance the risks and benefits before deciding whether to adopt such a policy.
- Unless allowed generally, determine under what special circumstances remote work would be permitted (e.g., confirmed infection, high possibility of exposure at worksite, emergency closure of schools or public transportation) and how to control for potential abuse (e.g., requiring exhaustion of available leave benefits, or documentation certifying need for accommodation).
- Explore whether you would be able to establish policies and practices, such as working remotely, to increase the physical distance among employees and between employees and others if state and local health authorities recommend the use of social distancing strategies.
- Identify key limitations to remote work (e.g., required access to on-site resources, information security concerns, customer interaction obligations, etc.) and determine appropriate alternate responses to remote work requests, such as offering access to future leave benefits in advance of accrual in lieu of leave without pay.
- Ensure that you have the information technology and infrastructure needed to support multiple employees who may need to work from home.
- If allowing remote work to minimize workplace exposure risks, clearly communicate that any remote work allowances will be limited to the specific circumstance occasioning approval.

- Consider requiring that employees exhaust PTO before permitting remote work to manage suspected abuse of remote work requests.
- Anticipate that more relaxed approaches may be needed in the event of mass school and other closures if the spread of coronavirus worsens. In addition, for companies with multiple offices, a tailored approach may be necessary for offices where the virus has spread.

ASSESS REPORTING AND OTHER OBLIGATIONS UNDER OSHA AND STATE WORKERS' COMPENSATION LAW

- Be prepared to identify possible work-related exposure and health risks to your employees.
- Determine whether an employee coronavirus infection is [reportable under OSHA](#). While OSHA recordkeeping requirements exempt recording of the common cold and flu for covered employers, the coronavirus is a recordable illness when a worker is infected “on the job.”
- Consult counsel to evaluate whether the worker was “infected on the job.”
- Review additional [guidance from OSHA](#) on the coronavirus.
- Be aware that, depending on applicable state laws on workers' compensation liability, an on-the-job coronavirus infection could be a compensable injury.
- To the extent an employee is determined to have the coronavirus, reporting obligations may be triggered.

REVIEW STATE GUIDANCE ON UNEMPLOYMENT BENEFITS

- Review state-specific guidance on the availability of unemployment benefits for individuals who may be laid off temporarily or permanently as a result of the spread of the virus.
- For Washington State Employers: Washington State has generated a [resource list](#) for businesses and workers affected by the coronavirus, which includes guidance from the Washington State Employment Security Department (ESD), the agency in Washington that administers unemployment benefits.

ENCOURAGE HEALTHY HYGIENE ETIQUETTE AND FACILITATE A CLEAN WORKPLACE

- Hang posters that encourage staying home when sick, cough and sneeze etiquette, and hand hygiene at the entrance to your workplace and in other workplace areas where they are likely to be seen.
- Provide tissues and no-touch disposal receptacles for use by employees.

- Instruct employees to clean their hands often with an alcohol-based hand sanitizer that contains at least 60-95% alcohol or wash their hands with soap and water for at least 20 seconds. Soap and water should be used preferentially if hands are visibly dirty.
- Purchase and distribute disinfectant and personal hand sanitizer to facilitate cleanliness. Ensure that adequate supplies are maintained.
- Place hand sanitizer in multiple locations or in conference rooms to encourage hand hygiene.
- Add additional wash stations to the workplace to make washing hands not only easy but visible to others.
- Routinely clean all frequently touched surfaces in the workplace, such as workstations, countertops, and doorknobs. Use the cleaning agents that are usually used in these areas and follow the directions on the label.

REMIND EMPLOYEES THAT DISCRIMINATION IS PROHIBITED

- Remind employees that discrimination on the basis of race, national origin, color, and disability (or perceived disability) is strictly prohibited and will not be accepted.
- At a minimum, consider redistributing relevant portions of anti-discrimination policies to managers.
- Consider training managers on how to respond, at the very least, to assumption-based comments about the virus and employees from countries most heavily affected.