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Coronavirus Disease 2019 - Resources for Employers

The status of this disease is evolving. The information in this alert is provided based on currently known information, and is subject to change.

The Centers for Disease Control and Prevention (CDC) has issued **interim guidance** for employers regarding the coronavirus disease 2019 (COVID-19). A number of other resources have been published by international, federal, and state agencies that employers may also wish to reference in developing a response plan and educating the workforce. For convenience, we have provided links to the following:

- The CDC's **general guidance** about COVID-19
- The World Health Organization's **general guidance** on COVID-19
- **General guidance** from the California Department of Public Health
- Information from OSHA regarding employer's **workplace safety** obligations
- Information from Cal/OSHA regarding employer's **workplace safety** obligations
- The State Department's **travel guidance**
- **Educational materials** from the CDC, including fact sheets, posters, checklists, planning guides, videos, and podcasts
- EEOC's 2009 **Pandemic Preparedness in the Workplace and the Americans with Disabilities Act** (*at present COVID-19 has not been declared a pandemic*)

All employers are strongly encouraged to review this information and distribute preventative guidance for employees, including reminders about sick leave benefits. That preventative guidance should include information promoting respiratory etiquette and hand hygiene. The CDC also encourages employers to provide tissues and no-touch disposal receptacles, and to provide soap, water, and alcohol-based hand rubs for employees.

In addressing issues regarding COVID-19, employers are reminded that both state and federal law place restrictions on an employer's ability to require medical testing of employees, and those restrictions

can change if a pandemic is declared. And, importantly, the CDC reminds employers:

To prevent stigma and discrimination in the workplace, use only the guidance described [in the CDC's publication] to determine risk of the [COVID-19] infection. Do not make determinations of risk based on race or country of origin, and be sure to maintain confidentiality of people with confirmed coronavirus infection.

Employers should continue to monitor the CDC's website and the other resources above for updated official guidance. In addition to providing preventative guidance to employees, employers should also:

- Consider developing a response plan
- Communicate expectations and requirements to supervisors
- Consult with human resources staff and legal counsel before making any employment-related decisions about COVID-19.

It is critical for employers to provide correct and current information to employees, and minimize the spread of panic.

Burke's employment law team can help advise employers on the employment-related issues related to COVID-19. At a minimum, a strategy to provide a safe workplace for employees will likely include the following:

- Following information from the WHO, CDC, and other relevant agencies, and communicating it as necessary to employees
- Making resources available to encourage good hygiene practices in the workplace, and reminding employees of the need for good hygiene at all times
- Posting educational reminders in the workplace, including signs of symptoms, the location of the nearest medical center, and to stay home if sick
- Updating emergency contact information for employees
- Updating any policies and procedures, and reminding employees about sick leave, KinCare/family sick leave, FMLA/CFRA, and telecommuting policies
- Asking employees to report concerns to Human Resources