

Henderson Brothers, Inc. White Paper

## **Employee Exposure Considerations and Response Plan**

You may have employees who are requesting a response plan or related information if he, she, or a colleague is exposed to the Coronavirus (COVID-19). What are the best practices? What steps should you take to further limit exposure?

The following article contains considerations and a sample response plan to address these issues.



First, review the Centers for Disease Control and Prevention (CDC)'s guidance for businesses and employers. <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>. This information is updated when new information is released. Also, please check with your trusted healthcare advisor. To summarize the CDC's guidance, the initial considerations are:

- Actively encourage sick employees to stay home.
- Engage in some form of "Social Distancing" that is appropriate for your business:
  - o Separate sick employees,
  - o Operate with a skeleton crew ensuring all employees maintain a perimeter of six to eight feet away from each other, or
  - o If possible, consider complete virtual operations.
- If you are seeking workplace/handbook policies regarding COVID-19 issues, remote work, and quarantine procedures, please contact your Henderson Brothers consultant.
- Emphasize staying home when sick, respiratory etiquette and hand hygiene by all employees.
- Perform routine environmental cleaning.
- Suspend travel to high-risk areas.

The recommended practice of "social distancing" is the primary mitigation effort you can take for your business and your employees. Undoubtedly, this takes a group and community effort to achieve, which extends beyond the bounds of your business, but all can contribute.

After you implemented "social distancing" and other separation measures, due to the contagious nature of COVID-19, you still may need to respond to incidents where your employees report their exposure to the virus. While Henderson Brothers' consultants are not healthcare professionals, and we encourage you to seek counsel from your own healthcare advisor, there are response steps you can consider when dealing with an employee's report of exposure:

1. Evaluate whether the exposure warrants testing. Some reports may not be direct contact with a known, infected person. Some other reports may be less circumstantial. Nonetheless, the evaluation for further testing is something to be taken seriously.
2. If the employee's reported exposure is going to be placed into a monitoring program, document the details of the report, the source of the exposure, and all other information the employee can describe. This information may be important for worker's compensation and/or health insurance claims in the future.
3. If the employee's reported exposure requires immediate testing, instruct the employee to contact his/her healthcare provider and arrange for testing.
4. If the employee's test is negative, document the result (being mindful of PHI protections), and continue to monitor the employee and his/her symptoms.

5. If the employee's test is positive for COVID-19, instruct the infected employee to stay home for at least 14 days (or longer) and encourage them to self-quarantine during that time. Again, the employee should contact his/her healthcare provider to set specific parameters for his/her treatment and quarantine conditions.
6. Maintain confidentiality. As you did with testing, you also want to preserve the anonymity of the infected employee. HIPAA and ADA implications may arise where confidentiality is not maintained.
7. Calculate the exposure period and gather information regarding the possible spread and/or contact of the virus. The CDC advises there exists a two-week period where an infected individual may not show symptoms of COVID-19. The CDC also advises that infected individuals should maintain a self-quarantine of at least two weeks after a positive test. This creates at least a month-long period where the employer should collect and document the employee's travel schedule, with whom the infected employee came into contact, including with any vendors, clients, or other business partners, and any other outlets where the spread of the virus could occur.
8. Sanitize and mitigate the areas identified where the infected employee visited.
9. Confidentially notify the other individuals with whom the infected employee came in contact. This may include other employees, clients, vendors, or other people. Recommend to those individuals to seek healthcare advice and engage in self-quarantine. If other employees are part of this group, evaluate whether the employees can work remotely during the self-quarantine period (e.g. for a month) or whether other measures need to be taken to keep the exposed other group of employees away from direct contact with others.
  - a. Regarding those other possible measures, please read the following link for related benefits, leave, sick time, and temporary lay-off information: <https://www.hendersonbrothers.com/wp-content/uploads/2020/03/Coronavirus-and-your-workforce-Benefits-OA.pdf>
10. Continue to communicate to the infected employee, the exposed other employees, and our entire workforce. Do not spread panic but reassure your workforce that their health and well-being is a top priority for your business.
11. Keep in contact with your healthcare advisors and continue to review what is prudent for your employees and business, given the rapidly changing situation with COVID.

Keep in mind that this response plan is a sample. Each situation, each test, and each employee may need a different response plan. All, some, or none of the above sample steps may or may not apply.

In addition to a sample direct response plan for a specific employee, you may have related questions

such as:

- *Can employers tell employees with symptoms to stay home?* Yes. Employers can tell employees that if they have a cough, fever, runny nose or other cold or flu-like symptoms that they should stay at home and not risk exposing others.
- *Can employers require medical certification before an employee returns to work after a COVID-19 diagnosis?* Generally, employers may ask for a doctor's note if it is the employer's practice to require certification after an employee's absence due to illness. However, you must consider state and local laws prohibiting or permitting the requirement of a doctor's note by the number of days an employee is out. There are also privacy conditions to account for. Finally, weigh the volume of healthcare resources in your community. Healthcare professionals may be busy with treating other patients. Providing a certification note may not be the best use of resources; therefore, you may want to consider relying on different receipts or documents.

Please reach out to your consultant if you have any other questions. We will continue to provide updates as they become available.