

## 5 Steps to Take When an Employee Tests Positive for COVID

Employers should take immediate action in response to an employee who reports a positive test or a presumption of COVID-19. To maintain the safety of the workplace, and keep focus on the work of the company moving forward, employers should be flexible and efficient to the best of their ability. Instances in which an employee notifies the company of close contact with an infected individual, and not a positive test result can be handled following similar steps to those outlined below.

### **One of your employees has tested positive for COVID. As an employer, what should you do next?**

- 1) Upon learning of an employee's positive COVID test results, employers should react promptly and gather all necessary information. As information is gathered, employers must be mindful of laws surrounding confidentiality and an employee's medical information. Employers are required to maintain the privacy of any employee's health information they gather or are provided, and any related documentation should be kept in a private health folder, separate from the employee's personnel file, with limited access by only critical human resource staff.
- 2) As the employer, you will need to determine all co-workers, clients, vendors, or guests with whom the employee may have come into **close contact** during the 14-day period prior to the positive test or presumption of being positive for COVID-19 (the "Incubation Period"). "Close contact" is defined by the CDC as being within six feet of the sick employee for at least 10-30 minutes. You will want to ask the employee to identify all areas within the workplace where he or she was

physically present during the past 14 days and any employees with whom he or she shared a workspace or equipment. If everyone in your company has been working from home during the last two weeks, this may be unlikely, but you should still ask if the infected person had contact with any coworkers.

- 3)** Once you have learned of who this employee may have had close contact with, you will need to contact each “close contact” individually. This may include employees, vendors, guests, clients, etc. Due to the sensitivity of this topic, notifying employees by call or video is preferred. Employers may not disclose the identity of the employee diagnosed with or presumed to have COVID-19. Instruct them that they are to remain out of the office for at least 14 days since the last contact with the infected employee and to work remotely, if possible. The co-workers should be encouraged to self-isolate and seek all medical care and testing that they feel may be appropriate. You may consider issuing a general notice to all employees that an employee has tested positive for or is presumed to have COVID-19 (again, without identifying the employee). A notice like this is meant to reassure employees that, unless directly contacted, they are not believed to have been exposed to the sick employee. The communication contain the steps the employer is taking to ensure the safety of the workforce and remind employees to monitor themselves for symptoms of COVID-19 and to not report to work when they are sick. Any areas of the workplace identified by the infected employee as areas that he or she used or accessed should be shutdown until those areas can be cleaned in accordance with CDC guidelines.
- 4)** For employees who are experiencing symptoms and/or seeking a diagnosis for their symptoms, they may be eligible for Emergency Paid Sick Leave under FFCRA. Employees can also use any accrued and unused paid sick leave, vacation, or PTO if they are unable to continue working while self-quarantined. Employees who are eligible for EPSL under FFCRA cannot be required to utilize other paid sick leave, vacation, or PTO hours before using eligible EPSL hours.
- 5)** The infected employee should remain quarantined for the period of time recommended by his or her health care provider or the applicable health department or until **1)** at least 3 days (72 hours) have passed since resolution of fever without the use of fever-reducing medications AND

improvement in respiratory symptoms (e.g., cough, shortness of breath); and **2**) at least 7 days have passed since symptoms first appeared, whichever is longer. **With regards to returning to work, requiring a doctor's note may not be practical.** Acceptable alternatives include relying on local clinics to provide a form, a stamp, or an e-mail to certify that an individual does not have COVID-19.

**State, federal, and local discrimination laws remain in place and apply to harassment related to COVID-19, which may take the form of race and national origin harassment. Employers should inform all employees that such harassment will not be tolerated.**

**Employers should always refer to local and state guidelines as it relates to handling positive COVID19 tests and exposures. The CDC is the best resource for up-to-date information relating to COVID disinfection and preventing the spread.**