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Best Practices for Safe and Healthy Workplaces During COVID-19

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Below are some practical tips for employers to stay current with workplace safety protocols and best protect their employees as the COVID-19 pandemic evolves:

Provide Effective Communication

Understandably, there is significant fear and disinformation circulating related to COVID-19, and, the spread of COVID-19 is changing daily. Thus, it is important that employers effectively communicate accurate information to their employees, on a regular basis. It is also important that companies provide proper and ongoing information related to the company's policies and practices related to COVID-19, including respiratory etiquette and personal hygiene. Regularly check the CDC website for updated information.

Follow Safe Workplace Practices

Emphasize staying home when sick, respiratory etiquette, and personal hygiene by all employees. Place 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.

- Continue to follow CDC and local and state health department advice, including:
- Wash your hands often with soap and water for at least 20 seconds. Use hand sanitizer with at least 60% alcohol if soap and water are not available.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Cover your mouth and nose with a tissue when you cough or sneeze or use the inside of your elbow. Throw used tissues in the trash and immediately wash hands with soap and water for at least 20 seconds. If soap and water are not available, use hand sanitizer containing at least 60% alcohol. Learn more about coughing and sneezing etiquette on the CDC website.
- Clean AND disinfect frequently touched objects and surfaces such as workstations, keyboards, telephones, handrails, and doorknobs. Dirty surfaces can be cleaned with soap and water prior to disinfection. To disinfect, use products that meet EPA's criteria for use against SARS-CoV-2external icon, the cause of COVID-19,

and are appropriate for the surface.

- Avoid using other employees' phones, desks, offices, or other work tools and equipment, when possible. If necessary, clean and disinfect them before and after use.
- Practice social distancing by avoiding large gatherings and maintaining distance (approximately 6 feet or 2 meters) from others when possible.

If an Employee Is Suspected to Have COVID-19

- Immediately send the employee home and request a 14-day self-quarantine;
- Immediately vacate the portion of the office where the employee worked and clean all surfaces where the employee performed work or touched. Refer to the CDC guidance on cleaning and disinfecting areas of potential COVID-19 exposure. Conduct a thorough cleaning, either overnight or forcing a shut-down of the office or effected area of the office if necessary.
- Ask when the individual first experienced symptoms of COVID-19 (to identify if they were actively sick with the virus when they last worked).
- Carefully and quickly investigate to identify who may have come in close contact with the confirmed patient. Consider watching security video to confirm everyone that came within 6 feet of confirmed patient.
- For all employees identified as having contact with the confirmed employee, do the following:
    - ask about any symptoms being experienced by the employee.
    - take the employee's temperature if necessary. While a fever is a COVID-19 symptom (fever means a body temperature of 100.4° F [37.8° C] or greater using an oral thermometer), be aware, however, that some employees may be asymptomatic.
    - advise employee to self-quarantine for 14 days post-exposure and to immediately seek medical care and get tested.
    - if they have symptoms, advise the employee to follow the guidance of local health authorities, including calling ahead to emergency department rather than showing up and exposing others if they have symptoms.
- Notify all employees about the potential exposure, do not use the employee's name, use instead time of work, shifts performed, and areas of the office affected, letting employees know of a possible exposure, general precautions they should be taking, and what to do if they develop symptoms.
- Staff with only those individuals that there is little concern about having been exposed.

- Confirm each step listed above with local health officials and get buy-in or change course if they have other recommendations.
- Direct any employees who have come in close contact with persons with a confirmed or suspected diagnosis of COVID-19 to (1) notify his or her supervisor; and (2) not report to work until the employee has discussed this with his or her supervisor and certain precautions have been taken. This includes employees who are well but who have a sick family member at home with COVID-19.
- Employers should refer to the CDC site for how to conduct a risk assessment of their potential exposure and general CDC guidance.

Maintain Confidentiality

If an employee is confirmed to have COVID-19, employers should inform fellow employees of their possible exposure to COVID-19 in the workplace, but not use the employee's name and maintain confidentiality as required by the Americans with Disabilities Act (ADA), and other applicable privacy laws. The name and other identifying information of the confirmed patient should not be disclosed to other employees or the public. Employees exposed to a co-worker with confirmed COVID-19 should refer to CDC guidance for how to conduct a risk assessment of their potential exposure.

Sick Leave Policies

Employers must determine whether the Families First Coronavirus Response Act (FFCRA), including the Emergency Paid Sick Leave Act (EPSLA) and Extended Family Medical Leave Expansion Act (EFMLEA) apply to the company. Whether or not the FFCRA applies, consider providing flexible sick leave policies or relaxing your leave policies. Please consult other areas of the site where we provide extensive guidance on the FFCRA, EPSLA, EFMLEA, and related CARES Act.

Best Practices for Travel

Non-essential business travel should be suspended, particularly in those geographic locations where the CDC has issued no travel advisories. Currently, CDC recommends that travelers avoid all nonessential international travel because of the COVID-19 pandemic. Some health care systems are overwhelmed and there may be limited access to adequate medical care in affected areas. Many countries are implementing travel restrictions and mandatory quarantines, closing borders, and prohibiting non-citizens from entry with little advance notice. Airlines have cancelled many international flights and in-country travel may be unpredictable. If you choose to travel internationally, your travel plans may be disrupted, and you may have to remain outside the United States for an indefinite length of time.

- CDC also recommends all travelers defer all cruise ship travel worldwide.
- If you must travel, check the CDC's Traveler's Health Notices for the latest guidance and recommendations for each country to which you will travel.

- Advise employees to check themselves for symptoms of acute respiratory illness before starting travel and notify their supervisor and stay home if they are sick.
- While traveling:
    - Avoid contact with sick people.
    - Avoid touching your eyes, nose, or mouth with unwashed hands.
    - Wash your hands often with soap and water for at least 20 seconds. If soap and water are not readily available, use an alcohol-based hand sanitizer that contains at least 60% alcohol.
    - It is especially important to clean hands after going to the bathroom; before eating; and after coughing, sneezing or blowing your nose.
    - Make sure you are up to date with your routine vaccinations, including measles-mumps-rubella (MMR) vaccine and the seasonal flu vaccine.
- Ensure employees who become sick while traveling or on temporary assignment understand that they must notify their supervisor and should promptly call a healthcare provider for advice if needed.
- If outside the United States, sick employees should follow your company's policy for obtaining medical care or contact a healthcare provider or overseas medical assistance company to assist them with finding an appropriate healthcare provider in that country. A U.S. consular officer can help locate healthcare services. However, U.S. embassies, consulates, and military facilities do not have the legal authority, capability, and resources to evacuate or give medicines, vaccines, or medical care to U.S. citizens overseas.

We encourage you to visit Holland & Hart's Coronavirus Resource Site, a consolidated informational resource offering practical guidelines and proactive solutions to help companies protect their business interests and their workforce. The dynamic Resource Site is regularly refreshed with new topics and updates as the COVID-19 outbreak and the legal and regulatory responses continue to evolve. Sign up to receive updates and for upcoming webinars.

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