



April 8, 2020

General Q&A For Employers

Question: Can I inform other employees if someone has tested positive?

Answer: No. The Americans with Disabilities Act (ADA) privacy rules restrict employers from sharing personal health information of an employee. Employers should inform employees that possible exposure has occurred in the workplace without disclosing any identifying information about the individual who tested positive.

Question: Can I ask if a person has the virus?

Answer: Employers can ask an employee how he or she is feeling in general but should not inquire about a specific illness as that could rise to the level of a disability related inquiry under the ADA.

Question: What should we do if an employee discloses that they have been in close contact with a person who tested positive for COVID-19?

Answer: According to CDC guidance, individuals who have had close contact with a person diagnosed with COVID-19 should self-quarantine. Employers can require an employee who has been exposed to the virus to stay at home.

Question: Can I require an employee to go home (or stay home) if he or she is sick?

Answer: Yes, employees who show signs of respiratory illness can be asked to leave the workplace and stay at home until they are symptom free.

Question: Can an employee refuse to report to work due to fear of contracting the coronavirus?

Answer: Under the Occupation Safety and Health Act (OSH Act), employees are only entitled to refuse to work if they believe they are in imminent danger.

Question: Should employees returning from business or personal travel be required to stay away from the office for 14 days?

Answer: Employees returning from countries that have a Level 3 Travel Health Notice from the CDC should stay home for a period of 14 days after returning to the United States. See Travelers from Countries with Widespread Sustained (Ongoing) Transmission Arriving in the United States.



Question: Do we have to allow employees to work from home?

Answer: While not required, telecommuting may be a practical measure to reduce exposure of the virus in some work environments. Employees with disabilities that put them at high risk for complications may request telework as a reasonable accommodation to reduce their chances of infection during a pandemic.

Question: Would I need to pay workers' compensation for employees who contract coronavirus?

Answer: Perhaps, if the employees contracted the disease in the course of their employment. Does the employees' work require them to be exposed to persons who are infected? Typically, healthcare workers fall into this category. If an employee incidentally contracts the disease from a coworker, there likely will be no workers' compensation liability. If there is workers' compensation liability, employers are responsible for covering the costs of reasonable and necessary medical care, temporary total disability benefits, and permanent disability (if any). Employers should engage a competent medical professional on infectious diseases for advice to determine whether the disease is work related.

Question: Would I need to pay my employees disability benefits if they contract the coronavirus?

Answer: Yes, if such payments are provided in an employer's benefit plan. Employers should review the limits of coverage in the benefit plan to ensure they have competent medical resources to administer the program.

Question: Is it legal for employers to take workers' temperatures?

Answer: If the Centers for Disease Control and Prevention (CDC) or a state or local health authority proclaims a pandemic has spread in an area, then yes, it is; otherwise, it is not, according to Equal Employment Opportunity Commission (EEOC) guidance. A person may not have a fever and yet be a carrier of the virus.