

Employer Resources from April 8, 2020 webinar *Leading Through COVID-19*



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Q: How should employers respond after an employee tests positive for COVID-19? Are there notification requirements?

<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html> (see section on “Separate sick employees”)

<https://www.osha.gov/SLTC/covid-19/standards.html> (outlines when employer has to report COVID-19 infection to OSHA)

Q: What happens after someone complains to OSHA about a company’s social distancing policy?

[If an employee alleges worker exposure as a result of the failure to provide teleworking, OSHA will investigate the employer.](#) But the evaluation of whether a business or non-profit is in violation will be a fact-specific and complex determination. If the employer has appointed an individual to establish, implement, and enforce social distancing policies and has made a reasonable effort to determine whether telework options are available, it is unlikely that OSHA would be able to cite a violation of this provision. Oregon OSHA will close a business only in the event of a flagrant refusal to comply. Remember, employers may not retaliate against any employee who reports to OSHA.

See Appendix A (sample Social Distancing Policy).

Q: Has there been more guidance on how the paid leave law, the Families First Coronavirus Response Act (FFCRA), operates?

Yes, after the law’s passage on March 18, 2020, the Department of Labor (DOL) issued a “temporary rule” and several rounds of guidance to help employers and workers understand the nuances of the law, which took effect on April 1 and will expire at the end of the year. Many employer questions can be answered in the [temporary rule](#), or the more user-friendly [Frequently Asked Questions](#) document created by the DOL.

IMPORTANT NOTICES

This material is provided for informational purposes only and does not represent a complete analysis of the topics. Readers should consult with legal counsel to conduct their own appropriate legal research. The information presented does not represent legal advice and no attorney-client relationship was formed or exists. Additionally, by providing links to potential resources, Markowitz Herbold is not in any way endorsing those resources.

APPENDIX A
Sample Social Distancing Policy

To reduce the spread of COVID-19 and to comply with the Oregon Governor's Executive Order 20-12, the following Social Distancing Policy is in effect until further notice:

Remote Work. The [company] has transitioned all employees to remote work except for []. [One employee] will come to the office from 8:00-4:30 each day to []. No other employees are approved for coming to the office, even for short trips or after hours, without first contacting [the Operations/HR Director] to work through alternatives and/or for approval and to coordinate details and timing. If [the Operations/HR Director] is not available, a *backup* contact for this is [].

In-Office Protocols (for individuals with permission to be at the office)

1. Anyone who is experiencing [symptoms](#) of sickness is prohibited from coming to the [office]. And anyone who comes into the office and begins to feel sick should immediately leave and notify [the Operations/HR Director].
2. Upon arrival at the office, individuals must wash their hands with soap and water and wipe down door handles and hard surfaces with disinfectant wipes. Immediately report any shortages of soap or disinfectant wipes to [the Operations/HR Director].
3. While working in shared space, use the 6-foot rule for social distancing at all times. No exceptions. Do not shake hands with another person or touch another person in any form.
4. To every extent possible, allow 15-30 minutes before walking into airspace that another person has been in. Set materials out in advance that are to be picked up and allow wait time before retrieving items that have been dropped off.
5. Wash your hands frequently. Wash them after you touch any paper, envelope, package, or other hard surfaces that have been touched by another person.
6. Routinely wipe down door handles and other hard surfaces that are touched by you or another person.
7. Remember to keep your hands away from your mouth, nose, and eyes at all times, and especially with unwashed hands.
8. Cover sneezes and coughs with a tissue or sleeve, and then throw the tissue away.
9. Help ensure that everyone you encounter understands and follows the in-office protocols listed above.
10. Upon arrival at home, wash your hands with soap and water.
11. Report any issues or questions that arise to the [Operations/HR Director].

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