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## Employer Guidance-Coronavirus Workplace Safety, Employee Screening and CDC/OSHA Compliance

Employers nationwide are struggling to cope with the developing situation regarding COVID-19.

OSHA and the CDC have issued preliminary guidance for employers and workplaces in coping with the instant epidemic. OSHA's complete guidance on preparing workplaces for COVID-19 is available [HERE](#). The CDC's interim guidance for businesses and employers is available [HERE](#).

In this alert, we are providing a brief overview of some of these guidelines and some additional practical guidelines for employers to follow. For more detailed and specific guidance, please read our article available [HERE](#).

The CDC recommends that all businesses establish policies and practices for social distancing. Employers are encouraged to take reasonable steps recommended by OSHA and the CDC to prevent community spread in their workforces.

- Avoid large gatherings and maintain distance of at least 6 feet from others.
- Flexible worksites (i.e. telework/ "work from home") or work hours (i.e. staggered shifts).
- Remote operations, contactless delivery of services.
- In addition, consider guidance from local governments and public health officials.

For many industries considered "essential", remote work and "work from home" policies are not practical or impossible. For these industries, social distancing, hygiene, and screening are among the protective measures that are not only necessary to protect employees, but to protect the public at large and to prevent further disruption to operations.

Employers have the same basic responsibilities to their workforces under OSHA to protect workers from physical harm. However, certain industries have additional requirements based on the applicable risk level.

Employers can take the following steps to identify and isolate sick individuals:

- Encourage employees to self-monitor for signs and symptoms of COVID-19 (fever, shortness of breath, cough).
- Require employees to report when they are sick or experiencing symptoms of COVID-19.
- Body temperature screening is permissible; employees with a fever (over 100.4 Degrees Fahrenheit) or COVID-19 symptoms should be sent home.
- Isolate people who have signs and/or symptoms of COVID-19. Designated areas with closable doors may serve as isolation rooms until potentially sick people can be removed from the worksite.



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- Limit spread of the respiratory secretions of a person who may have COVID-19. Provide a face mask, if feasible and available, and ask the person to wear it, if tolerated.
- Restrict the number of personnel entering isolation areas.

If an employee is symptomatic or may have been exposed, send the person home for medical determination as to fitness/health or safety risk to self or others. Employers should:

- Provide a reasonable period of leave for a medical determination to be made.
- If a person is determined to be ill, follow applicable laws and policies regarding paid or unpaid leave due to illness, including new laws on the Federal and State level.
- Engage in “interactive process” for determining need for “accommodation” under federal, state and local disability anti-discrimination laws.
- The CDC recommends notifying employees, customers, and others that had contact with the employee who is COVID-19 positive.
- Employers are encouraged to be flexible regarding the timeliness and format of doctor’s notes due to the rate of overwhelmed health care services.

All employers should implement good hygiene and infection control practices, including:

- Promoting frequent and thorough hand washing, including customers and visitors. If soap and running water are not immediately available, provide alcohol-based hand rubs containing at least 60% alcohol.
- Encourage workers to stay home if they are sick.
- Encourage respiratory etiquette, including covering coughs and sneezes.

Employers working with outsourced staff and subcontractors must also consider what steps their subcontractors are taking to comply and ensure a safe working environment. Employers with union relationships must also coordinate with the union regarding any changes to the work environment, including screening procedures.

Peckar & Abramson, P.C.’s Labor and Employment Law practice has prepared thorough guidance to guide employers on how to handle situations involving potentially exposed employees, a summary of CDC and OSHA guidance for maintaining a hygienic environment, and when a workplace COVID-19 infection needs to be reported. For further information, please read our full guidance, available [HERE](#).

*The information provided in this Client Alert does not, nor is it intended to, constitute legal advice. Readers should not take or refrain from taking any action based on any information contained in this Client Alert without first seeking legal advice.*

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