

## CORONAVIRUS DISEASE 2019 (COVID-19)

### GENERAL INFORMATION

The Coronavirus Disease (COVID-19) is a respiratory virus infection that can spread from person to person through close contact or by shared contact with surfaces or objects. Symptoms of COVID-19 vary from none or mild to severe respiratory complications. The U.S. government is continually learning more information on the spread and symptoms of COVID-19 as well as the populations at higher risk for infection. Given the fluidity of the circumstances, companies should review government announcements and recommendations regularly for updates. Companies should develop operational procedures and practices according to their circumstances.<sup>1</sup> Please review the **RESOURCES** section of this document for more information.

### PLANNING

It is valuable to initiate planning and preparation to limit the potential of COVID-19 to disrupt operations and reduce the risks of exposure among employees, customers, and the public. Planning should include maintenance and cleaning activities to address potential exposure in the course of routine business, and developing or updating Continuity of Operation Plans to address insufficient resources or employees. Companies should also consider guidance or mandates from federal, state, local and/or tribal authorities that may impact employees' travel, work attendance, or service to customers. Companies should also review their policies on leave, remote-work, and potential home care needs, including potentially different policies under a Continuity of Operation Plan. Operations should also evaluate delivery policies to service customers before, during, and after any phase of a Continuity of Operation Plan.

### COMMUNICATION

Early and frequent communication on daily operations and planning is paramount. Companies should communicate with employees on preventative measures to reduce exposure to COVID-19 as well as the development of Continuity of Operations Plans. Operations should consider outlining regular occasions to share with employees and customers information updates, internal status reports, customer service planning, etc. Additionally, companies may consider establishing predetermined phases of operations, such as staggered employee work schedules, customer service routines, equipment cleanings, etc., that respond to government actions and announcements, or community outbreaks.

### WORKPLACE OPERATION

Companies can implement a “hierarchy of controls” to reduce potential exposure during the course of daily business. The CDC and OSHA offer recommendations on controls that cover equipment, customer contact, employee schedules, and personal protective equipment. Companies should consider regular employee training regarding equipment and personal cleanliness policies, social distancing practices, personal protective equipment use, etc. Companies may also evaluate employee exposure risk relative to job task and employee health. More information on hierarchy of controls tailored to levels of exposure risk can be found in *Guidance on Preparing Workplaces for COVID-19* in the **RESOURCES** section.

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<sup>1</sup> This document is provided solely for informational purposes based on the recommendations of the Occupational Safety and Health Administration (OSHA), the Center for Disease Control and Prevention (CDC), and other government agencies engaging in response to COVID-19. It is not to be construed as legal advice or legal guidance. NPGA expressly disclaims any liability associated with the accuracy or content of the information contained in this document. Users should consult the government resources for the most complete and current information pertaining to COVID-19 or contact an attorney for any specific advice.

## FREQUENTLY ASKED QUESTIONS

1. Are businesses required to take action in response to COVID-19?
  - a. Yes, according to 29 U.S.C. 654(a)(1) OSHA requires businesses to provide a workplace “free from recognized hazards that are causing or are likely to cause death or serious physical harm.” Several states prescribe additional work safety regulations. What specific actions satisfy the requirement depends on the business operation, exposure risk, location, employees, etc.
2. Can businesses take employees’ temperature before starting work?
  - a. Taking the temperature of an employee is a prohibited medical examination under the Americans with Disabilities Act unless it is an objectively-based, job-related necessity. Employers should consult the CDC for designated jobs as well as CDC policy statements for specific locations or regions where the practice is recommended or required.
3. Can businesses require an employee to stay home from work?
  - a. A business may require that an employee stay home or take leave on the basis of a reasonable, objective belief that an employee was exposed to COVID-19. A business should consult an attorney before taking this step to avoid violation of the Americans with Disabilities Act and state laws.
4. Can personal protective equipment help?
  - a. Yes, the CDC and OSHA recommend the use of personal protective equipment based on exposure risk. More information on the use of personal protective equipment is available in *Guidance on Preparing Workplaces for COVID-19* in the **RESOURCES** Section.
5. If an employee is exposed to or diagnosed with COVID-19, how can a business respond without violating privacy or safety laws?
  - a. A business cannot breach an employee’s medical privacy; however, a business can inform employees of possible exposure without identifying the source. A business may include protocols on what information is shared with whom through Continuity of Operation Plans.
6. If an employee is exposed to or diagnosed with COVID-19, who should a business inform?
  - a. According to OSHA regulations, COVID-19 is a recordable illness when an employee is infected on the job. OSHA requires employers to record and report illnesses under [29 C.F.R. 1904.5](#). More information is available in the **RESOURCES** Section. Additionally, a business should contact the local health department if an employee is diagnosed with COVID-19.
7. If an employee is exposed to or diagnosed with COVID-19, when can an employee return to work after home isolation?
  - a. The CDC and OSHA recommend that an individual consult a healthcare professional prior to returning to work and resuming routine social practices. A business may require that an employee provide documentation from a healthcare professional as to the employee’s health status. A business should consult state laws that may set standards for requesting documentation.
8. If an employee practices home isolation, must a business provide paid leave?
  - a. It depends on several factors including the exempt or nonexempt status of an employee, if an employee accrued any sick or paid leave, or if the employee qualifies for federal or

state Family and Medical Leave (FMLA). The Department of Labor has not offered guidance as to whether COVID-19 qualifies for FMLA; however, several symptoms and subsequent conditions of COVID-19 currently qualify for FMLA.

9. Can businesses refuse to serve customers who are exposed to or diagnosed with COVID-19?
  - a. Businesses should consult an attorney before limiting service to customers. Businesses are required to provide employees with a workplace free from recognized hazards, which covers the work reporting location as well as work routes and functions. However, a business must avoid violating discrimination laws and customer contracts.
10. Does a Declaration of Emergency by a state governor or federal agency change workplace regulations?
  - a. A declaration of emergency waives transportation hours of service regulations for to provide relief to the emergency. An emergency declaration does not otherwise impact workplace regulations unless specifically stated in the document.

## RESOURCES

- *What you need to know about coronavirus disease 2019 (covid-19)*, Centers for Disease Control and Prevention: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/2019-ncov-factsheet.pdf>
- *COVID-19 Situation Summary*, Centers for Disease Control and Prevention: <https://www.cdc.gov/coronavirus/2019-ncov/summary.html>
- *What to do if you are sick with coronavirus disease 2019 (COVID-19)*, Centers for Disease Control and Prevention: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/sick-with-2019-nCoV-fact-sheet.pdf>
- *Interim Guidance for Businesses and Employers*, Centers for Disease Control and Prevention: [https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fspecific-groups%2Fguidance-business-response.html](https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fspecific-groups%2Fguidance-business-response.html)
- *Implementing Home Care*, Centers for Disease Control and Prevention: [https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-home-care.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fguidance-home-care.html](https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-home-care.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fguidance-home-care.html)
- *COVID-19 Overview*, Occupational Safety and Health Administration: <https://www.osha.gov/SLTC/covid-19/>
- *COVID-19 Standards*, Occupational Safety and Health Administration: <https://www.osha.gov/SLTC/covid-19/standards.html>
- *Guidance on Preparing Workplaces for COVID-19*, Department of Labor and Department of Health and Human Services: <https://www.osha.gov/Publications/OSHA3990.pdf>
- *Guidelines for Safety and Health Programs*, Occupational Safety and Health Administration: <https://www.osha.gov/Publications/OSHA3885.pdf>
- *Coronavirus Hub*, Department of Energy: <https://www.energy.gov/coronavirus-hub>