

## Coronavirus has Reached the Tri-State Area

March 5, 2020

There are now confirmed cases of the coronavirus in New York and new cases being reported in New Jersey. The Center for Disease Control and Prevention (CDC) and other agencies such as the Occupational Safety and Health Administration (OSHA), have issued guidance for businesses and employers in preparing for and responding to the coronavirus. The CDC recommends that employers take actions, including but not limited to, the following:

- Encourage employees to notify Human Resources and stay home if they have symptoms of acute respiratory illness until they are free of fever (100.4 degrees Fahrenheit or greater using an oral thermometer), signs of fever and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines, such as cough suppressants.

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Employees who appear to have acute respiratory illness symptoms, (i.e. cough, shortness of breath) should be separated from other employees and sent home.

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Emphasize respiratory etiquette and hand hygiene by taking actions such as providing tissues, soap, water and alcohol-based hand rubs; and by reminding or encouraging employees to cover their noses and mouths with a tissue when coughing or sneezing and washing hands with soap and water for at least 20 seconds or using alcohol-based hand sanitizer with at least 60-95% alcohol.

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Perform routine environmental cleaning, including but not limited to all frequently touched surfaces and provide disposable wipes so that employees can wipe down commonly used surfaces before each use. Encourage employees who are well but who have a sick family member at home with COVID-19 to notify the employer and refer to CDC guidance for how to conduct a risk assessment of their potential exposure.

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If an employee is confirmed to have COVID19, inform fellow employees of their possible exposure and have them conduct a risk assessment of their potential exposure. In doing so, employers must maintain confidentiality as required by applicable laws such as the Americans with Disabilities Act.

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Provide travel advisories:

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Advise employees to check the CDC's Traveler's Health Notices for the latest guidance and recommendations for each location to which they will travel;

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Have employees check themselves for symptoms of acute respiratory illness before starting travel and to notify the employer and stay home if they are sick;

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Ensure employees who become sick while traveling understand that they should notify the employer and promptly call a health care provider.

Many of these recommendations, which can be reviewed in detail on the [CDC's website](#), can have potential legal implications in the workplace. As employers implement measures to respond to the coronavirus, employers need to be mindful of how their actions may be impacted by various employment laws and/or policies, including, but not limited to, those prohibiting discrimination; providing disability protections; ensuring medical information privacy; providing paid and unpaid time off and family/medical leave; and those relating to wage and hour issues, infectious disease, emergency workplace closures and flexible working arrangements. Each workplace is different and how employers prepare for and/or respond to the coronavirus may vary. Employers should seek legal counsel for questions relating to these laws and policies.