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Insights

Planning Considerations for Employers to Consider in Response to Coronavirus

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Employers in the U.S. are encouraged to create a plan for how they will handle the effects of Coronavirus on their workforce and/or operations. The Interim Guidance for Business and Employers issued by the Center for Disease Control and Prevention (CDC) provides an outline of planning considerations for employers. At the heart of these considerations is flexibility. The severity of Coronavirus and its impact are currently unknown, and that uncertainty requires employers to respond flexibly while being fully prepared to adapt business plans if necessary.

1. What should employers be considering when developing a response to Coronavirus?

Employers should first work to identify and communicate key objectives for their response. While focusing on how to maintain productivity and business operations, employers should also focus on reducing transmission between employees and taking steps to protect those employees who are at a higher risk for adverse health complications.

When making decisions on appropriate responses to an outbreak, employers should consider the following:

- Community Impact. Look to the severity of Coronavirus in the area where the employer has business operations, including the number of people who are sick, how many people are hospitalized, and the death rates of those affected.

- Vulnerable Employees. Consider the effect Coronavirus may have on vulnerable employees that may be at a higher risk for adverse health complications due to Coronavirus.

- Increased Employee Absences. Expect more employees to be absent due to personal illness or illness of family members, including the applicability of the Family and Medical Leave Act (FMLA). Employees with children may also be absent because of closures or early dismissals in childhood programs and K-12 schools.
  - Employers can combat increased absences by:
    - Evaluating current essential functions and the employees performing those functions.

- Cross-training personnel to perform additional essential functions so the business can continue to operate even if essential employees are absent.

- Understanding the reliance that others and the community have on your services and products.

- Preparing to change business practices to maintain critical operations, including identifying alternative suppliers, prioritizing customers, or temporarily suspending some operations.

- Coordination with Health Officials. Coordinate with both state and local health officials for timely and accurate information to guide appropriate responses.

2. What steps can employers take to reduce workers' risk of exposure to Coronavirus?

In addition to complying with applicable laws, it is important that companies develop a plan on how to reduce exposure for its employees. The U.S. Department of Labor's (DOL) recent publication, *Guidance on Preparing Workplace for COVID-19*, explains that employers' plans could include the following: an infectious disease preparedness and response plan; implementing basic infection prevention measures; developing policies and procedures for prompt identification and isolation of sick people; developing, implementing and communicating workplace flexibilities and protections; and implementing workplace controls.

A. Infectious Disease Preparedness and Response Plan

Now is the time for companies to create infectious disease response plans if they do not already have them. The plan should consider where, how, and from what sources Coronavirus could be exposed to workers. This would include both the risk at home, in the community, and at work. It should establish controls for that risk such as preventative hand-washing, disinfecting of workspaces, temperature checks, and how to report illness, to name a few items. Other things that might be included are policies for increased rates of absences and how work will be divided, whether working from home or teleworking is permissible and what that entails, and any possible interruptions to the supply chain or items necessary for work.

B. Implementing Basic Infection Prevention Measures

Much of the protection from spreading Coronavirus is basic infection prevention measures. Companies should consider posting information regarding these prevention measures to educate employees. Those measures include: frequent hand-washing, including providing a place for workers to wash their hands; encouraging workers to stay home if they are sick; encourage respiratory etiquette, including covering your coughs and sneezes; providing customers and employees with tissues and trash receptacles; exploring creative ways to utilize flexible worksites and work hours to increase physical distance between employees; discouraging workers from using others desks, phones, or work tools; and maintaining regular housekeeping and cleaning practices.

C. Developing Plans for Prompt Identification and Isolation of Sick People

In order to protect a company's workforce, it should have plans in place to identify those who are or may be sick and help them get to an isolated area as soon as possible. Employers should inform their workforce about the

symptoms and encourage self-monitoring and reporting. If individuals are sick, encourage them to go home immediately or provide an area for them to be isolated if the decision to send them home has not been made. Employers should restrict the number of persons entering those areas of isolation and should protect those workers who have been in close contact with a sick individual by providing personal protective equipment such as gloves or a mask.

D. Develop, Implement, and Communicate Workplace Flexibilities and Protections

The first step an employer can take to protect its workforce is encourage sick employees to stay home. The employer can also make its sick leave policies flexible including not requiring a doctor's note for employees who are sick with acute respiratory illness to return to work. Employers can also make their sick time policies flexible to allow employees to stay home to care for a sick family member. And lastly, employers should train its workers in regard to these temporary or new policy guidelines, so they are aware of how and when to utilize them.

E. Implementing Workplace Controls

One thing an employer can do to reduce the risk of Coronavirus in its workplace is to put in place engineering controls, administrative controls, safe work practices, and provide personal protective equipment. Some engineering considerations to take into account are: (1) does the company have high-efficiency air filters; (2) can the company increase ventilation rates; (3) can the company install temporary physical barriers to prevent the contact of individuals, such as plastic sneeze guards; (4) can the company install a drive thru service for customers; and (5) does the company have specialized negative pressure ventilation that allow for aerosol generating procedures? If the company has these capabilities, it should utilize them to its advantage and to protect its workplace.

Many of the administrative controls available echo earlier concerns discussed including encouraging sick workers to stay home and minimizing worker contact. However, some other options to consider are flexible work days and alternating schedules and discontinuing non-essential travel for work. Further, employers should educate their workplace about how to report if they are sick and even possibly provide online options for that reporting and educate them about the symptoms and how to use protective clothing and equipment if necessary.

Some resources that employer can provide that promote safe work practices include the basics of tissues, hand sanitizer, hand soap, and sanitizing wipes. But employers might also consider proving no-touch paper towel machines and no-touch trash cans. An easy reminder to wash hands to keep employees safe could also be posted in the bathroom.

If a company is able to secure personal protective equipment (PPE), the DOL recommends that the company provide training on how to use it. Some PPE may include: gloves, goggles, face shields, face masks, and respiratory protection. PPE should be distributed based upon the hazard of the worker and should be regularly inspected, maintained, and replaced.

In summary, the DOL's guidance contains much more information regarding these guidelines and is a good resource for employers.

Questions regarding the above information should be directed to **Elizabeth M. Roberson** or **Kate E. Trinkle**.