16 Questions Employers Should Ask About Coronavirus

written by Rory Lodge | March 13, 2020

The coronavirus outbreak that originated in Wuhan, China has spread to at least 111 countries and has sickened more than 135,000 people, with more than 4,988 deaths so far. Governments have shut borders and imposed quarantines, and companies have imposed travel bans. The human and economic impacts on businesses have been considerable.

This pandemic is a wake-up call for companies to carefully review the strategies, policies, and procedures they have in place to protect employees, customers, and operations in this and future epidemics. Here are questions that companies should ask as they prepare for, and respond to the spread of the virus.

GENERAL QUESTIONS:

Question: What should we tell our employees?
Answer: Providing employees with factual information from health officials and assuring employees that their health and safety is paramount can help to prepare and educate employees without causing panic. (You can use the attached memo as an example.)

Question: How can we prevent the spread of germs at work?
Answer: As with most communicable diseases, common hygiene practices are the foundation for avoiding the spread of germs.

Question: Can I tell employees if a co-worker has tested positive for the coronavirus or other communicable disease?
Answer: No. The Americans with Disabilities Act (ADA) privacy rules restrict employers from sharing personal health information of an employee. Employers should inform employees that possible exposure has occurred in the workplace without disclosing any identifying information about the individual who tested positive.

Question: Can I ask an employee if he or she has the coronavirus?
Answer: Employers can ask an employee how he or she is feeling in general but should not inquire about a specific illness as that could rise to the level of a disability related inquiry under the ADA.

Question: What should I do if an employee discloses that they have been in close contact with a person who tested positive for COVID-19?

Answer: According to [CDC guidance](#), individuals who have had close contact with a person diagnosed with COVID-19 should self-quarantine. Employers can require an employee who has been exposed to the virus to stay at home.

EMPLOYEE LEAVE:

Question: Can I require an employee to go home (or stay home) if he or she is sick?
Answer: Yes, employees who show signs of respiratory illness can be asked to leave the workplace and stay at home until they are symptom free.

Question: Can an employee refuse to report to work due to fear of contacting the coronavirus?
Answer: Under the Occupation Safety and Health Act (OSH Act), employees are only entitled to refuse to work if they believe they are in imminent danger.

Question: Can we require a doctor's note before allowing a sick employee to return to work?
Answer: If an employer applies the practice consistently, clearance from a health care provider to return to work can be required. However, guidance from the Centers for Disease Control and Prevention (CDC) suggests employers remove such requirements during a health crisis as access to health care providers may be limited.

Question: Should employees returning from business or personal travel be required to stay away from the office for 14 days?
Answer: Employees returning from countries that have a Level 3 Travel Health Notice from the CDC should stay home for a period of 14 days after returning to the United States.

Question: Do I have to pay nonexempt employees who are sent home from work because they are sick?
Answer: Most employers provide employees with paid time off for illness. Nonexempt employees who do not have paid leave available are not required to be paid for such absences, unless there is a collective bargaining agreement indicating otherwise.

Question: Do I have to pay exempt employees who are sent home from work because they are sick?
Answer: An exempt employee must be paid for partial-day absences but may have his or her salary reduced for full-day absences due to sickness if the employer offers a paid sick leave benefit and the employee has exhausted that leave or is not yet eligible for the leave.

Question: Are absences due to the coronavirus covered by the Family and Medical Leave Act (FMLA)?
Answer: The coronavirus would likely qualify as a "serious health condition" under the FMLA, allowing an employee to take FMLA protected leave.

Question: Do we have to allow employees to work from home?
Answer: While not required, telecommuting may be a practical measure to reduce exposure of the virus in some work environments. Employees with disabilities that put them at high risk for complications may request telework as a reasonable accommodation to reduce their chances of infection during a pandemic.

EMPLOYER POLICIES AND PRACTICES:

Question: Should we restrict employee travel?
Answer: Many employers are cancelling all but the most essential business travel.

Question: Can I take employees' temperatures to ensure they don't have a fever when reporting to work?
Answer: This won't prevent transmission and is not advisable. An individual without an elevated temperature could still be ill. Due to concerns under the Americans with Disabilities Act (ADA) and employee relations issues, employers are better off requiring employees with visible signs of respiratory illness to stay home.

Question: Do I have to allow an employee to wear a face mask at work?
Answer: No. The CDC advises against wearing a face mask unless an individual is sick with symptoms of the virus or is taking care of someone with the virus at home or in a health care setting.