

## LABOR AND EMPLOYMENT

**GUIDANCE FOR EMPLOYERS ON RESPONDING TO THE CORONAVIRUS**

The coronavirus (known as COVID-19) has spread to over 80 countries and the number of reported cases is approaching 100,000, with over 3,000 deaths. In the U.S. alone, 13 states have reported approximately 100 cases, including 10 deaths. These numbers are increasing every day.

In an effort to help employers respond to the coronavirus threat, the Centers for Disease Control and Prevention (CDC) issued [Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 \(COVID-19\)](#). The U.S. Occupational Safety and Health Administration (OSHA) also has a [website](#) that provides guidance to employers.

The following is a summary of some best practices for non-healthcare employers. The CDC's Resources for Healthcare Facilities can be found [here](#).

**Communicate with Employees About Best Practices**

It is important to provide employees with reminders about the measures that can be taken to help prevent the spread of the virus. The CDC recommends the following preventative actions, which should be shared with employees:

- Wash your hands often - multiple times every day - with soap and water for at least 20 seconds.
- Use an alcohol-based hand sanitizer that contains at least 60% alcohol if soap and water are not available.
- Avoid close contact with people who are sick.
- Avoid touching your eyes, nose, and mouth.
- Stay home when you are sick.
- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces using a regular household cleaning spray or wipe.

Posters on prevention measures are available on the [CDC's website](#). Employees should also be provided with any internal resources available through the employer, such as information on the employer's Employee Assistance Program (EAP).

**The CDC's Interim Guidance for Businesses and Employers**

In its Interim Guidance for Businesses and Employers, the CDC recommends some additional measures that may help prevent workplace exposures to acute respiratory illnesses, including the coronavirus, in non-healthcare settings. These measures include:

- **Encourage sick employees to stay home.** Employees who have symptoms of acute respiratory illness are recommended to stay home and not come to work until they are symptom free for at least 24 hours.

Employers should advise employees about any applicable leave or work-from-home policies that may apply.

- **Separate sick employees.** Employees who appear to have acute respiratory illness symptoms (i.e. cough, shortness of breath) should be separated from other employees and sent home.
- **Perform routine cleaning.** Employers and employees should routinely clean all frequently touched surfaces and employers should consider providing disposal wipes.

### **Travel Considerations**

The CDC recommends that all international travelers review the [CDC's Traveler's Health Notices](#) for the latest guidance and recommendations for travel to each country. Employers should consider prohibiting travel to countries that have a CDC Warning Level 3 (currently Italy, Iran, South Korea, Venezuela, and China), and assessing travel to Alert Level 2 and Watch Level 1 countries on a case-by-case basis. To lessen travel issues, employers may consider using virtual technology or teleconferencing to conduct business meetings. Employees should avoid travel if they are symptomatic and they should know the employer's reporting procedures if they become ill while traveling.

### **Review Policies**

Employers should review their existing policies related to paid time off or other leaves, including the Family and Medical Leave Act, state and local family and sick leave laws, etc. In addition, employers should review their obligations and policies under the ADA, the New York State and New York City Human Rights Laws, and any other applicable state or municipal laws as they may apply under certain circumstances. Work-from-home or telecommuting policies should also be reviewed to the extent employees may need or request to work from home.

### **Labor Relations Considerations**

Unionized employers should carefully review their collective bargaining agreements to determine if any provisions may apply. For example, some collective bargaining agreements contain paid leave provisions if employees are instructed not to report to work.

### **Business Continuity Planning**

Business continuity planning is the process of creating systems of prevention and recovery to address a disaster or a disruption to a company's operations. The plan ensures that personnel and company assets are protected, and are able to function in the event of a disaster. Employers should review any existing business continuity plans or consider developing such a plan.

As part of business continuity planning, employers should evaluate strategies to bolster the ability to support a scenario in which a large number of people would be unable to work onsite and/or have to work remotely. Employers should develop procedures for communicating with employees, customers, clients, etc., which includes using text and phone alerts to keep people up to date on important information.

**Continue to Monitor Updates**

As the impact of the virus continues to evolve, employers should regularly check the [CDC's website](#) and monitor the latest updates from other federal, state, and local public health departments.

We have been regularly advising employers on various matters related to the coronavirus outbreak. Please contact any member of the firm's [Labor and Employment](#) practice for guidance on this evolving issue at 716.853.1616, 585.232.6500, or visit [www.hselaw.com](http://www.hselaw.com).

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