

TOP 3 QUESTIONS FOR EMPLOYERS RELATED TO CORONAVIRUS AND THE WORKFORCE

Conner Strong & Buckelew has been monitoring the primary questions received from clients around the coronavirus. We have separated them into two categories; (1) benefit and policy/coverage issues and (2) at-large workplace questions. We will continue to inventory these questions and provide factual updates accordingly.

Top 3 questions related to at-large workplace items.

1. Can I tell employees if a co-worker has tested positive for the coronavirus or other communicable disease?

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.

2. Can I ask an employee if he or she has the coronavirus?

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.

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

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.

As always, consult with your HR and legal teams on these issues as necessary.

We will continue to provide updates on coronavirus related matters. The Conner Strong & Buckelew team is here to help you with benefit related issues.