As the pandemic escalates, businesses are adapting and reacting to the changing times. It is likely that employers will have employees test positive with COVID-19 within the next few weeks and months. The positive tests will create employee absenteeism, changes in patterns of commerce and potential interruptions of supply/delivery. Many of you are wondering, what must you as the employer do?

The Wisconsin Department of Workforce Development (DWD) is promoting guidance from the Occupational Safety and Health Act (OSHA) office to assist in preparing workplaces for COVID-19. The following is a summary of recommendations set forth in that guidance.

It is recommended that employers develop an infectious disease preparedness and response plan, if they do not already have one. Employers must continue emphasizing basic infection prevention measures, such as handwashing and encouraging employees to stay home when sick and practicing social distancing.

However, at this point in the pandemic, it is likely that employees begin contracting the disease. Employers should review their policies regarding workplace flexibilities and encourage those who can, to work from home. Employers should
also review the newly passed Families First Coronavirus Response Act and its applicability to their workforce.

Depending on the industry and type of job, employees range from a very high exposure risk to a lower risk. For example, a very high exposure risk occurs with healthcare workers and a lower exposure risk occurs for jobs where there is little to no interaction with other individuals.

If any employee tests positive for coronavirus, then the employer must review the risk exposure to the rest of the staff and determine the next step. Included below is best practice advice.

1. Advise the employee to self-quarantine for 14 days.
2. Ask the employee to identify all coworkers that he/she came in contact with at least 14 days prior.
3. Contact those employees identified by the infected employee.
4. Inform your workforce that an employee has been diagnosed with COVID-19. Note: employers must balance the public health emergency with that employee’s right to privacy under HIPAA.
5. Consider closing the office for an OSHA approved cleaning process.
6. Reassess risk to other employees and allow employees to work remotely, if possible.

The COVID-19 pandemic is continually changing and we will update you with any additional guidance. Please continue to work collaboratively with your employees to ensure safety for everyone.

© 2020 Davis|Kuelthau, s.c. All Rights Reserved