



## Workplace Plans for Employee Reporting

The news out of Houston has been grim in the last few weeks, with increasing number of positive COVID-19 cases, as well as an announcement from the Harris County Judge encouraging Houstonians to stay home. Travis County, as well as other large Texas counties, have similar orders. Governor Abbott has also changed his executive orders, closing bars, and reducing restaurant capacity.

However, many businesses continue to remain open, or partially open, since being deemed an “essential business” in earlier orders from the governor or county judge. We have previously written [guidance to assist companies](#) in deciding how to reopen or return staff to work. This guidance remains good advice, particularly in light of the increasing concern about COVID-19 circulating in Texas.

This spike in COVID-19 cases in Texas has caused a re-evaluation of re-opening strategies. As more businesses continue to reopen their offices and work sites, more employers are experiencing employees reporting COVID-19 symptoms, positive diagnoses, or potential exposure to others with either symptoms or a positive diagnosis. It is important to have a written plan for handling the decision making process for several reasons. Employees, even in this day and age, do not always appreciate the importance of not reporting into work with COVID-19 symptoms, which are often mild and fairly common. Supervisors will field a lot of questions like: Should I come in if my wife has a cough? Should I go home if I get a headache during the day? Your employees, especially supervisors, need to be on the same page about the company’s expectations.

The written plan should focus on several steps to undertake: identify, isolate, investigate and inform.

**Identify** Employers should communicate with their employees the importance of not coming to work with symptoms, or after close contact with someone who now has symptoms, or a positive test result. The Centers for Disease Control (“CDC”) defines close contact as being within 6 feet of a person with symptoms, or a positive diagnosis, for more than 15 minutes or being exposed to infectious secretions, such as a sneeze or cough. Employers are entitled to ask their employees to self-identify any such symptoms or close contact, and a daily screening on arrival is recommended. This daily screening can take multiple forms, including temperature checks, reporting to a supervisor, signing a statement confirming the employee does not have symptoms, or exposure or all of the above. The Equal Employment Opportunity Commission has confirmed that employers are allowed to ask for this information without violating the Americans with Disabilities Act.

**Isolate** Employers should evaluate the best method to isolate any employee who reports symptoms or close contact with a symptomatic person during the work day. Some employers

are asking the employee to immediately leave the company's premises. Others are asking the employee to move to an identified location so that the company can further investigate before that employee potentially becomes hard to reach. The employer must decide what steps need to be taken to notify other employees and disinfect areas of the company's premises. It is helpful to have a plan in place, and conveyed to employees, before such a situation arises.

**Investigate** Following a report of symptoms or a positive diagnosis, an employer and employee should discuss as soon as possible which other employees, vendors or customers that the employee has had close contact with in the 48 hours before developing symptoms. This is referred to as "contact tracing" and can be a very difficult step, as most people may struggle to recall every person they interacted with over a two day period. Although it is difficult to enforce social distancing in many work environments, effective social distancing among employees can greatly reduce the number of people that an infected employee has close contact with. Some companies are tracking all third parties, such as vendors or customers who interface with employees; others are asking employees to keep logs of interactions that may involve "close contact" with others. For companies with a mobile workplace, there are applications available for mobile devices that can track employee contacts.

**Inform** Many employees and customers believe at this stage that a single positive diagnosis at a company requires it to close for some period of time. That is not the case. Instead, a company should inform any employees or third parties who may have had close contact with an identified employee about the potential exposure, without identifying the name of the sick employee. The recommendations as to the length of quarantine for sick employees or potentially exposed employees is changing quickly with the availability of testing. The CDC guidelines also vary depending on whether the company is part of the critical infrastructure.

Thanks to the Greater Houston Partnership for the wording of identify, isolate, investigate, and inform. The GHP has a very user friendly guide to this subject available [here](#).

**For more information please contact Elaine Howard at 713.850.4249 or via [email](#).**