COVID-19 (Coronavirus) Preparedness

On February 25, 2020, the Centers for Disease Control and Prevention (CDC) advised the American public to work with health officials to prepare for the potential spread of novel coronavirus disease 2019 (COVID-19). Of the 87,000+ confirmed cases of infection, the mortality rate has been just above 3%, and "there have been more new cases reported from countries outside of China than from China." The World Health Organization (WHO) has "increased the assessment of the risk of spread and risk of impact of COVID-19 to very high at the global level."

An employer guide was published on February 27, 2020, to help employers become an integral part of preventing the spread of the virus and to educate employees to prepare, not panic.

Daily Worksite Measures

It's always best to start with reasonable measures to ensure employee safety.

- Stay properly informed and avoid contributing to the spread of misinformation
    - For example, antibiotics do not help with viruses, and to date there is not a vaccine
    - The WHO has not declared a global pandemic at this time, but has declared "a Public Health Emergency of International Concern" and issued a set of Temporary Recommendations" to exercise precautionary measures and help contain the virus
    - Consider posters and other materials to remind employees to be proactive
- Follow good hand hygiene *(wash hands often with soap and water for at least 20 seconds, use hand sanitizers with high alcohol content when entering/leaving a room, and avoid touching your eyes/nose)*
- Clean then sanitize surfaces before contact *(knob, handrail, keyboard/mouse, phone, chair, etc.)*
- Follow cough/sneeze etiquette *(cough/sneeze into your flexed elbow or a tissue, reasonably consider when to stay home, and consider wearing a protective facemask if you are the one coughing/sneezing…for those not coughing/sneezing, wearing a mask is medically recommended in very close proximity settings, such as in health care or home health care)*
- Consider upcoming travel and how to accommodate someone's wishes to avoid certain travel
- Develop a local infectious disease outbreak response plan addressing employee safety and business continuity, such as work from home policies and resetting client expectations about in-person meetings/travel when a local emergency is declared

         March 2, 2020

Clear Written Leave Policies

It's important to have clear policies written for the average employee to understand:

- When they can request a leave of absence *(e.g., what severity of sickness the employer warrants as permitting a leave, when employers expect employees to quarantine themselves at home, medical certification required to take a leave longer than a certain number of days and/or to return to work, etc.)*

- How to properly request a leave of absence

- What happens to benefits when they don't return to work within a prescribed timeframe

- Note that OSHA prohibits employers from retaliating against workers for raising concerns about safety and health conditions and does provide a general duty clause requiring employers to ensure employee welfare and safety at work *(the Protecting America's Workers Act expanded this duty to public sector employers, too)*

- Consider the EEOC's guidance under the American's with Disabilities Act (ADA) that was published following the H1N1 outbreak a decade ago in 2009

- Note that laws generally don't protect someone staying home just to avoid the possibility of getting sick, unless the employee has a pre-existing condition for which an accommodation is substantiated. Federal and local laws tend to focus on having time to care for your own or a family member's serious medical condition requiring ongoing treatment by a physician. Other laws might protect an employee's ability to stay home (perhaps with pay) when schools are closed or a public health emergency is declared.

Protect Privacy Within Reason

HIPAA and other privacy laws would generally expect employers to share generic, non-personal COVID-19 confirmed diagnoses with direct supervisors and close-proximity coworkers so they know to avoid further contact with others until they can get promptly tested themselves. It's vital to protect individual privacy and remind employees to avoid making assumptions, discriminating, spreading misinformation, or inciting panic. Reassure them you are watchfully monitoring the situation daily and taking proactive measures to ensure public safety.

IMA will continue to monitor regulator guidance and offer meaningful, practical, timely information.

This material should not be considered as a substitute for legal, tax and/or actuarial advice. Contact the appropriate professional counsel for such matters. These materials are not exhaustive and are subject to possible changes in applicable laws, rules, and regulations and their interpretations.