# Respond to a Positive Coronavirus (COVID-19) Test Checklist

## When to Use

For however long the global coronavirus (COVID-19) crisis lasts, employers may have to grapple with what to do when an employee tests positive for the disease. This checklist can help an employer navigate the many considerations involved. Employers should complete the following steps in sequential order.

## Customizable Checklist

## Respond to a Positive Coronavirus (COVID-19) Test Checklist

**1. Express Empathy**

* Show humanity since this will be an upsetting time for the employee.
* Let them express their feelings.

**2. Advise Employee to Self-Quarantine**

* Inform the employee that they should self-quarantine for at least 10 days.
* Prohibit the employee from coming to their worksite's physical location during that time.
* Alert the employee that they may use available leave time, including emergency paid sick leave or emergency paid family and medical leave (if the employer has fewer than 500 employees) under the Families First Coronavirus Response Act (FFCRA).
* Inform the employee that they may work remotely if their symptoms do not prevent them from doing so and if telework is an option.

**3. Act Quickly**

* Ask the employee who they have been in close contact with in the past 14 days.
* Remove the employee from the physical workspace if they are not already working remotely.
* Warn coworkers, vendors or third parties with whom the infected employee may have come in close contact.
* Advise those individuals that they may wish to be tested for COVID-19.

**4. Keep Individual's Identity Confidential**

* Inform close contacts of the employee's diagnosis without identifying the infected individual by name.
* Avoid references that would lead coworkers to guess the employee's identify.

**5. Arrange for Cleaning of the Employee's Workspace**

* Clean the individual's workspace thoroughly if the employee was working at the employer's physical location as opposed to remotely.
* Professionally clean surrounding common areas that the employee may have visited, including breakrooms, bathrooms and elevators.
* Instruct other employees to disinfect their personal work areas.

**6. Consult the Latest Guidance from the CDC and OSHA**

* Be aware that recommendations from the Centers for Disease Control and Prevention (CDC) and the Occupational Safety and Health Administration (OSHA) may change during this crisis.
* Make sure you consult the latest CDC and OSHA guidance applicable to the particular circumstances.
* Consult applicable guidance from state and local health officials (e.g., information around assistance with the testing of other employees).

**7. Encourage the Employee to Consult a Health Care Provider**

* Encourage an employee who has tested positive for COVID-19 to consult a health care provider before returning to work.
* Advise the employee that they may not return to work until they have been symptom-free for at least 72 hours, without the aid of fever-reducing medication.

## Tips

The COVID-19 situation is constantly changing, and guidance from the Centers for Disease Control and Prevention (CDC) and other health officials, may shift as well over time. Employers should regularly consult guidance not only from the [CDC](https://www.cdc.gov/coronavirus/2019-ncov/faq.html), but from the [Occupational Safety and Health Administration (OSHA)](https://www.osha.gov/Publications/OSHA3990.pdf), the Equal Employment Opportunity Commission (EEOC) and the Department of Labor (DOL) throughout the course of this pandemic to ensure they are complying with the most updated guidelines.

The CDC defines [*close contact*](https://www.cdc.gov/coronavirus/2019-ncov/php/contact-tracing/contact-tracing-plan/appendix.html#contact) as "being within 6 feet of an infected person for a cumulative total of 15 minutes or more over a 24-hour period starting from 2 days before illness onset (or, for asymptomatic patients, two days prior to test specimen collection) until the time the patient is isolated." The CDC also states that individual exposures added together over a 24-hour period (e.g., three 5-minute exposures for a total of 15 minutes) count towards determining *close contact*.

Employers may ask all employees who will be physically entering the workplace if they have COVID-19 or symptoms associated with COVID-19, and ask if they have been tested for COVID-19.

An employer may exclude those with COVID-19, or symptoms associated with COVID-19, from the workplace because, [as the EEOC has stated](https://www.eeoc.gov/facts/pandemic_flu.html), their presence would pose a direct threat to the health or safety of others. However, for those employees who are teleworking and are not physically interacting with coworkers or others (e.g., customers), an employer would generally not be permitted to ask these questions.

Consider teleworking options whenever possible. Employers have a duty to provide a safe workplace and should err on the side of caution before allowing an individual who has tested positive for COVID-19 to return to work.

At the same time, employers must ensure that they take all necessary steps to protect the identity of any employee who has tested positive for the coronavirus to the extent possible. Various laws protect against the release of this information. Thus, while employers should inform any affected coworkers of their possible exposure in the workplace, they should not reveal the identity of the employee(s) who tested positive.

## Warnings

### FFCRA

Effective April 1, 2020, the Families First Coronavirus Response Act (FFCRA) provides for federally mandated emergency paid sick leave and paid expanded family and medical leave for employers with fewer than 500 employees. Employers should ensure that individuals who have tested positive for the virus are aware of the FFCRA's paid leave provisions.

If the organization is covered under the FFCRA, there are certain requirements relating to employee eligibility, documentation, posting and compensation. An employer also should continue to monitor state and local leave requirements.

### ADA

Be aware that an employee who tests positive for COVID-19 may be entitled to some sort of reasonable accommodation under the Americans with Disabilities Act (ADA), if their reaction to COVID-19 is severe or complicates one or more preexisting health conditions or disabilities, provided it does not pose an undue hardship on the employer. However, the employer need not accommodate a return to work request if doing so would pose a direct threat to the safety of the individual's co-workers.

If necessary, the above checklist should be modified so that it is in compliance with any applicable state and local laws.