

TO: Members of Family Business Leadership Partners
FROM: Nick Starr, The Starr Group
RE: COVID-19 resources

As the WI Supreme Court is debating the legality of the extended Safer at Home order from Gov. Evers, many businesses are preparing to reopen, or bring remote workers back in to the office.

Rightfully so, many business owners are concerned with how to do this correctly. The following pages contain guidelines that may be useful to you as we transition out of the Safer at Home environment.

Confirmed Positive COVID-19 Test – Steps for Employers

- 1) If an employee or someone in his/her immediate household tests positive for COVID-19, the employee should not report to work OR be sent home to work remote, if able. If not able to work remote, the employee may request emergency paid sick leave for qualifying reasons under the FFCRA.
- 2) The employer does not need to notify the Department of Health, CDC, or any other government agency. The healthcare provider who handles the positive test is responsible for reporting to these agencies.
- 3) Ask the employee to list individuals that came into “close contact” with him/her during the two weeks leading up to the positive test. Communicate with those individuals. Use best judgement in determining which individuals to contact; there is no clearly defined rule for this process.
- 4) When communicating with the “close contact” employees and business contacts, be mindful of privacy and confidentiality laws. Employers should not communicate the employees’ name. Instead, employers should generally share that an employee they have come in contact with recently has tested positive, or a member of their household has tested positive, for COVID-19. Any employees who came in “close contact” with the employee should be advised to seek a medical provider’s recommendation.
- 5) Employees who came in “close contact” should be advised not to return to work until they have consulted a medical care provider and they must provide documentation to their supervisor or Human Resources confirming that they can safely return to work.
- 6) Steps should be taken to close off areas visited by the ill person and open outside doors/windows and use ventilating fans to increase air circulation in the area. Wait 24 hours or as long as practical before beginning cleaning and disinfection. Follow additional CDC guidance for cleaning and disinfecting facilities.

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Taking Employee Temperatures during COVID-19 Pandemic

Generally, measuring an employee's body temperature is a medical examination under the Americans with Disabilities Act (ADA), and thus is prohibited. Because the Centers for Disease Control and Prevention (CDC) acknowledged community spread of COVID-19 and issued precautions, the EEOC issued guidance temporarily relaxing its position on this topic and allowing employers to measure employees' body temperature.

Employers who take employees' temperatures should consider the following:

- Establish a threshold for which employers will not permit employees to work onsite; the CDC considers someone to have a fever if their temperature is great than 100.4 degrees Fahrenheit.
- Identify a private room where employee temperatures can be taken. This is important to ensure the privacy of all employees and the outcome of their results.
- Determine who will be responsible for taking employee temperatures and ensure this person is properly trained, wearing personal protective equipment, and properly sanitizing the testing area.
 - Individuals who take employees' temperatures should have the authority to send employees home if their temperature is above the designated threshold.
- Develop a staggered start time (if needed) to accommodate the extra time it will take to get multiple employees tested before they can begin work.
- Communicate expectations to employees in advance.
 - Inform employees of the new process, why it is important, where and when temperatures will be taken, and how information will be kept private.
 - Communicate what will happen if an employee has a fever and consequences if an employee refuses to have his or her temperature checked.
- Calibrate and test the thermometer being used daily. To minimize the risk of spreading germs, touchless thermometers are recommended.
- Keep a confidential record of employees' temperatures if you send them home due to their temperature being above the designated threshold.
- Ensure employees practice social distancing while awaiting their temperature to be checked.
- Time spent waiting for temperatures to be checked is considered compensable work time.

Employers should be aware that some individuals with COVID-19 do not have a fever.

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Communicable Disease Policy

_____ will take proactive steps to protect the workplace in the event of an infectious disease outbreak.

Employees are encouraged to engage in good hygiene practices while at work, especially hand washing with soap and water or, if water is not available, using alcohol-based disposable hand wipes or gel sanitizers. Employees are also encouraged to receive an annual influenza vaccination in the fall.

A committee will be designated to monitor and coordinate events around an infectious disease outbreak, as well as create work guidelines that could be implemented to promote safety through infection control.

_____ is committed to providing authoritative information about the nature and spread of infectious diseases, including symptoms and signs to watch for, posters, as well as required steps to be taken in the event of an illness or outbreak.

If an employee or someone in his/her household tests positive for COVID-19, _____ follows Specific steps to ensure the safety of its employees (see attached *Confirmed Positive COVID-19 Test – Steps for Employers*)

In deciding whether an employee apparently suffering from an illness may continue to work, _____ considers several factors. The employee must be able to perform his/her normal job duties and meet performance regular performance standards. In the judgment of _____ **and in conjunction with appropriate medical advice**, the employee's continued presence must pose no risk to the health of the employee, other employees, and customers.

_____ ensures that employees who have been advised by a health care provider to quarantine are paid for applicable EPSL pay—where eligible and any available paid time employees are eligible for under _____'s benefits program.

Among others, a pandemic may have an impact on any or all of the following:

- Cancellation of scheduled vacations;
- Overtime may be required;
- Some employees may be re-assigned to a different department;
- Additional part-time or supplemental staff may be needed.

It is the goal of _____, during any period of quarantine or infectious disease outbreak, to strive to operate effectively and ensure that all essential services are continuously provided and that employees are safe within the _____'s facility.

All employees are advised to contact Human Resources regarding any questions about the possible contagious nature of their own illness.

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