Taming the COVID-19 Chaos: What Employers Need to Know

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BACKGROUND

What is the coronavirus?

- From the World Health Organization:
  - Coronaviruses are a large family of viruses that cause illness ranging from the common cold to more severe (upper respiratory) diseases
  - Coronaviruses are “zoonotic” – transmitted between animals and people
  - MERS and SARS are both coronaviruses
  - COVID-19 is the most recently discovered coronavirus
Symptoms of COVID-19

- Respiratory symptoms
- Fever
- Cough
- Shortness of breath/breathing difficulties
- Pneumonia
- Severe acute respiratory syndrome
- Kidney failure

How does COVID-19 spread?

- Person-to-person – small droplets exhaled by an infected person and inhaled by someone nearby
- Touching infected surfaces and then touching your eyes, nose, or mouth
- Breathing in droplets from an infected person who coughs or exhales droplets
Be safe and smart!

- Regularly wash and clean your hands
  - Soap and water are best!
  - Supplement with sanitizer
- Maintain “social distance”
  - One meter distance
- Avoid touching eyes, nose, and mouth
- Cover your mouth/nose!
- Stay home if you’re sick!
- Keep up to date on “hot spots”
Workplace Issues

- Communication
- Safety
- Absenteeism
- Infection/quarantine
- Employee privacy
- Workflow/continuity

Workplace Communication

- Employees rely on and trust information from employers
- Plan and be proactive about workplace communication
- Too much openness and communication is far better than too little
- Overly frequent communication is better than not enough
- Protect confidential information
WHAT should you be communicating?

- Policies, protocols, and practices
  - How do your policies (PTO, absenteeism, attendance, leave) apply?
  - Anticipate questions/issues and answer them before they are asked!
  - Be careful – apply your policies consistently, and think about precedent and implications
- Expectations/information
  - Let employees know your expectations, and provide them with resources and information

Don’t Avoid the Unknown

- Own the uncertainty
  - Focus on what IS known, and what you are doing in response to factual, scientific information
  - Be apologetic about what isn’t known, and ask for (and offer) flexibility
- Communicate clearly and unequivocally
- Be kind
  - Remind employees that we are all in this together, and we all want the same things – safety and health – and that working together will keep people safe and healthy
Can I ask employees about illness?

- ADA restricts certain inquiries and “medical examinations”
  - You can ask if someone is feeling well
- Pandemic – now that we have a confirmed pandemic, employers have more latitude
- Visible symptoms – if someone has visible symptoms, you may inquire
  - Direct threat analysis

Can I send a sick employee home?

- YES!
  - If you reasonably believe an employee is sick, you can and should send the employee home
- Be consistent and deliberate
  - You need to send others who exhibit the same symptoms home, too
Paid absence or not?

- OR/WA paid sick leave requirements
- Exempt/non-exempt employee issues
- PTO, sick, vacation policies
- Impact on predictive scheduling
  - OR/Seattle
  - Show up pay

Leaves

- What kinds of leave might apply?
- Do your policies cover the absence?
- Is the absence protected under state/federal law?
- Do you need to extend or modify your policies?
- Do you need to add a new policy for emergent situations?
**Doctor’s Notes**

- You may require a symptomatic employee to provide confirmation of “fit for duty”
- You may require a doctor’s note to permit someone to return to work after an absence
- Be aware of applicable state law requirements w/ respect to paid sick leave
  - OR – absence must exceed 3 days
  - WA – same
- You may require a 14-day absence

**Confirmed Case in Your Workplace**

- Have your communication ready
  - DON’T SHARE NAMES!
- Have a PLAN
- Share important details
  - Location
  - Nature of exposure
  - Response – share what you are doing!
- To do’s – give your employees action items
- Emphasize community – we are all in this together and on the same team!
WFH (Working from Home)

- Do a “test run” to make sure your systems can handle WFH and in what numbers
- Pre-identify “key” employees and “non-key” employees, and be ready to prioritize network or remote access for pre-identified groups
- Consistency and fairness
  - Which positions can work remotely and which cannot? Why?
  - Be clear about temporary nature of WFH (if applicable)

Travel

- Most employers have limited or prohibited non-essential travel, particularly to hard-hit areas
- Consider using tech alternatives (video-conferencing, conference calls, etc.) to travel
- Monitor WHO and CDC travel advisories
- Employees who travel to Level 2/3 countries can be precluded from returning to work for a 14-day period
Resources

- https://www.eeoc.gov/facts/pandemic_flu.html
- https://www.dol.gov/agencies/whd/flsa/pandemic

Questions?

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