

NOTIFYING EMPLOYEES OF POTENTIAL COVID-19 EXPOSURE AND ISOLATION REQUIREMENTS

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TODAY'S SPEAKER



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OSHA'S TEMPORARY COVID-19 RULE TIMELINE

- Rule adopted **November 6**
- Took effect 10 days after adoption, on **November 16**
- Risk Exposure Assessment and Infection Control Plan due by **December 7**
- Employee training to be completed by **December 21**
- Rule in effect until **May 4, 2021**, unless revised or repealed
- Helpful Materials:
<https://osha.oregon.gov/rules/advisory/infectiousdisease/Pages/default.aspx>

OVERVIEW

- Having a policy in place which lays out your notification process
- COVID-19 Testing
- Isolation (“Medical Removal”) Procedures
- Returning to Work

NOTIFICATION REQUIREMENTS

Employers must establish a policy to notify exposed or affected employees within 24 hours of the employer being aware that an individual with COVID-19 was present in the workplace while infectious or otherwise may have had work-related contact with its employee(s) while infectious.

NOTIFICATION REQUIREMENTS

- **Who?** Employees “exposed” to or “affected” by an infectious individual in the workspace or during work-related activities.
- **When?** Within 24 hours of when the employer learns the information
- **How?** Telephone, email, etc.
- **Other areas that you may want to include in your policy:** (1) requirements for employees to report a COVID-19 diagnosis, symptoms, or close-contact exposure; (2) procedure for contact tracing; (3) procedure for post-exposure sanitation; and (4) isolation requirements/medical removal procedures
- **OSHA’s Sample Policy:**
<https://osha.oregon.gov/covid19/Pages/default.aspx>

COVID-19 TESTING

- Employers are required to cooperate with COVID-19 testing initiated by OHA or another public health agency. However, they are not responsible for covering the cost of the test if the employer did not initiate the testing requirement.
- If employers do require testing, they must cover the costs of testing, including the costs of the test itself, employee time, and employee travel.

MEDICAL REMOVAL – DIRECTIVE TO ISOLATE

Whenever OHA, local public health agencies, or a medical provider **recommends** an employee be restricted from work due to quarantine or isolation for COVID-19, such as through identification during contact tracing activities, the affected worker(s) **must** be directed to isolate at home and away from other non-quarantined individuals.

MEDICAL REMOVAL

- Step One: Look to the relevant recommendations (*i.e.*, CDC, OHA, medical providers).
- Step Two: Direct impacted employees to isolate.
- Step Three: Determine if there are remote work opportunities.
- Step Four: Protect the impacted employee's position and stay in contact with the impacted employee.
- Step Five: Determine when it is appropriate for the impacted employee to return to the workspace.

ANTI-DISCRIMINATION AND RETALIATION

- **Don't forget other workplace laws and regulations!**
- The temporary rules specifically state that employees should not suffer any adverse action as a result of participation in COVID-19 quarantine or isolation activities.
- The temporary rules also specifically call out Oregon's whistleblower protections, *i.e.*, for opposing any practice forbidden under law, for making a complaint (including a complaint to OSHA), or otherwise exercising a right under the law.

SANITATION FOLLOWING EXPOSURE

- Any area/shared equipment that an individual known to be infected with COVID-19 used or had direct physical contact with, must be sanitized after at least a 24-hour waiting period.
- This requirement does not apply to areas, surfaces, or equipment that has been unoccupied or otherwise unused for seven days or more.

OSHA RECORDABLE INCIDENT

- OSHA has stated that COVID-19 is a recordable illness, **if the illness was work related.**
- Investigate if the illness was work related and document your efforts, including:
 - Ask the infected employee how they believe they contracted the COVID-19 illness;
 - While respecting employee privacy, discuss with the infected employee their work and out-of-work activities that may have led to the COVID-19 illness; and
 - Review the employee's work environment for potential COVID-19 exposure.

POTENTIAL PITFALLS

- Maintain confidentiality at all times
- PTO, FFCRA, protected leaves vs. unpaid time off
- Treat employees equally and enforce policies equally
- Communicate clearly and often
- Keep an eye on changing guidelines
- Exercise patience and empathy
- Document, Document, Document!

ADDITIONAL RESOURCES

- OHA's Advice for Employers: [OHA 2342C Statewide Freeze Guidance – General Guidance for Employers](#)
- CDC's Advice for Employers: [Workplaces and Businesses | COVID-19 | CDC](#)

QUESTIONS?



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