

# CLIENT ALERT

February 28, 2020

1

## LABOR & EMPLOYMENT

### CORONAVIRUS (COVID-19) PRECAUTIONS FOR EMPLOYERS

*Christina McDonald & David Deromedi*

It is now impossible to avoid the reality that the coronavirus disease 2019 (COVID-19, the “coronavirus”), is a “public health emergency of international concern,” according to the Centers for Disease Control and Prevention (“CDC”).<sup>i</sup> As of publication, the coronavirus is not spreading in the community in the United States.<sup>ii</sup> The CDC reports that the immediate health risk is low for the American public.<sup>iii</sup>

Nevertheless, the widespread transmission of the coronavirus in the U.S. “would translate into large numbers of people needing medical care at the same time.”<sup>iv</sup> This could result in significant adverse consequences, including disruption of the American workforce.

The CDC has developed interim guidance specifically for businesses and employers to reduce transmission and prepare for potential consequences related to the spread of the coronavirus. Employers are encouraged to study the CDC’s guidance for businesses and employers available on the [CDC’s webpage](#).

Recommended corporate actions include the following:

- Actively encourage sick employees or employees with sick family members to stay home. Encourage telecommuting when possible;
- Isolate and/or send home employees who are sick or who become sick during the workday;
- Educate employees on coronavirus risk assessments and encourage sick employees to seek medical care;
- Ensure sick leave policies are flexible, consistent with federal, state and local laws and consistent with public health guidance and understand that you may have to make exceptions for unique situations;
- Provide awareness of sick leave policies to employees immediately and often;
- Educate employees on respiratory etiquette (cough and sneeze cover) and hand hygiene;
- Perform routine environmental cleaning and provide disposable wipes for employee cleaning use during the day;
- Discourage travel to China, Hong Kong, Iran, Italy, Japan, Singapore, South Korea, Taiwan, Thailand, and cruise ship travel in Asia. Stay up to date on travel restrictions from the CDC.<sup>1</sup>
- If an outbreak occurs in the U.S., be prepared to cancel all non-essential business travel and all non-essential large work-related meetings or events;
- Identify essential business functions, jobs or roles, and elements within your supply chains required to maintain business operations. Plan for how your business will operate if there is increasing absenteeism or supply chains are interrupted; and
- Create (or refresh) an infectious disease outbreak response plan in writing now, recognizing that the plan’s scope and procedures may vary depending on unique business operations and needs.

Under OSHA, employers have a duty to provide a workplace “free from recognized hazards that are causing or are likely to cause death or serious physical harm.”<sup>vi</sup> The Occupational Safety and Health Administration (“OSHA”) has also set up a [site](#) to help employers prepare for a potential coronavirus outbreak. Developing a plan to address a potential coronavirus outbreak in the U.S. now may help to keep employees healthy, alleviate public concern, and reduce corporate liability.

The coronavirus situation is developing quickly. For the most up to date information concerning the coronavirus, refer to the [CDC’s coronavirus webpage](#).

<sup>i</sup> <https://www.cdc.gov/coronavirus/2019-ncov/summary.html> (accessed Feb. 28, 2020).

<sup>ii</sup> *Id.*

<sup>iii</sup> *Id.*

<sup>iv</sup> *Id.*

<sup>v</sup> <https://www.cdc.gov/coronavirus/2019-ncov/php/risk-assessment.html> (last accessed Feb. 28, 2020).

<sup>vi</sup> 29 U.S.C. 654(a)(1).

<sup>1</sup> <https://wwwnc.cdc.gov/travel> (accessed Feb. 28, 2020).

*This client alert is published by Dickinson Wright PLLC to inform our clients and friends of important developments in the field of Labor & Employment law. The content is informational only and does not constitute legal or professional advice. We encourage you to consult a Dickinson Wright attorney if you have specific questions or concerns relating to any of the topics covered in here.*

#### FOR MORE INFORMATION CONTACT:



**David R. Deromedi** is a Member in Dickinson Wright’s Detroit office. He can be reached at 313.223.3048 or [dderomedi@dickinsonwright.com](mailto:dderomedi@dickinsonwright.com).



**Christina K. McDonald** is a Member in Dickinson Wright’s Grand Rapids office. She can be reached at 616.336.1039 or [cmcdonald@dickinsonwright.com](mailto:cmcdonald@dickinsonwright.com).