

As you are aware, the Coronavirus (COVID-19) is a rapidly evolving situation within the U.S. and globally. The spread of the virus and the diagnosis of the disease has, so far, been highly unpredictable. Treatment protocols are also evolving as we learn more about the virus. Given the fact that governments and public health officials have been working to increase the number of labs that can perform tests, we're likely to see more people diagnosed with COVID-19 in the coming weeks.

The impact on our economy, our business continuity, our clients, our revenue, and our staff will continue to be significant. As HR partners, we are taking this very seriously. From a Human Resources standpoint, it is imperative that Employers show appropriate care and concern for their staff, **without violating ADA, HIPAA, FMLA, and/or other State-specific regulations regarding protected health information.**

It's likely that you've already communicated internally with your staff and externally (as appropriate) with your clients. As a complement to your current efforts, we offer the following guidance for consideration. Please note, that this information is not intended to be legal or financial guidance and should not be treated as such.

This Week

- 1) Communicate openly and often. Be available and allow people to express concerns, anxiety, fears, etc. They may be concerned for themselves and/or for their loved ones. If you have an EAP (employee assistance program), please make the staff aware and share how they may access the service.
- 2) Share the CDC's web site that provides ongoing updates and information to the public, such as common symptoms of the virus as well as locations of emerging COVID-19 cases. <https://www.cdc.gov/coronavirus/2019-ncov/summary.html>.
- 3) Consider restricting travel. For example, non-essential travel might be prohibited and travel that is deemed essential for business operations, might require approval from an Executive leader.
- 4) The CDC does not recommend that otherwise 'healthy' employees wear masks however, this is likely to arise in your workplace and some employees may want to wear them out of an abundance of caution. Proactively determine how you will respond if an employee chooses to wear a mask in your office. Will you allow it or not? Will you make a distinction between client-facing employees and those who do not engage with clients?
- 5) If you are aware of an employee who has traveled to a high-risk area, for personal or business reasons (within or outside of the U.S.) speak with your labor and employment council for guidance to ensure that you can require them to wait at least fourteen (14) days before returning to the office. **NOTE OF CAUTION:** You must apply this consistently across all employees to minimize any unintended discriminatory behavior.

- 6) Determine what your protocol will be if an employee feels ill. We strongly recommend that you send a message clearly stating that they should not come to work if they feel sick or have flu-like symptoms. Encourage them to see a physician. **Do not try to diagnose them or, in any way, suggest that they have COVID-19 or any other illness.**
 - a. If they feel well enough to work, you could consider allowing them to work from home for the next week or two. That is, if they can perform their duties from home.
 - b. If they do not feel well enough to work, you must proactively determine if they will have to use their PTO/Sick hours or, if you will grant a special paid 'emergency leave'. Perhaps you might offer this special leave for up to 1 week (whether or not the person is diagnosed with COVID-19). Please apply this consistently across all employees, without regard to their employment and/or protected status.
 - c. If they are diagnosed with COVID-19, or believe they have been exposed to (or, in contact with) someone who has it, request that they provide a medical release form, from a bonafide medical professional, before returning to work. While you may notify the staff of potential exposure, **you must protect the identity of the person.** Consider the following practices:
 - i. Seek assistance on communication protocols ASAP.
 - ii. Do NOT disclose the person's medical condition to the staff without direct guidance from an attorney or the government.
 - iii. Keep all medical and health-related information in a secured location, separate from their personnel file. Limit access to this information to the top Executive and Human Resources.
- 7) Share any messaging you've received from your healthcare provider. Most, if not all medical insurance providers, have provided updates on medical plan coverage (such as COVID-19 testing as well as co-pays and deductible waivers). If you offer STD (short-term disability), please also check regarding eligibility and coverage. You may receive ongoing messaging from providers so be sure to update the staff often (or provide a link to the providers' websites).
- 8) Make alcohol-based hand sanitizer, tissue and antibacterial wipes available for everyone to use. Place them in public, highly used areas throughout the office. Keep the surplus of supplies in a secured location.
- 9) Several times per day, wipe down keypads, door handles, refrigerator and microwave handles, coffee pots, and other commonly touched items.
- 10) Share recommendations for common preventive actions to help prevent the spread of respiratory viruses. Consider creating and posting signs in the restrooms and breakrooms.
 - a. Stay home when you are sick.
 - b. Wash your hands for 20 seconds with soap and warm water frequently.
 - c. Use hand sanitizer (at least 60% of alcohol) when soap and water are not readily available.
 - d. Avoid touching your eyes, nose, and mouth with unwashed hands.
 - e. Avoid close contact with people who are sick.

- f. Cover your cough or sneeze with a tissue, then throw the tissue in the trash. If a tissue is not available, sneeze and cough into your elbow.
 - g. Clean and disinfect objects and surfaces that you frequently touch and/or share with co-workers such as chairs, workstations, copier area office supplies, company-provided coffee mugs, and computer equipment.
 - h. Use a paper towel to open the door when exiting the restroom and discard the paper towel in a nearby trash receptacle.
- 11) Request that everyone refrains from engaging in behaviors (in person or via other modes of communication) which are derogatory to any racial, ethnic, religious or similar group relating to the origin or spread of this virus. You must be vigilant in responding to all complaints or concerns in this regard.
- 12) Determine how you will engage your clients, keep your business operational and respond to clients' concerns. If you have staff who interact in person with clients regularly, you may want to consider alternative methods of performing the work. For example:
 - a. If they have frequent, in-person meetings (especially if they are recurring), consider moving them to a video conference platform such as Zoom, BlueJeans or WebEx.
 - b. If they provide training, consider virtual training.
 - c. If they frequent your clients' locations, consider using a remote process such as scanning & emailing.
 - d. If you have a lot of 'walk in' traffic, consider going to a telephonic method of serving customers.
- 13) Consider postponing companywide and client-related events that may be planned within the next three (3) months.
- 14) Ask your cleaning crew to perform deeper cleanings (with high quality disinfectants) more often. Most cleaning companies only deep clean once per week and they 'tidy up' the rest of the week.
- 15) Restrooms should also be well-stocked with supplies such as soap, paper towels, toilet paper and facial tissue. Keep the surplus of supplies in a secured location.

This Month

- 1) Closely monitor your business operations, and client retention. Some states may offer relief grants and low/no interest loans to small businesses who experience an adverse impact due to the coronavirus. As an example, NYC's Mayor DeBlasio stated that the city might offer up to \$6K in grants for employers with less than 5 employees and make up to \$75K available for businesses that meet certain criteria. Please continuously monitor and check for available information in your particular city and state.
- 2) Review & update your current DRP/EPP strategies (disaster recovery plan/emergency preparedness plan) to include situations like this. You should have a documented protocol around environmental threats and pandemics.

- 3) Develop detailed 90-day and 180-day contingency plans based on your DRP/EPP strategy. For example:
 - a. How will you run your business as this disease continues to spread, or lasts longer than anticipated?
 - b. Can you run the essential functions – like IT and Payroll - from a remote location?
 - c. What is your communication protocol to ensure that the staff is notified of critical issues and office closings?

Please be aware that your employees may be exposed to a lot of misinformation, from unreliable sources, which may increase gossip, panic, and anxiety and decrease productivity. Please be sure to recommend a reliable channel for information, such as the CDC's or your particular State's websites.

We strongly encourage you to stay abreast of the situation and monitor updates such as the following:

- CDC's guidelines for Employers: https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fspecific-groups%2Fguidance-business-response.html.
- EEOC's guidelines: https://www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitaion_act_coronavirus.cfm.
- Another resource is from the law firm of Fisher-Phillips – they've provided comprehensive FAQ which is updated regularly: <https://www.fisherphillips.com/resources-alerts-comprehensive-faqs-for-employers-on-the-covid>.

Our firm has developed a business continuity and emergency planning consulting tool that will enable us, in partnership with you, to assess your DRP/EPP strategy and identify significant "people-related" gaps. Our tool is very useful if you don't have a DRP/EPP strategy and need to create one. We are also available if you need assistance with employee communication as well as employee and leader awareness training.

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