Checklist: Employee Tested Positive/Exposed to a Confirmed or Suspected Case of COVID-19

☐ Establish communication with the positive employee (who should already be at home awaiting results) or
☐ Confirm with employee who has been exposed if they meet the definition outlined by the CDC for community exposure
☐ Administer any applicable leave laws they may be eligible for, including, but not limited to, new FFCRA leave and/or California PSL. Also, provide benefit information, including required pamphlets, to the employee.
☐ Review site safety plan on a regular basis, ensure it is being followed!

Employee Tests Positive

☐ Find out any co-workers the employee has had close contact with (within 6-feet) within the past two weeks - be over-inclusive.
   - Ask the employee
   - Check with supervisor(s)
   - Verify site safety plan has been followed
   - Review surveillance video, if applicable
☐ Alert everyone in close contact with the positive employee and provide them CDC guidance, including CDC information on symptoms. Do this as soon as possible - by phone, text, or email.
   - If working on-site, send them home immediately and decontaminate all work spaces.
   - DO NOT identify the positive individual. Protect confidentiality.
   - Sample message: “Someone in our workplace has tested positive for COVID-19 and identified you as a potential close contact according to the CDC definition. If you are at work, please prepare to leave as quickly as you can. Once you get home — or if you are already working from there — find a place to self-isolate, monitor yourself for any symptoms, talk to your doctors and review CDC information. We are here to support you. Please reach out to _____ with questions or assistance."
☐ After alerting these close contact individuals, decide what and how (phone, text, or email) you will communicate to rest of team.
   - Don’t share names of positive individuals or those in close contact.
   - Sample message: “One of our employees recently tested positive for COVID-19 and is now self-isolating. Close contacts have been told and were asked to leave the workplace and self-isolate. The workspaces have been decontaminated following CDC guidelines. If you were not already told you were a close contact, then you are not one. If you have questions about COVID-19 or your situation please call your doctor and visit CDC information. The company is here to support everyone during this difficult time, and we all send our best wishes to the people affected. Please contact ______ with any questions.”
Employees who have had close exposure to Covid-19 as defined by the CDC

- Potentially exposed employees who have symptoms of COVID-19 should self-isolate and follow CDC recommended steps. If employee later tests positive, follow steps above.
- Potentially exposed employees who do not have symptoms should remain at home or in a comparable setting and practice social distancing for 14 days according to CDC guidelines for community exposure.
- If employer is considered a critical infrastructure, follow the CDC guidelines for implementing safety practices.
- If working on-site, send them home immediately.
- Decide what and how (phone, text, or email) you will communicate to rest of team.
  - DO NOT identify the individual. Protect confidentiality.
  - Sample message: “One of our employees was recently exposed to a confirmed or suspected case of COVID-19 and is now self-isolating. The Company is following CDC guidelines and does not feel there is any additional risks to employees. If you have questions about COVID-19 or your situation please call your doctor and visit CDC information. Please contact ______ with any questions.”

For both Positive and Exposure to Covid-19

- Administer new FFCRA leave and other leaves for employees who are seeking a medical diagnosis or have been advised by a medical provider that they must self-quarantine and are unable to telework. Provide benefit information as necessary. (Consider telework as an option.)
- Don't answer medical questions - tell employees who are self-isolating to call their doctor and provide the CDC information. These employees will self-monitor for symptoms as defined by the CDC (i.e., fever, cough, or shortness of breath) and remain self-quarantined, as advised by their health care professional.
- Follow CDC guidance on length of isolation and returning to work. Check with your county in the event additional local measures are in place.
- Consult CDC, OSHA and CAL-OSHA business guidance.
- Contact local public health agency if required, or for additional information.
- Review site safety plan, ensure it has been followed, and update as necessary.

Additional Considerations

The federal DOL has provided a Q&A page addressing the payment of FFCRA. We have outlined a few to consider below.

How do I know if I can receive paid sick leave for a Federal, State, or local quarantine or isolation order related to COVID-19?

For purposes of the FFCRA, a Federal, State, or local quarantine or isolation order includes quarantine or isolation orders, as well as shelter-in-place or stay-at-home orders, issued by any Federal, State, or local government authority that cause you to be unable to work (or to telework) even though your employer has work that you could perform but for the order. You may not take paid sick leave for this qualifying reason if your employer does not have work for you as a result of a shelter-in-place or a stay-at-home order. In the instance where your employer does not have work for you as a result of a shelter-in-place or a stay-at-home order, please see Questions 23-27.

It is unclear if the CDC guidelines to self-isolate during exposure to a positive or suspected case of Covid-19 falls under the definition of “Federal, state, or local quarantine or isolation order”. It is best to consult with your
counsel to make that determination. If you wish to require employees to self-isolate from the workplace, include in your policy and implement that policy consistently. Review with human resources or counsel any options for paid time off during the employer designated quarantine.

**When am I eligible for paid sick leave under the FFCRA to self-quarantine?**

You are eligible for paid sick leave if a health care provider directs or advises you to stay home or otherwise quarantine yourself because the health care provider believes that you may have COVID-19 or are particularly vulnerable to COVID-19, and quarantining yourself based upon that advice prevents you from working (or teleworking).

**I am an employee. I become ill with COVID-19 symptoms, decide to quarantine myself for two weeks, and then return to work. I do not seek a medical diagnosis or the advice of a health care provider. Can I get paid for those two weeks under the FFCRA?**

Generally no. If you become ill with COVID-19 symptoms, you may take paid sick leave under the FFCRA only to seek a medical diagnosis or if a health care provider otherwise advises you to self-quarantine. If you test positive for the virus associated with COVID-19 or are advised by a health care provider to self-quarantine, you may continue to take paid sick leave. You may not take paid sick leave under the FFCRA if you unilaterally decide to self-quarantine for an illness without medical advice, even if you have COVID-19 symptoms. Note that you may not take paid sick leave under the FFCRA if you become ill with an illness not related to COVID-19. Depending on your employer’s expectations and your condition, however, you may be able to telework during your period of quarantine.