Impact of the Coronavirus on Employers

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Working to create economic growth, good jobs and strong communities across New York State.

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Dr. Kimberly Kilby

Dr. Kimberly Kilby is Regional Medical Director for MVP Health Care where she works in collaboration with physicians across New York State and Vermont on initiatives related to improving care delivery and quality, as well as supporting the transition to value-based payment models. Prior to transitioning to MVP Health Care, Dr. Kilby served as Associate Dean for Academic & Student Affairs and Interim Associate Dean for Undergraduate Medical Education at Albany Medical College in Albany, NY, and practiced clinically at Albany Medical Center Bariatrics and Nutrition Group. She has past experience in public health practice, having served as the Director of the Bureau of Communicable Disease Control for the New York State Department of Health where she was responsible for overseeing the control and prevention of general communicable diseases statewide and directed the statewide surveillance activities and clinical management for the 2009 H1N1 influenza pandemic.

She is a graduate of Albany Medical College, obtained her MPH degree from the University at Albany School of Public Health, and is Board Certified in Family Medicine, Preventive Medicine, and Obesity Medicine. Dr. Kilby completed her family medicine residency during which she served as Chief Resident at the University of Vermont. She subsequently completed the New York State Preventive Medicine Residency program.

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What is the Coronavirus?

- A respiratory disease caused by a novel (new) coronavirus that was first detected in China and which has now been detected in almost 70 locations internationally, including in the United States.

- The virus has been named "SARS-CoV-2" and the disease it causes has been named "coronavirus disease 2019" (abbreviated "COVID-19").

- Reported illnesses have ranged from mild symptoms to severe illness and death for confirmed coronavirus disease 2019 (COVID-19) cases.

- Symptoms may appear 2-14 days after exposure:
  - Fever
  - Cough
  - Shortness of breath

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How is the Virus Transmitted?

- People can catch COVID-19 from others who have the virus.

- The disease can spread from person to person through small droplets from the nose or mouth which are spread when a person with COVID-19 coughs or exhales.

- These droplets also land on objects and surfaces around the person. Other people then catch COVID-19 by touching these objects or surfaces, then touching their eyes, nose, or mouth.

- The CDC recommends to stay more as much as 6 feet away from a person who is sick. It is possible to catch the virus from someone even before they have symptoms.

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Current Risk Assessment

- For most of the American public, who are unlikely to be exposed to this virus at this time, the immediate health risk from COVID-19 is considered **low**.

- People in communities where ongoing community spread has been reported (two places in CA, Oregon, and WA) are at elevated, though still **relatively low** risk of exposure.

- Healthcare workers caring for patients with COVID-19 are at elevated risk of exposure.

- Close contacts of persons with COVID-19 also are at elevated risk of exposure.

- Travelers returning from affected international locations where community spread is occurring also are at elevated risk of exposure (China, Iran, Italy, S Korea, Japan).

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Prevention and Treatment

- There is currently no vaccine to prevent COVID-19. The best way to prevent illness is to avoid being exposed to this virus. However, as a reminder, CDC always recommends everyday preventive actions to help prevent the spread of respiratory diseases, including:
  - Avoid close contact with people who are sick.
  - Avoid touching your eyes, nose, and mouth.
  - Stay home when you are sick.
  - Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
  - Clean and disinfect frequently touched objects and surfaces using a regular household cleaning spray or wipe.

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Prevention and Treatment

- Follow CDC's recommendations for using a facemask.
  - CDC does not recommend that people who are well wear a facemask to protect themselves from respiratory diseases, including COVID-19.
  - Facemasks should be used by people who show symptoms of COVID-19 to help prevent the spread of the disease to others. The use of facemasks is also crucial for <u>health workers</u> and <u>people who are taking care of someone in close settings</u> (at home or in a health care facility).
- Wash your hands often with soap and water for at least 20 seconds, especially after going to the bathroom; before eating; and after blowing your nose, coughing, or sneezing.
  - If soap and water are not readily available, use an alcohol-based hand sanitizer with at least 60% alcohol. Always wash hands with soap and water if hands are visibly dirty.

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Recommended Strategies for Employers

- Actively encourage sick employees to stay home

- Separate sick employees

- Emphasize staying home when sick, respiratory etiquette and hand hygiene by all employees

- Perform routine environmental cleaning

- Advise employees before traveling to take certain steps

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What do I do if I get sick?

- If you develop symptoms and have been in close contact with a person known to have COVID-19 or if you have recently traveled from an area with ongoing community spread of COVID-19.
    - CALL before you go
    - WEAR a mask

- If you are low risk but feeling sick, consider using alternatives, such as telehealth/telemedicine

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What if an Employee Looks Sick?

- If any employee presents themselves at work with a fever or difficulty in breathing, this indicates that they should seek medical evaluation.

- Retrain your supervisors on the importance of not overreacting to situations in the workplace potentially related to COVID-19 in order to prevent panic among the workforce.
  - Keep supervisors informed daily/weekly and rely on public health resources for information (CDC/WHO)

- Ask them to seek medical attention and get tested for COVID-19, <u>and under most circumstances you can ask them to leave work.</u>

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OSHA General Duty Clause

- Section 5(a)(1) of the Occupational Safety and Health (OSH) Act of 1970, 29 USC 654(a)(1), which requires employers to furnish to each worker "**employment and a place of employment, which are free from recognized hazards that are causing or are likely to cause death or serious physical harm.**"

- Inform Employees

- Hazard Identification/ prevention – Essential jobs

- Cleaning of contaminated work areas
  - Chemicals used

OSHA Considerations

- Employees are only entitled to refuse to work if they believe they are in imminent danger.

- OSHA defines "imminent danger" to include "any conditions or practices in any place of employment which are such that a danger exists which can reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act.

- Masks/respirators (N95)

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Employee Status

- Employee/Family illness
- Quarantine
- Working/Unable to work from home
- Fair Labor Standards Act (FLSA)/NYS Wage and Hour Law
- Use of sick, vacation and leave time
- Travel restrictions
  - Personal travel
- Collective bargaining considerations

Workers' Compensation

- Arising out of and in the course of employment
- Income replacement and related health care costs

NYS Short Term Disability

- Off-the-job Illness or injury
- 50% of AWW to max of $170/wk

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New York State Paid Family Leave

- Up to <u>10 weeks</u> of leave at <u>60% of the employees average weekly wage</u> to a maximum of 60% of the state's average weekly wage
- Care for a family member with a serious health condition
- Family Member:
  - Spouse, child, parent (in-laws), grandparent, grandchild, or domestic partner

New York City/Westchester Paid Safe and Sick Leave

- Definition of Family
- Acceptable reasons for use

Family and Medical Leave Act

- Employer and employee eligibility requirements
- 12 Weeks of unpaid leave in 12-month period
- Care for a serious health condition of employee or qualified family member
- Job protected leave

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Americans with Disabilities Act (ADA)

- Qualified individual with a disability protected from discrimination
- Coronavirus could create a disability or aggravate a previous disability
- May be entitled to an "accommodation"
  - Work from home
  - Leave
  - Reduced work schedule
  - Travel restrictions
- Unless an "undue hardship" or "direct threat"

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Return to Work

- Medical documentation

- Fitness for duty

- Inquiries from co-workers

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Prepare! But Don't Panic!

- Communicate with Employees
  - Monitor information updates – stay informed!
  - Relieve the expectation of attendance
- Review leave policies as to how they do or don't support a public health emergency
- Ramp up hygiene measures
- Anticipate staffing issues
  - Working from home
  - Identify "essential" jobs
- Business Continuation Plan - account for interruptions of supplies, materials, etc.

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Resources

- Centers for Disease Control
https://www.cdc.gov/
- OSHA
https://www.osha.gov/
- EEOC
https://www.eeoc.gov/

- World Health Organization
https://www.who.int/
- New York Health Department
https://www.health.ny.gov/
- Business Council Coronavirus
https://www.bcnys.org/managing-coronavirus

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Next Webinar

Leave Management

PFL/ADA/FMLA/Workers' Compensation/NYS Short-term disability – managing an employee's leave status while out sick, injured or caring for a family member is a challenge for businesses of all sizes. This program will provide examples and guidance based questions received through The Business Council's HR Hotline.

Thursday, March 26, 2020

11:00 am. – 12:00 pm

This program has been approved for HRCI certification

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