

# Updates on Coronavirus Disease (COVID-19) in the US

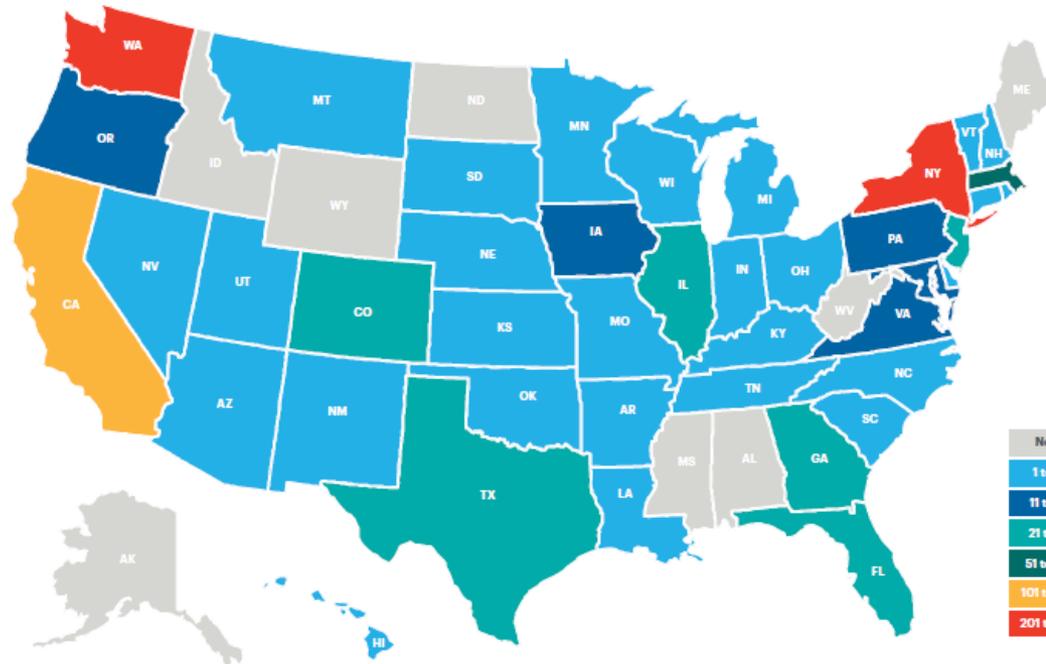
March 13, 2020

David C. Quam  
Counsel, Washington, DC  
D +1 202 496 7220  
[david.quam@dentons.com](mailto:david.quam@dentons.com)

Louise K.Y. Ing  
Partner, Honolulu  
D +1 808 524 1800  
[louise.ing@dentons.com](mailto:louise.ing@dentons.com)

## Coronavirus Disease (COVID-19) in the US

March 12, 2020



Total cases: 1,215  
 Total deaths: 36  
 Jurisdictions reporting cases: 43  
 (42 states and Washington DC)

### States with confirmed and presumptive positive cases of COVID-19:

- |  |   |  |  |  |   |  |
|--|---|--|--|--|---|--|
| <b>None</b>  | <b>1 to 10</b>  | <ul style="list-style-type: none"> <li>Louisiana</li> <li>Michigan</li> <li>Minnesota</li> <li>Missouri</li> <li>Montana</li> <li>Nebraska</li> <li>Nevada</li> <li>New Hampshire</li> <li>New Mexico</li> </ul> | <ul style="list-style-type: none"> <li>North Carolina</li> <li>Ohio</li> <li>Oklahoma</li> <li>Rhode Island</li> <li>South Carolina</li> <li>South Dakota</li> <li>Tennessee</li> <li>Utah</li> <li>Vermont</li> </ul> | <ul style="list-style-type: none"> <li>Washington D.C.</li> <li>Wisconsin</li> </ul>   | <b>21 to 50</b>   | <b>51 to 100</b>   |
| <ul style="list-style-type: none"> <li>Alabama</li> <li>Alaska</li> <li>Idaho</li> <li>Maine</li> <li>Mississippi</li> <li>North Dakota</li> <li>West Virginia</li> <li>Wyoming</li> </ul> | <ul style="list-style-type: none"> <li>Arizona</li> <li>Arkansas</li> <li>Connecticut</li> <li>Delaware</li> <li>Hawaii</li> <li>Indiana</li> <li>Kansas</li> <li>Kentucky</li> </ul> |  |  | <ul style="list-style-type: none"> <li>Iowa</li> <li>Maryland</li> <li>Oregon</li> <li>Pennsylvania</li> <li>Virginia</li> </ul> | <ul style="list-style-type: none"> <li>Colorado</li> <li>Florida</li> <li>Georgia</li> <li>Illinois</li> <li>New Jersey</li> <li>Texas</li> </ul> | <ul style="list-style-type: none"> <li>Massachusetts</li> </ul>                |
|  |   |  |  |  |   | <ul style="list-style-type: none"> <li>California</li> </ul>                   |
|  |   |  |  |  |   | <ul style="list-style-type: none"> <li>New York</li> <li>Washington</li> </ul> |

Date updated: March 12, 2020

Source: CDC, [www.cdc.gov/coronavirus/2019-ncov/cases-in-us.html](http://www.cdc.gov/coronavirus/2019-ncov/cases-in-us.html)

# Guideposts for employers in the age of COVID-19

## What will we cover?

- CDC Update: Interim Guidance for Businesses and Employers
- OSHA Update
- Privacy
- How we can help
  
- Nerd Trivia: COVID-19 vs. SARS-COV-2?
  - “The virus has been named ‘SARS-CoV-2’ and the disease it causes has been named ‘coronavirus disease 2019’” (abbreviated “COVID-19”) (CDC)

## CDC's Interim Guidance for Businesses and Employers

- <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>
- For planning, preventing, preparing, responding to COVID-19
- Guiding principles
  - Use CDC guide to determine risk of COVID-19 in workplace
  - Do not discriminate: do not make determinations of risk based on race or country of origin. Not a “foreign” disease.
  - Maintain confidentiality of employees with confirmed COVID-19.
  - Updates at [www.cdc.gov/coronavirus/covid19](http://www.cdc.gov/coronavirus/covid19).

## CDC's Interim Guidance for Businesses and Employers recommended strategies to use now:

- 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
- Additional Measures in Response to Currently Occurring Sporadic Importations of the COVID-19

## CDC's Interim Guidance for Businesses and Employers recommended strategies to use now:

### Encourage sick employees to stay home:

- Symptoms to watch for: cough, shortness of breath, fever
- Require employees to notify management of symptoms
- Do not require healthcare provider's note for illness or return to work: they may be overtaxed
- Maintain flexible policies including permitting care of sick family member

### Separate sick employees:

- Employees who come to work with respiratory illness symptoms or become sick
- Separate from coworkers
- Send home immediately
- Use good hygiene (cough or sneeze into tissue, elbow, shoulder)

## **CDC's Interim Guidance for Businesses and Employers recommended strategies to use now:**

### **Emphasize good hygiene**

- Posters to encourage staying home when sick, cough and sneeze etiquette
- Tissues, no-touch receptacles, sanitizer, soap readily available

### **Routine environmental cleaning**

- Readily available disposable wipes
- Routinely clean frequently touched surfaces

### **Educate employees before traveling:**

- CDC's Traveler's Health Notices: latest guidance for each country
- Check self for acute respiratory illness symptoms before travel
- If fall sick during travel or temporary assignment, notify supervisor, call healthcare provider for advice
- Have policy for obtaining medical care overseas

## CDC's Interim Guidance for Businesses and Employers

- CDC interim measures for communities without sustained community transmission
  - No risk: “Interactions with a person with symptomatic laboratory-confirmed COVID-19 infection that do not meet any of the high-, medium- or low-risk conditions. . . , such as walking by the person or being briefly in the same room.”
  - “CDC does not recommend testing, symptom monitoring or special management for people exposed to asymptomatic people with potential exposures to SARS-CoV-2 (such as in a household), i.e., ‘contacts of contacts;’ these people are not considered exposed to SARS-CoV-2.”
- Note: as more COVID-19 tests become more available, more positive test results are expected

# CDC's Interim Guidance for Businesses and Employers-planning for possible outbreak

## Planning considerations:

- Reducing transmission, exposure among employees
- Protecting employees at higher risk
- Maintaining operations
- Prepare for increased absences
  - Cross-train
  - Business continuity in face of higher absenteeism
  - Assess reliance on others: alternative suppliers, prioritize customers
  - Designated manager in each business location

## Considerations for Outbreak Response Plan:

- Involve employees in developing plan, share with employees
- Share best practices with other businesses, chambers, assoc'ns
- Review or create policies: leaves, travel
- Consider flexible options-remote work, staggered shifts
- Communication plan for employees, business partners to reduce fear, anxiety, rumors
- Be guided by CDC, local public health updates to tailor appropriate responses

## Planning for possible outbreak:

### Develop a travel restriction policy - risk levels

#### CDC Risk Assessment Levels for COVID-19:

Level 1: Risk of limited community transmission

Practice the usual precautions at the destination

Level 2: Sustained (ongoing) community transmission

Consider postponing travel if an older adult or have chronic medical conditions

Level 3: Widespread sustained (ongoing) transmission

Avoid nonessential travel

Level 3\*: Widespread sustained transmission **and** restrictions on travel to U.S.

Avoid nonessential travel

## Planning for possible outbreak:

### Develop a travel restriction policy - elements

- No non-essential travel to risky areas
- For higher-risk employees with essential travel to risky areas, consider reasonable accommodations
- Consider policies requiring employees to:
  - Re-evaluate necessity of domestic travel; reconsider US business travel not client-related or not essential
  - Obtain advance approval for international travel; defer non-essential international travel
  - Inform management of business and personal travel plans for rest of 2020 or other defined period

## Planning for possible outbreak:

### Develop a travel restriction policy - elements

- For employees returning from travel to or assignment in risky areas:
- Employer may inquire if employee traveled to risky area
- Employers may require health screenings, subject to ADA:
  - exam is job-related and consistent with business necessity OR
  - employee reasonably poses a direct threat to health or safety of self or others that cannot be eliminated or reduced by reasonable accommodation
- Employer needn't wait for symptoms to develop
- Employer may require remote work for incubation period (14 days)
- **Do not discriminate:** inquire of all employees who traveled to restricted countries; no singling out based on race, national origin, etc.
- Be guided by risk assessments of CDC and local public health agencies

# OSHA Guidance

## Overview

- March 9, 2020: Guidance on Preparing Workplaces for COVID-19, <https://www.osha.gov/Publications/OSHA3990.pdf>
  - Steps to reduce workers' exposure to SARS-CoV-2
  - Classifying worker exposure to SARS-CoV-2 (lower, medium, high, very high)
  - Workers living abroad or traveling internationally
- OSHA site about COVID-19: <https://www.osha.gov/SLTC/covid-19/>
- OSHA's General Duty Clause
  - provide “employment and a place of employment which are free from recognized hazards that are causing or likely to cause the death or serious physical harm to ... employees.”

# Privacy

- Guiding principle: collect only absolutely necessary information for task at hand (data minimization)
- If using health check surveys to employees: answering questions about household members should be optional
- Employee who tests positive: be nonspecific, no name, but provide useful information to coworkers about protecting health
- Keep health information secure and separate
- Ensure remote IT connections are secure
- Cybersecurity risk: phishing emails about COVID-19

## How Employment & Labor Group can help

- Advise on specific situations (e.g., paid vs unpaid leave, enhanced screening, quarantines, employee fears)
- Advise on legal compliance (e.g., OSHA, ADA, privacy, non-discrimination, protected health information)
- Prepare or review infectious disease outbreak plans and policies
- Develop communication pieces (e.g., positive test results, temporary closure, FAQ's, notice to visitors)
- Address privacy issues

**Questions?**

# Thank you



**David C. Quam**

Counsel, Washington, DC  
D +1 202 496 7220  
david.quam@dentons.com



**Louise K.Y. Ing**

Partner, Honolulu  
D +1 808 524 1800  
louise.ing@dentons.com

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