



AN EMPLOYEE HAS EXHIBITED SYMPTOMS OR TESTED POSITIVE FOR COVID-19. WHAT SHOULD WE DO?

1. REQUIRE EMPLOYEE TO LEAVE, SEEK MEDICAL ATTENTION, AND/OR QUARANTINE/SELF-ISOLATION:

When your employee notifies you that he/she has tested positive for COVID-19, the Dealership should require that the employee remain home or leave the Dealership. Similarly, if one of your employees is exhibiting symptoms of COVID-19, take this same approach and ask them to seek medical attention or contact their local health district for more detailed guidance. The Dealership may also refer the employee to the CDC's webpage on what to do if you are sick, found [HERE](#).

The CDC also recommends that anyone who has been in **close contact with someone who has COVID-19** but is not experiencing any symptoms to stay at home for 14 days after his/her last contact with the person who has COVID-19. The CDC defines "close contact" as someone who was within 6 feet of an infected person for a **cumulative total** of 15 minutes or more over a 24-hour period starting from 2 days before illness onset or 2 days prior to testing if asymptomatic. An example of close contact is an individual who was within 6 feet of an infected person for 3 5-minute contacts over a 24-hour period. For a more detailed discussion on what constitutes close contact and several common scenarios, see the CDC's website [HERE](#).

Fisher Phillip's has prepared the *Minimum Return-to-Work Standards Based on CDC Guidance in Common Scenarios* as a useful tool for Dealerships to use in evaluating employee quarantine requirements. That guidance can be found [HERE](#).

If the employee is tested to determine if he/she is still contagious, then the employee should follow CDC Guidance for ending isolation/quarantine. This guidance may change periodically. As of July 29, 2020, isolation may be discontinued under the following conditions:

- *At least 10 days* have passed since symptom onset;*
- *At least 24 hours have passed since resolution of fever without the use of fever-reducing medications; and*
- *Other symptoms have improved.*

*A limited number of persons with severe illness may produce replication-competent virus beyond 10 days, that may warrant extending duration of isolation for up to 20 days after symptom onset.

For individuals who never develop symptoms, isolation and other precautions can be discontinued 10 days after the date of their first positive COVID-19 test.

For more information, see the CDC's webpage on Discontinuation of Isolation [HERE](#) and [HERE](#).

2. ASK QUESTIONS TO IDENTIFY POTENTIAL CONTACT WITH OTHERS

When an employee notifies the Dealership that they have tested positive, are experiencing symptoms, or had contact with someone who has COVID-19, conduct a "6-15-48" review. You should ask the employee to identify all individuals who worked in close proximity (within six feet) for a prolonged period of time (the current CDC guidance states that recommendations vary on the length of time of exposure, but 15 minutes of close exposure can be used as an operational definition") with them from the 48-hour period before the onset of symptoms until the infected employee is cleared to discontinue self-isolation. The employee should also provide a general timeline of when he/she last interacted with those individuals to assist in determining the 14-day isolation period as discussed below.

Note on Compensating Employees for Quarantine

Dealers should review its policies and procedures to determine if it should compensate employees who have been quarantined because they have tested positive, experiencing symptoms, or been in contact with someone who has COVID-19. Dealers should also determine whether the employee would be eligible for paid leave under the Families First Coronavirus Response Act ("FFCRA"). OADA strongly recommends consulting with the dealership's labor and employment counsel for more detailed guidance.

3. CONTACT YOUR LOCAL HEALTH DISTRICT

Under the Ohio Department of Health Director's Orders, in situations when an employee has a suspected or positive case of COVID-19 or was exposed to the virus, the employer must contact its local health district to notify them of the contact. Additionally, local health districts can provide detailed guidance on issues such as:

- (1) Any follow-up questions to ask the infected or exposed employee;
- (2) Who should be quarantined because of contact with the infected or exposed employee;
- (3) What are the best practices on cleaning protocols;
- (4) Should any area of the dealership be closed for additional cleaning, and
- (5) When should we allow employees to return to the dealership in certain circumstances?

If you do not know your local health district, you can find it on the Ohio Department of Health's website [HERE](#).

4. NOTIFICATION TO EMPLOYEES:

- Provide a notice to all employees that an employee has tested positive for COVID-19. A template is available [HERE](#). Remember, federal privacy laws prohibit an employer from sharing the identity of infected employee.
- Those employees who were in close contact with the infected or exposed employee should be asked to leave and quarantine for a period of 14-days after last exposure. See **ASK QUESTIONS TO IDENTIFY POTENTIAL CONTACT WITH OTHERS** section above for a more detailed discussion.

When sending the employees home, do not identify by name the infected employee or you could risk a violation of confidentiality laws. In all communications, use gender-neutral terms such as "they" or "the individual", instead of "him" or "her".

- If you work in a shared office building or area, you should inform building management so they can take whatever precautions they deem necessary.

Additional FAQ's created by Fisher Phillips can be found [HERE](#).

5. CLEAN AND DISINFECT THE AFFECTED AREA(S) OF THE DEALERSHIP:

CDC provides the following recommendations for most non-healthcare businesses that have suspected or confirmed COVID-19 cases:

- Close off areas used by the ill person and wait up to 24 hours or as long as possible before beginning cleaning and disinfection to minimize potential for exposure to respiratory droplets.
- Open outside doors and windows to increase air circulation in the area.
- Clean and disinfect all areas (e.g., offices, bathrooms, and common areas) used by the the sick person, focusing especially on frequently touched surfaces (shared electronic equipment, phones, keyboards, remote controls, etc). A list of EPA-approved disinfectants for COVID-19 can be found [HERE](#). The EPA has also prepared the 6 Steps for Safe & Effective Disinfectant Use [HERE](#).
- When the room/space is empty, consider vacuuming the space with a vacuum equipped with high-efficiency particulate air (HEPA) filter
- Employers should develop policies for worker protection and provide training to all cleaning staff on site prior to providing cleaning tasks. Training should include when to use PPE (Personal Protective Equipment), what PPE is necessary, how to properly put on, use, and take off PPE, and how to properly dispose of PPE.
- If you require gloves or masks or other PPE, prepare a simple half-page Job Safety Analysis (JSA): list the hazards and the PPE (gloves, masks, etc., as needed), and the person who drafts the JSA should sign and date it.
- If employers are using cleaners other than household cleaners with more frequency than an employee would use at home, employers must also ensure workers are trained on the hazards of the cleaning chemicals used in the workplace and maintain a written program in accordance with OSHA's Hazard Communication standard (29 CFR 1910.1200).
 - Simply download the manufacturer's Safety Data Sheet (SDS) and share with employees as needed, and make sure the cleaners used are on your list of workplace chemicals used as part of the Hazard Communication Program (which almost all employers maintain).

If more than **7 days** since the person who is sick visited or used the facility, additional cleaning and disinfection is not necessary. Continue routine cleaning and disinfection including everyday practices that businesses and communities normally use to maintain a healthy environment.

For more detailed guidance, see the CDC's Cleaning and Disinfecting Your Facility webpage [HERE](#).

6. BE PREPARED TO ANSWER QUESTIONS:

Your Dealership should be prepared to answer questions from employees, the media, customers, and vendors.

- Assign one person, or a small team of individuals, such as the HR manager & dealer principal, who are authorized to respond to inquiries both internally and externally.

Questions From Employees:

- Once potentially exposed employees have been notified, employers should not share further information with the rest of their employees about the infected employee's identity. Remember, federal and state confidentiality and privacy laws prohibits an employer from sharing the employee's identity with other employees, customers, and vendors.

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- Be truthful and compassionate.
- Be up front regarding the health and safety protocols you are following to address employee concerns.
- Let employees know the steps you are taking to following the health and safety protocols.
- Consider whether remote working opportunities are available for those employees who are being asked to stay at home.
- Be prepared to answer one-on-one question about the Dealership's leave policy, including whether FFCRA leave is available, any accrued time off the employee is eligible to use, or any options under short-term disability programs that may apply.

Questions From the Media:

- Reported cases will become public record via your local health department, so media will have access to the general information and may contact you.
- You can respond to media queries by acknowledging that you are working with local health officials, but due to health care confidentiality, you can't share the name and/or medical details of the individual.
- Use gender-neutral terms such as "they" or "the individual", instead of "him" or "her".
- Draft a standard statement so that your point person/team are ready.

Sample Media Statement

"We have been notified by the Health Department that one of our employees has tested positive for COVID-19. We are working with community health officials to identify and notify anyone who may have been in close contact with the individual. Health officials will provide those individuals with the proper health guidance in line with protocols. Our thoughts go out to them and their loved ones."