

HOT SHEET

Volume 7, Issue 4
September 21, 2020



Full-Circle HR



HR Trends:

- Handbooks are a critical part of your employee communications and assuring that there is consistency in how you handle employee issues. With the recent events, there are many recommended changes to handbooks. If you are considering making these updates, let us know if you need assistance.
- You can get important news, updates and forms from the Employment Security Department (ESD) at <https://esd.wa.gov/newsroom/covid-19>.
- The U.S. Department of Labor has issued revised rules on Families First Coronavirus Response Act on leave provisions. View this updated information at [FFCRA Revisions](#).
- Some of the jobs that have grown in popularity during the COVID-19 Era include: Contact Tracer, Crisis Counselor, Health and Safety Manager, Life Coach, Warehouse Worker, Virtual Assistant, and Personal Shopper.
- You can mandate diversity and change your policies to create equity; the challenging part of DEI (Diversity, Equity, and Inclusion) is changing hearts and minds to foster Inclusion.

Exposure to COVID-19 at Work

When an employee gets or is exposed to COVID-19, there are some basic steps you, as the employer, can take. Some of these will depend upon the nature of your business and the level of potential exposure, but these can serve as basic guidance in dealing with this circumstance. You may find, as you go, that all these steps are not applicable to you or you may discover more things that may apply to you that are not contained within these steps. In the any event, please be sure to consult with COVID health experts.

1. Isolate the employee in a private room, and most likely, send them home to quarantine. If the employee does not require immediate treatment, tell them to contact their healthcare professional and to quarantine for at least 14 days from the time of exposure, if known. Even without symptoms, the

employee may be able to transmit the disease. Notify the local public health authorities of the diagnosis, if they are not already aware. Washington State requires this notification but some states may not. The public health authority will give you further guidance, if any is needed. You must also keep the information about the employee confidential to the extent possible. So, be mindful that you may need to send them home immediately in order to maintain confidentiality. **2. Vacate, if possible, and clean spaces that the employee has used.** Clean and sanitize spaces that were used by the infected/exposed employee prior to the incident. The CDC has issued [guidance on how to clean](#). If you do not have the particular cleaner, one third cup of bleach to one gallon of water will also work. If the area(s) can be left vacant for 7 or more days, then ac-

cording to the CDC, routine cleaning should suffice. Those who do the cleaning are at risk for infection and/or exposure to chemicals; be sure that they have appropriate protective equipment. Information on what is required is available on the Material Safety Data Sheets (MSDS) for the chemicals. Masks, gloves and goggles should also be provided to protect against infection. **3. Notify potentially exposed employees without divulging the employees identity.** This could be quite difficult with small employers. Additionally, having those exposed employees isolate may also be extremely challenging for small employers. This notification falls under OSHA's general duty to provide a safe workplace. Developing a simple notification form may help employers to act

more promptly in this notification step. **4. Determine when the employee may return, but not only by using testing.** The CDC has said that employees who never show symptoms can end quarantine at 10 days. Those who have had mild to moderate symptoms and are fever-free for 24 hours may also return after 10 days. [Washington State guidance](#) from March has this period at 14 days. Those with severe symptoms may require 20 days or longer. COVID tests are not necessarily considered a reliable measure since people can continue to test positive after they are no longer contagious. **5. Record the infection on your OSHA 300 log if you are sure it is work-related.** If there is another plausible source then it is not. If there is a cluster of infections at work then it likely is. [See OSHA guidance](#).

Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that.
- Martin Luther King, Jr.

Is it Legal/Advisable to Require a COVID-19 Vaccine?

The Equal Employment Opportunity Commission (EEOC) has not yet made a ruling on whether employers can require all employees to get the vaccine once it is available. SHRM legal experts suggest that the guidance will likely be similar to that regarding the flu vaccine, i.e. that employers must allow for exceptions for religious and disability reasons and that paper notice must be provided. However, because these exceptions can undermine

any requirement you can make regarding the flu vaccine the EEOC has recommended as best practice that employers take a stance of encouragement rather than requirement. The added complication here, is that the politics surrounding the COVID vaccination has created questions in some, or possibly many, people's minds regarding its safety and efficacy. A Gallup Poll taken in early August showed that if a vaccine were approved at that time,

35% of the people said that they would not get it. While that is likely true for a number of reasons, it's important to know your employees and how they might respond if you are considering this requirement. It's also important to consider your business, the jobs you have, and the level of contact they have with the public. Also, what if someone steps forward with a religious or disability concern that makes it reasonable to make an excep-

tion. Give consideration, if it makes sense, to just allowing employees to wear a mask and take other precautions. Additionally, recently a medical expert suggested that masks may be more effective than the vaccine at this point. Remember, the vaccine would still only be one of many tools to consider—whatever you choose, be transparent with and open to questions from your employees. It's critical to gaining/keeping their trust.