

EMPLOYEES IN THE WORKPLACE AND COVID-19 - FAQs

Q: Can you ask an employee if he/she has any COVID-19 symptoms?

A: Generally speaking, **No**. However, if the employee is showing symptoms of COVID-19 (fever, chills, cough, shortness of breath or sore throat), or has stated that they are not feeling well, or has called in sick to work, an employer may inquire as to the symptoms. Also, if an employer observes an employee displaying symptoms of COVID-19, the employer may inquire further.

Q: Can I take an employee's temperature?

A: Yes. Under normal circumstances, an employer cannot take an employee's temperature. However, under the current pandemic, an employer is permitted to take the temperature of its employees to determine whether they have a fever. While a fever is a symptom of COVID-19 employers should remember that not everyone that has been infected with COVID-19 has a fever. Furthermore, a fever may be indicative of other health conditions not related to COVID-19. As always, remember to Always Be Consistent and Document. It would not be appropriate to take the temperature of only certain employees if you cannot justify why they were seemingly singled out.

Q: Can I send an employee home?

A: Yes, if that employee displays symptoms of COVID-19. If an employee has tested positive for COVID-19, regardless of whether the employee displays symptoms of the virus, he/she must immediately be sent home.

Q: One of my employees tested positive for COVID-19, what should I do?

A: If the employee is in the workplace, send them home immediately or, if not possible, isolate the employee from all others (employees, clients, visitors, etc.). It is not required, but the employer may reach out to the Department of Health.

The employer should advise all other potentially affected employees of their possible exposure to COVID-19. Potentially affected employees are those that have worked in close contact with the infected employee. Do **not** identify the infected employee by name. Employers must maintain the confidentiality of the infected employee's medical information consistent with the Americans with Disabilities Act ("the ADA"). This means that employers cannot share information about the identity of infected individuals. Employers should only share that an exposure has occurred and enough information about the exposure to permit employees to make an informed decision about whether to, among other things, be tested. It is understood that in some instances the identity of the infected employee will be obvious; however, employers should still maintain the confidentiality of the infected employee to the greatest extent possible.

Employers should clean the workplace once the infected employee is no longer present. The CDC has provided cleaning guidelines based on type of workplace [here](#).

Q: When must an employee that has been sick with COVID-19 be allowed to return to work?

A: Various governmental agencies have suggested that employers not require an employee who has tested positive for COVID-19 to provide a medical clearance certificate before being allowed to return to work due to the potential inability of medical professionals to timely provide such clearance; however, an employer *is* legally allowed to require such a clearance prior to allowing an employee to return to work.

This is a rapidly evolving subject, please check [here](#) frequently for the most up to date information.