

Guidance and FAQs for Component Manufacturers Regarding the COVID-19 Coronavirus

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Introduction and Background to Employment Issues Facing Component Manufacturers as to COVID-19 Coronavirus

- COVID-19:
 - Not a flu
 - Respiratory disease, virus
 - One of seven known coronaviruses
- On March 11, 2020, the World Health Organization declared the current coronavirus outbreak as a [pandemic](#).



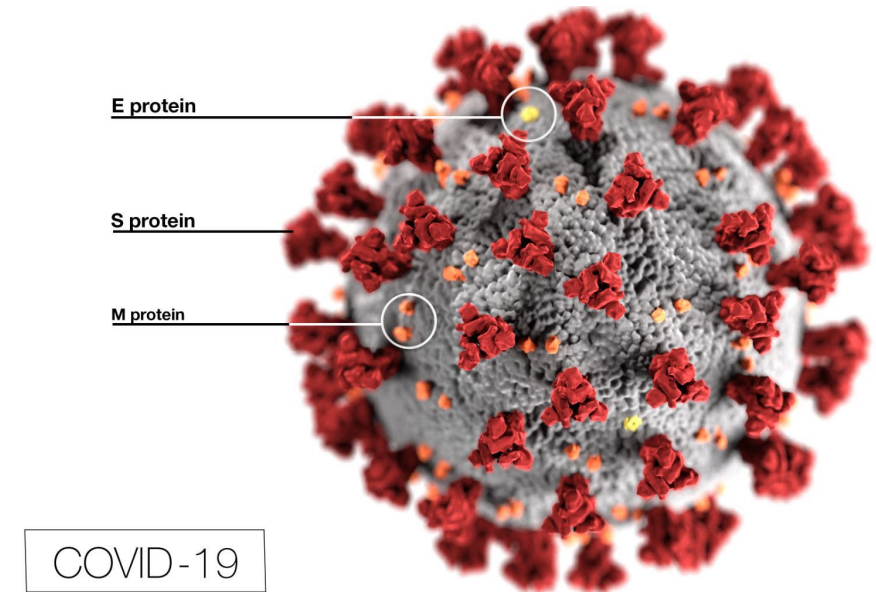
Introduction and Background to Employment Issues Facing Component Manufacturers as to COVID-19 Coronavirus

- Pandemic
 - Little or no immunity in the human population
 - Serious Illness
 - Easily spread person-to-person
- Pandemic assessment impacts actions employers can take.



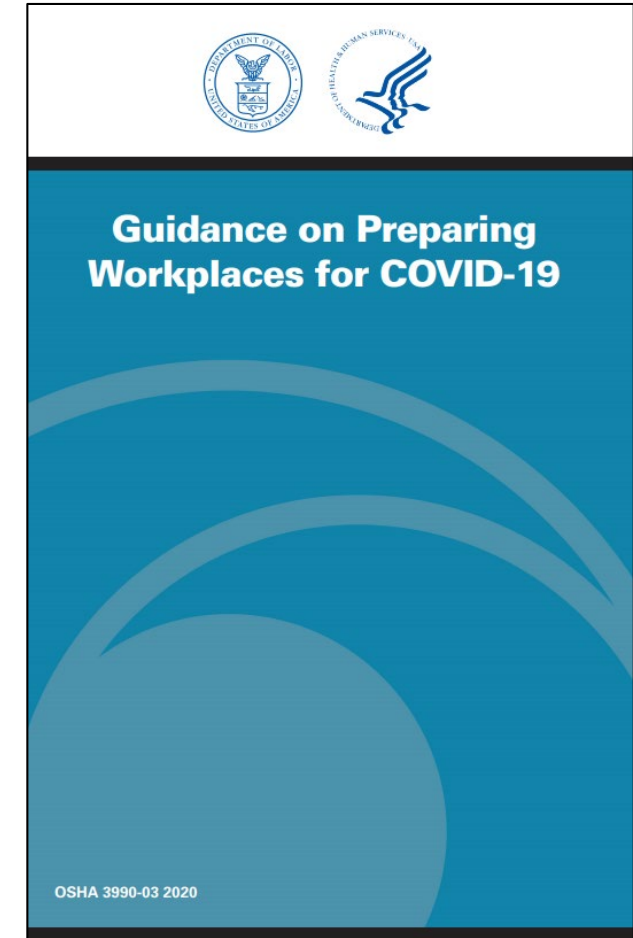
Symptoms and Spreading of COVID-19

- Symptoms include fever, cough and shortness of breath/respiratory ailments.
- Illness ranges from mild to severe, can become fatal.
- Symptoms appear in as few as 2 days or as long as 14 days after exposure.
- Symptomatic Spread:
 - Infected people spread the virus to other people.
 - Coughing and sneezing.
- Asymptomatic Spread
 - Most “experts” agree that the virus is spread mainly by people who are already showing symptoms.
 - Few “experts” indicate that people without symptoms are causing substantial amounts of infection.
 - Why contact with infected people is problematic.



Steps Employers Can Take to Reduce Employee Exposure

- Develop an Infectious Disease Preparedness and Response Plan.
- Think: New policy for your existing employee handbook.
- OSHA's recently published [*Guidance on Preparing Workplaces for COVID-19*](#) would classify truss manufacturer employees fall into
 - “Low Exposure Risk” and NOT
 - “Very High Exposure Risk,” “High Exposure Risk” or even “Medium Exposure Risk.”



Steps You Can Take if an Employee Appears Sick

- Train supervisors to not overreact and create a panic among your workforce!
- A fever or difficulty in breathing does not automatically = COVID-19 coronavirus.
- Employees who exhibit influenza-like symptoms at work during a pandemic can be sent home.



Steps You Can Take if an Employee Appears Sick

- Communicate with your employees:
 - Have symptoms?
 - Do not come to work and instead get medical attention and get tested.
- During a pandemic, EEOC advises that telling workers to go home is not disability-related if symptoms present are akin to the seasonal influenza or the H1N1 virus.
 - Therefore you can send employees home if they exhibit symptoms of COVID-19 coronavirus.



Steps You Can Take if an Employee Appears Sick

- During a pandemic, employers may take an employee's temperature at work.
 - Considered a “medical examination” under the ADA.
 - Yet the EEOC allows in a pandemic situation for this activity to be done without a specific finding of “direct threat.”
 - If an employee refuses, they can be sent home.
 - Should companies make this optional?



Steps to Take if Employee Has COVID-19 or Is Exposed to Someone with COVID-19

- An employee with COVID-19 should NOT be working at the company's workplace.
 - Learn from the infected employee about other employees who worked with them in close proximity (six feet) for previous 14 days.
 - Send other not-infected employees home to avoid the spread.
 - Maintain confidentiality.
 - Undergo a deep clean!

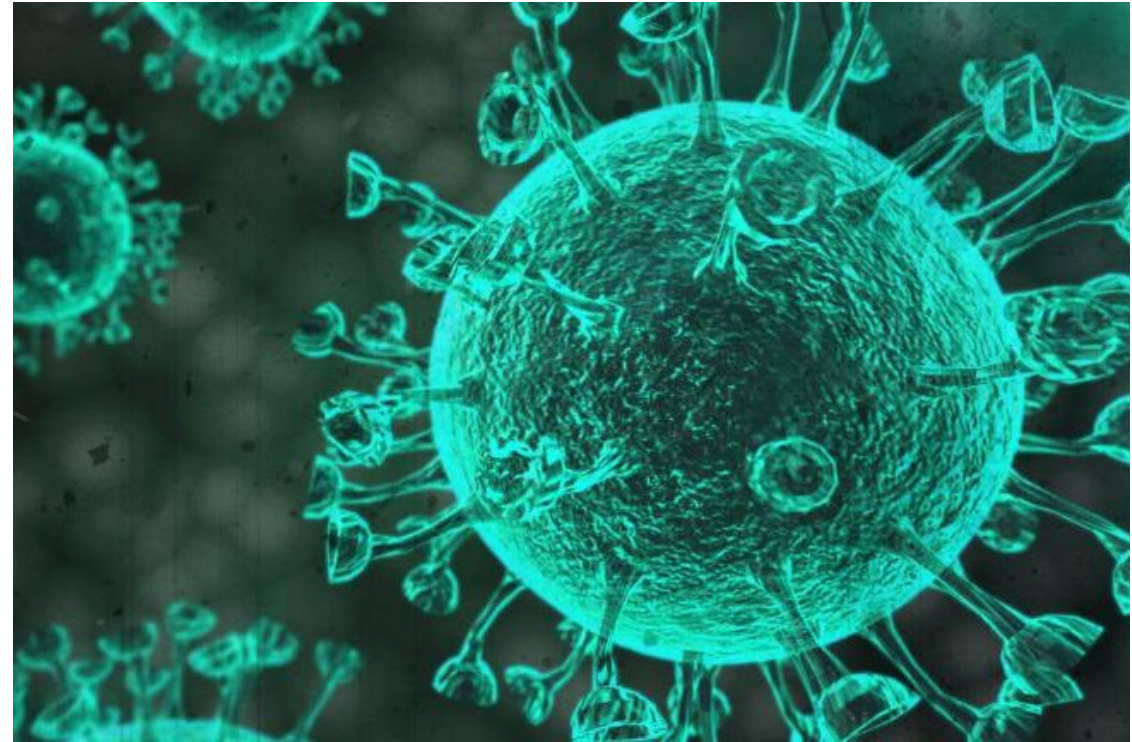


Steps to Take if Employee Has COVID-19 or Is Exposed to Someone with COVID-19

- CDC is also advising companies to send home all employees who worked closely with the infected employee for a 14-day period of time to avoid spread.
 - Symptomatic or asymptomatic exposure?
 - Treat the situation as if the suspected case is a confirmed case for purposes of sending home potentially infected employees.
 - Communicate with your affected workers to let them know if the employee is asymptomatic.

Employer Public Health Authorities Notification Requirements

- Do employers have an obligation to report to CDC or to state or local health authorities that one of our employees has COVID-19?
- Responsibility of healthcare provider to notify of positive test results.



Steps Employers Can Take to Minimize Risk of Transmission—Recommendations to Employees

- First and foremost, tell your employees to stay home if they are sick.
- Wash your hands often with soap and water for at least 20 seconds. If soap and water are not available, use an alcohol-based hand sanitizer.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Avoid close contact with others, especially those who are sick.
- Refrain from shaking hands with others.
- Clean and disinfect frequently touched objects and surfaces.

Steps Employers Can Take to Minimize Risk of Transmission—Recommendations for Employers

- Provide employees with facilities to wash their hands, including tepid water and soap, and accelerate cleaning/custodial schedules.
- Evaluate your remote work capacities and policies.
- Consider staggering employee start and departure times, along with lunch and break periods, to minimize overcrowding in common areas such as break rooms.
- Create a communication tree within your organization. Have a single point of contact for employees for all concerns that arise relating to health and safety.

Additional Recommendations for Employers

- Employees are only entitled to refuse to work if they believe they are in imminent danger. Most work conditions in the United States do not meet this requirement.
- Employers can refuse an employee's request to wear a medical mask or respirator.
- An employee cannot refuse to work without a mask.
- An employer generally cannot prohibit an employee from traveling to a non-restricted area on their personal time as this is legal activity.

Additional Recommendations for Employers

- During a pandemic, an employer does not have to wait until an employee develops symptoms to ask questions about exposure.
- Under OSHA law, employees can only refuse to work when a realistic threat is present.
- We recommend you treat all medical information as confidential and afford it the same protections as those granted by HIPAA in connection with your group health plan.



Rights of Employees Who Cannot Work as They Need Time to Care for Their Children

- Such employees would more than likely be entitled to utilize existing paid sick or personal leave policies.
- An employee can take FMLA leave for medical purposes only.
 - Leave taken by an employee for the purpose of avoiding exposure to the coronavirus would not be protected under FMLA.
 - No federal law requires an employer to provide non-government employees who take off from work to care for healthy children.
 - Employers are not required by federal law to provide leave to employees caring for dependents who have been dismissed from school or child care.

Temporary Remote Work Policies in Light of the COVID-19 Coronavirus Outbreak

- For some employers and/or some employee job descriptions, a remote work policy may work and make sense.
- For manufacturing companies, with respect to majority of employees, this of course is not feasible.
- Whether or not to institute a remote work policy for some employees may be dependent on whether your company currently utilizes a remote work policy
- You may not want to introduce a new system if you have not yet had time to test and develop your remote work capabilities.



The Application of the Fair Labor Standards Act (“FLSA”)

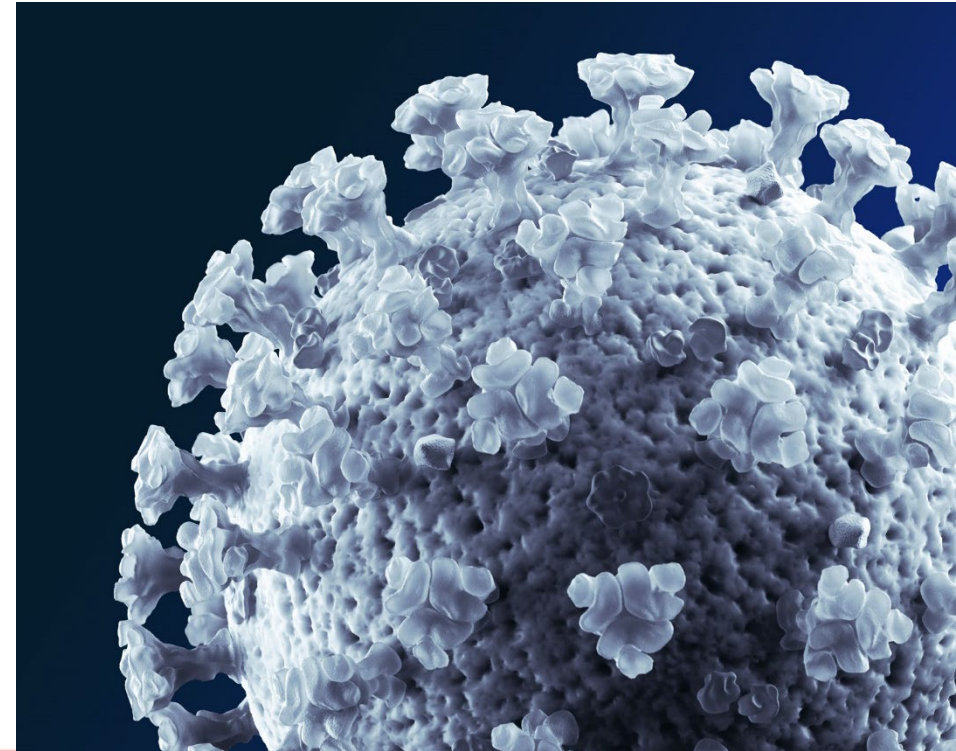
- **Pay to Non-Exempt Employees During Business Closures.**
- Under the FLSA, employers are obligated to pay non-exempt employees only for the hours worked, not hours the employee otherwise would have worked if the employer’s business had not closed.
- If telecommuting or working from home is provided as a reasonable accommodation, the employer must pay non-exempt workers
 - Minimum wage, and
 - Time and one half the regular rate of pay for overtime hours.
- **Pay to Exempt, Salaried Employees.**
- Under the FLSA, employers are generally obligated to pay exempt, salaried employees their full salary in any week in which they perform any work, with limited exceptions.

COVID-19 Coronavirus and the ADA?

- Q: Does contraction of COVID-19 Coronavirus implicate ADA?
 - A: Generally, no, because in most cases the COVID-19 coronavirus is a transitory condition.
- Q: Does sending an employee home who exhibit potential symptoms of COVID-19 violate the ADA?
 - A: Sending an employee home who displays symptoms of contagious illnesses would not violate the ADA's restrictions on disability-related actions.

COVID-19 Coronavirus and Compensable Workers' Compensation Claims

- For health care workers and first responders, this is a big issue.
- Requirement that workers get the virus as a consequence of their job.
- A plant outbreak may support coverage for workers.
- The more widespread COVID-19 becomes, the more difficult it may be for an employee to show that it is work-related rather than an ordinary disease of life to the public.



COVID-19 Coronavirus and Compensable Workers' Compensation Claims

- State specific issue and generally an uphill battle for an employee:
 - Many states have a list of compensable diseases in their workers' compensation statute. Most likely, coronavirus is not going to be in the list.
 - Some states' occupational diseases include only diseases that are a natural consequence of being in a particular occupation.
 - Some states provide that no occupational disease is a contagious disease resulting from exposure to fellow employees or a hazard the worker would have been equally exposed to outside of work.

Questions?

Thank you for joining us today!

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Up Next Tuesday, March 24

A CM's Influence on Local Education

As component manufacturers struggle to find and recruit new employees, one CM is developing close relationships with local schools, their faculty members, and area business leaders to help grow local trades education, and highlighting careers available in the component manufacturing industry. Hear from Shawnee Gunnett, a structural estimator with Big C Lumber in Dowagiac, Michigan, as she discusses her involvement with local trade advisory boards, and how she approaches her local schools to foster mutually beneficial relationships.

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