COVID-19 Guidance for Employers

The following guidance was prepared by the Office of the Executive Secretary of the Supreme Court of Virginia on April 7, 2020, for district and circuit judges and district court clerks. It has been adapted by Virginia Legal Aid Society to help guide all organizations.

In General

1. Employers should create an operating plan that limits the number of people in the office or workplace at any one time; for example, by locking doors and admitting one or two people at a time and/or by posting notices with contact information and requiring visitors to schedule an appointment, and using secure drop boxes to minimize in-person contact. Telephone, e-mail and two-way audio-visual communications should also be used as much as possible to minimize in person contact.

Managers should consider staggering shifts to minimize the number of employees in the office at any one time. It may also be necessary to reduce hours that the office is open to the public in order to process material submitted via drop box, email, etc. It may be helpful to use physical markings such as tape on the floor to maintain six feet of distance from customers. Offices can remain operational by posting a public notice of how all matters will be handled in order to minimize in-person contact, and by carefully following precautions recommended by the CDC.

2. Employees should follow CDC and Virginia guidelines to wear cloth face coverings in public settings where social distancing measures may be difficult to maintain. As shortages pose challenges to the U.S. healthcare system, the CDC offers recommendations at the following site: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html. The use of a face mask or cover is meant to protect other people in case the wearer is infected.

3. You may receive questions from the press if employees are ill or in quarantine. When responding to the press or others who inquire, do not reveal the employee’s name, position, or any other details that would identify the person or the details of their health.

4. All employees, including those who do not have symptoms of the COVID-19 virus and have not been in “close contact” with anyone who has tested positive, should continue to practice social distancing and hand washing, should routinely sanitize work surfaces and take other precautionary measures, and should continue to monitor themselves and their family or other household members for any symptoms of the COVID-19 virus (including, but not limited to, a dry cough, high fever, and body aches).
When an employee test positive for COVID-19.

5. Require any employee who tests positive for COVID-19 to stay home from work and urge the employee to follow medical advice and remain home and self-quarantine.

6. Identify all areas in the office where the COVID-19 positive employee was physically present during the two (2)-week period before testing positive.

7. Arrange for a thorough cleaning/sanitizing and decontamination of the area where the employee(s) worked per guidelines issued by the Centers for Disease Control and Prevention (CDC) at: https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html. Confirm with decontamination specialist when it is safe to return to the space.

8. Ask the employee to identify individual coworkers and others they have been in “close contact” with within 48 hours before the COVID-19 positive employee became symptomatic. This is sometimes referred to as “contact tracing.” (The CDC defines “close contact” as “a person who has been within six feet of the infected employee for a prolonged period of time.”) According to the CDC, “[d]ata are insufficient to precisely define the duration of time that constitutes a prolonged exposure. Recommendations vary on the length of time of exposure from 10 minutes or more to 30 minutes or more. In healthcare settings, it is reasonable to define a prolonged exposure as any exposure greater than a few minutes because the contact is someone who is ill. Brief interactions are less likely to result in transmission; however, symptoms and the type of interaction (e.g., did the person cough directly into the face of the individual) remain important.” https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html

9. Alert those other employees, as soon as possible, and urge them to seek medical care as necessary and to consult their own doctors. Note: The CDC recommends that asymptomatic individuals who have been in “close contact” for a prolonged period of time with an individual “with symptomatic COVID-19 during [the] period from 48 hours before symptoms onset until [that symptomatic individual] meets criteria for discontinuing home isolation” to stay home until 14 days after the last exposure to such individual. Also, be aware that healthcare information remains confidential under the Americans with Disabilities Act (ADA) so the employer should tell everyone who was possibly exposed at work to the positive employee without revealing that employee’s identity.

10. When communicating with those who have been in close contact, be aware that this is a sensitive topic, and it is probably best to alert them individually by phone call. It is important to act quickly so if you can’t reach them personally, then it may be necessary to email them as well.

11. Those in the close contact group may have a lot of questions. Some period of time has likely passed since their exposure to the COVID-19-positive colleague, so they may ask if they or their family members are at risk. Don’t speculate. Instead, refer them to their own
doctor and to the CDC website. What you can do is reassure them you will be supportive and will provide information about resources, leave, etc.

12. Once you have spoken with both the employee who tested positive and their close contacts, consider alerting others in the workplace. It is important to respect the confidentiality of both the positive-tested employee and anyone in the close-contact group. Simply provide other employees the facts: “The person tested positive on a certain date and is now self-isolating. The close contacts have been told and were asked to leave the workplace and self-quarantine. If you were not already told you were a close contact, then you are not one. If you have questions about COVID-19, or your situation, please call your doctor and look at the CDC website. Once the work area has been cleaned and it is determined it is safe to return to work you will be notified.”

13. It is also recommended that you notify others who occupy the same building and/or interact frequently with your organization that one of your employees has tested positive for COVID-19. This notice should be provided without disclosing the name of the employee who tested positive.