Pandemic Planning - Top Decisions Areas for Employers

Operations

- Can our company operate at 25% or greater absenteeism? If illness causes high absenteeism, are employees cross-trained and able to perform multiple duties?

- What are the disruptions to our customers and/or employees? How do we communicate those disruptions? What can we not communicate due to restrictive policies such as those for publicly traded companies, HIPAA, FMLA etc.?

- Will our facilities remain open? Partial open? Will we cancel any upcoming customer or company-wide events?

Workforce

- Can our employees work remotely? How will we monitor remote workers? Will we pay for the positions that cannot continue working? How do we respond to employees who do not want to come to work due to actual exposure/illness or fear of exposure?

- What infrastructure support is needed to support a shift to an at-home workforce? What are our resources surrounding technology infrastructure and how do we communicate those resources? Are there escalation procedures to get additional resources?

- Will our company restrict business travel, including local travel to clients, events and/or functions, for our employees? Will our company monitor personal travel of our employees?

- How will current traveling employees be brought home, particularly if they are sick or have traveled in an area of possible exposure? Will we restrict them from physically coming to our facilities?

Facilities

- What procedures do we have in place to decontaminate the facility and its heating, ventilation, air-conditioning systems, electronic equipment, and soft materials?

- What assurances do we need to provide to the facility staff (maintenance, housekeeping etc.) so they feel safe at work?

Facts/Recommendations

- What are our resources for facts surrounding the pandemic and how do we communicate those resources? Are there escalation procedures to get additional resources?

- Who will be our Emergency Task Force, Team or Point Person to monitor the situation? Does that person or those team members know what is expected of them?

Communication Points to Remember When

Drafting Employee Communications

- Things will probably change from day-to-day regarding the pandemic. Direction given on day two will be different than direction on day twenty-two and on day sixty-two.

- As a company, you should "stay in your lane" and simply stick to facts. Remember your company's communication may become a source of information for other companies.

- In your communications, be sure to site your sources of facts and recommendations. Be accurate and authoritative.

- Refer to your policies as you communicate any disruptions to customers or employees.

- Be honest. Some questions you cannot answer as you are not an authority on the subject. Some questions you cannot answer due to restrictive policies.

To: Employees

From: [President/CEO and Management Team]

Date: [Date]

Re: [Company Name] Response to Coronavirus

As you know, the global spread of the coronavirus (officially named COVID-19) has now reached the United States and has been officially declared a pandemic by the World Health Organization (WHO). We want to assure you that as an organization we are monitoring the situation and will continue our focus on the health and welfare of our employees and our [customers or clients]. Your safety is our number one priority.

Here are some of the steps we've so far taken as a company:

First, we've set up an [Emergency Task Force or Team or Point Person] and are closely monitoring the communication and direction provided by the Centers for Disease Control and Prevention (CDC) as well as other health organizations to help us respond properly.

According to the CDC and other health experts, the symptoms of COVID-19 are similar to the flu with fever, coughing and shortness of breath. It appears to mainly be spread through close person-to-person contact. It may be possible for someone to touch a surface or object with the virus on it and then touch their nose or mouth and become infected, but this is not the main way the virus spreads.

The preventive measures against COVID-19 are the same as for the flu or other viruses, according to the CDC:

- Wash your hands often with soap and water for at least 20 seconds, especially after going to the bathroom; before eating; and after blowing your nose, coughing or sneezing. If soap and water aren't available, use an alcohol-based sanitizer that is at least 60% alcohol.
- Avoid close contact with people who are sick.
- Avoid touching your eyes, nose and mouth.
- Stay home when you are sick.
- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces using a regular household cleaning spray or wipe.

Our [task force or team or point person] will continue to monitor and share information as it becomes available and we'll do our best to keep you informed about what we are doing as a company and how best to prevent the spread of the virus.

Next, we are in the process of addressing the needs of [each location or office] and adjusting business operations and travel as needed. If you have travel planned, please reach out to your manager for guidance.

Option 1

[Currently, all office locations will remain open and fully operational; however, if you are experiencing any of the symptoms described above, please do not come to work as a precautionary measure. Your absence will not be counted against you during this time and you may be able to work remotely on an as-needed basis. Please see your manager for more detailed information [*or can have details listed*].

Option 2

[As a precautionary measure, all office locations will remain closed to the public effective March 16 – March 31 (subject to change); however, all employees will be working remotely during this time. Our guidance to our [*customers or clients*] is that we are "open for business" and taking any necessary precautions. Please see your manager for more detailed information [*or can have details listed*]. Any technical questions may be directed to [*contact name*] at [*contact information*].

As a reminder, our health care provider is [carrier name] and may be reached at [contact information] for questions.   You may also talk to a doctor anytime remotely using [contact name such as TELADOC or carrier] as a resource by contacting [contact information].

Lastly, our facilities team will be working diligently [during our closure or nightly] to deep clean all locations including hard and soft surfaces and ventilation systems for your added protection.

We want you to know how much we appreciate your flexibility and commitment serving our [customers or clients] during this challenging time. Again, we'll continue to share information as it becomes available.

Resources:

Centers for Disease Control and Prevention (CDC)

World Health Organization (WHO)

Coronavirus and Flu Prevention

The world health community continues to monitor closely the emergence of the SARS-CoV-2 virus and the disease it causes, named "coronavirus disease 2019" (COVID-19). At this time, no one knows how severe this outbreak will be. Given this uncertainty, and the fact that the seasonal influenza (flu) virus is also widespread, we are taking proactive steps to address a number of business concerns. First and foremost, we want to maintain a safe workplace and encourage and/or adopt practices protecting the health of employees, customers, visitors or others. We also want to ensure the continuity of business operations.

We ask all employees to cooperate in taking steps to reduce the transmission of communicable diseases in the workplace. Employees are reminded of the following:

- Stay home when you are sick.
- Wash your hands frequently with warm, soapy water for at least 20 seconds.
- Cover your mouth with tissues whenever you sneeze, and discard used tissues in the trash.
- Avoid people who are sick with respiratory symptoms.
- Clean frequently touched surfaces.

[Company name] will provide alcohol-based hand sanitizers throughout the workplace and in common areas. Cleaning sprays and wipes will also be provided to clean and disinfect frequently touched objects and surfaces such as telephones and keyboards.

Employees are encouraged to use telephone and video conferencing instead of face-to-face meetings as much as possible during this outbreak. IT support services are available to employees who need assistance with this technology.

It is critical that employees do not report to work while they are experiencing respiratory symptoms such as fever, cough, shortness of breath, sore throat, runny or stuffy nose, body aches, headache, chills or fatigue. Currently, the Centers for Disease Control and Prevention recommends that employees remain at home until at least 24 hours after they are free of fever (100 degrees F or 37.8 degrees C) or signs of a fever without the use of fever-reducing medications. Many times, with the best of intentions, employees report to work even though they feel ill. We provide paid sick time and other benefits to compensate employees who are unable to work due to illness. Employees who report to work ill will be sent home in accordance with these health guidelines.

While we currently do not offer formal telework arrangements, [company name] will consider, on a case-by-case basis, requests from employees to work from home during this time. While not all positions are conducive to telework, those positions with primary job duties that can be effectively performed remotely will be given consideration.

Please contact [contact name] with any questions or concerns.

Temporary Suspension of Nonessential Business Travel

Due to [Company Name]'s commitment to employee safety in light of the COVID-19 (coronavirus) outbreak, effective immediately, all nonessential business travel will be suspended until further notice. [Company Name] will continue to monitor the situation and provide guidance as more information on the extent and severity of the outbreak becomes available.

Travel Cancellation Procedures

If nonessential business travel has already been booked, please work with [your manager/HR/our travel coordinator/etc.] to properly cancel and receive an airfare and hotel refund or credit, if applicable. Set up phone or online conferencing with clients or other business units to replace the in-person meetings, if possible. Please make sure your manager knows the status of all meetings cancelled due to this temporary suspension.

Essential Travel

Essential business travel should be limited to those situations where business cannot reasonably be conducted without face-to-face interaction or visits to specific locations. Your manager must approve all travel (including trips that were previously approved) until further notice.

Procedures Upon Return from Travel

Employees who become ill during or upon returning from travel with virus-like symptoms should contact a health care provider as well as the [HR department/manager] for direction as soon as possible.

Employees returning from travel who do not exhibit virus-like symptoms must still contact the [HR department/manager] upon return and may be directed to remain away from the workplace for fourteen days to determine whether or not they have been exposed. The returning employee should work with their manager to set appropriate telecommuting arrangements or request time off from work.

Please contact the human resources department with any questions or concerns.

How to Handle Communicable Diseases in the Workplace

Employers are legally liable for both employees and nonemployees infected in the workplace. Additionally, chronic disease carriers such as persons with tuberculosis are protected against employment discrimination by the Americans with Disabilities Act (ADA). It is imperative to have a policy and actionable plan in place that considers legally protected employees under the ADA, privacy issues of infected employees, recognition of risk, and the reduction of employer liability and continuing operations.

Employers have five basic actions to take when there is a potential communicable disease risk in the workplace:

1. Notification and verification of disease risk.
2. Understanding the disease and culling resources.
3. Identifying the scope of the risk.
4. Determining employer response.
5. Handling internal and HR compliance matters.

Step 1: Notification and Verification

HR must be notified immediately that a communicable disease risk may exist to limit additional exposure and to reduce risk and liability for the employer. Policies should be in place to require immediate notification from supervisors, the infected employee and other employees who are made aware. For example, the Occupational Safety and Health Administration (OSHA) requires an exposure control plan to meet its bloodborne pathogens standard for employers that can reasonably expect a risk of exposure. Bloodborne pathogens are infectious micro-organisms in human blood that can cause disease. These pathogens include hepatitis B, hepatitis C and human immunodeficiency virus (HIV).

HR acting on behalf of the employer should:

- Confirm the source and verify the information.
- Obtain sufficient facts about the particular employee and his or her particular condition.

Employee self-notifies and protection under the ADA

When an employee informs the employer that he or she has a communicable disease that will affect his or her performance on the job, the employer can require a medical exam or health certification to confirm the illness, just as it can with any other ADA disability. After the examination, if the employer determines that the disease poses "a significant risk" to the health of others, the employer must consider every reasonable accommodation to eliminate that significant risk. If no such accommodation can be made, then the employer should take steps necessary to eliminate the significant risk. Employees have a reasonable expectation for privacy with all medical information. Throughout this process, the employer must keep the employee's medical information, as well as information on any accommodations or leaves, confidential.

Only suspicion of infection

If an employee does not tell his or her employer that he or she has a communicable disease, the employer's options are much more limited. Suspicion of a communicable disease is not enough to justify inquiry or a medical exam. However, the employer need not, and should not, make any decision that places its employees at significant risk of contracting a serious communicable disease. An employer must make sure that in its efforts to reduce the risks of contagion in its workplace, it does not violate the laws applicable. If there is due suspicion, employers should seek legal counsel immediately for the best response given the particular case.

Step 2. Understanding the Disease and Resources

Employers must understand the illness to respond appropriately. The particular facts regarding the contagion include how the disease is transmitted, probability of transmission and complications, level of severity, and duration of risk. To obtain information and medical expertise, employers can contact the Centers for Disease Control and Prevention (CDC), OSHA, state and local health departments, and employer resources such as in-house or contracted medical care facilities and the American Public Health Association publication *Control of Communicable Diseases Manual*.

Step 3. Identifying Scope of Risk

Employers must determine who is at risk for contracting the illness and consider any possible contacts, including those outside of the office, plant or any facility that is within employer control. Possible contacts include clients, the public or vendors that may have been exposed or infected. Employers must answer questions such as the following: *How many people may be affected? What is the severity of the disease? How is the disease contracted?*

Step 4. Determining Employer Response

Based on comprehensive disease research, management will have information to determine the severity in which to justify decisions such as an emergency shutdown, or if a limited threat, only a review of a department or single area. If employers have developed emergency preparedness plans (EPP) or disease management preparedness plans (DMPP), many decisions will already be prepared and mapped out for quick and thorough processes. These business continuity plans help employers keep the business running during periods of high absenteeism. *See* [Managing Through Emergency and Disaster](#).

Step 5. Internal Matters and HR Compliance

Employers have employee and company relations matters as well as legal requirements to consider. Employers should seek legal counsel to identify legal risks, develop a plan to minimize liability and discuss any actions to include communications, employee response and privacy issues.

Company relations

Communications include all internal or external contact and notification to employees, the public, vendors and clients as well as any communications with family members of anyone hurt on the job or hospitalized as a result of a communicable disease. Careful consideration in these areas as well as review of all communications by an employer's attorney or the assistance of the public relations department or public relations consultant will eliminate any misunderstandings that could result and will properly guide employee and public perception of the employer and its actions.

Employee relations

Employees have a reasonable expectation to privacy of all medical information and any leaves of absence or accommodations they receive. Employers must not provide names of those infected or whether anyone is on Family and Medical Leave Act (FMLA) leave or is receiving any ADA accommodations unless there is a business need to provide this information, such as to a specific manager of an employee who is infected. Concern and compassion for those infected or in fear of being infected is the best course of action. Employees will be concerned for their own health as well as for the health of their own families, which they do not want to also infect. Employers must determine what disease management benefits they can provide and inform employees quickly. General notice is appropriate so employees can monitor themselves for symptoms and seek treatment if needed. Employers may want to consider providing free employee screening for the disease, time off to see their own doctors, the option to telecommute or other options until the disease is contained and the threat eliminated. Constant communication to employees both in the office and at home will help alleviate concern, keep information truthful and eliminate rumors.

Other HR requirements

Legal

HR has regulatory requirements as well. Some diseases may be reportable under federal, state or local regulations such as OSHA or to the local health department. However, it is not required in some instances that the employer report the name of the individuals infected. Before providing this medical information, employers should consult with legal counsel to determine if the name must be provided and consult with the employee for permission to release his or her name to the agency. There may also be OSHA standards the employer must follow to reopen the facility or remain open, such as cleaning the site or a release from the agency to continue operations. An employer's attorney will need to advise the organization as to any specific requirements to reopen if applicable.

HR has the duty to notify the workers' compensation carrier of anyone wishing to file a claim related to the communicable disease and exposure. Some jurisdictions consider exposure of a communicable disease, such as measles, to be covered under workers' compensation, whereas others may not.

Duty

HR has the duty to plan or assist departments in workforce planning, operations and other areas. HR should consider the loss of workforce, any functions closed and the ability to temporarily fill positions to keep the company from financial losses. Employers can reduce the effect of widespread absenteeism by cross-training employees to take over essential functions, bringing back retirees as temporary workers and partnering with employers in other industries that might not require much labor during a pandemic (such as leisure, entertainment or recreation industries).

HR must also provide leadership to the organization by communicating internally with the management team and externally such as with the attorney, consultants and any agencies that stipulate a requirement to contact or follow up.

In times of an emergency, decisions and actions must be taken quickly; however, careful consideration must be made at every step. Employers are encouraged to develop a disease management preparedness plan to reduce their level of risk and liability and to provide a step-by-step action plan to handle the situation most efficiently and effectively.

Pandemic Planning and Business Continuity Resources for Employers

Centers for Disease Control and Prevention

- About Coronavirus Disease 2019 (COVID-19)
- Situation Summary
- Interim Guidance for Businesses and Employers to Plan, Prepare and Respond to Coronavirus Disease 2019
- Free Communication Resources
  - Print Resources - Posters and Handouts
  - Videos
- Business Pandemic Influenza Planning Checklist

World Health Organization

- Coronavirus Disease (COVID-19) Advice for the Public: Myth Busters

U.S. Chamber of Commerce

- Coronavirus (COVID-19) Workplace Tips for Employees
- Guidance For Employers To Plan and Respond To Coronavirus

Fraud and Scams

- Federal Trade Commission
  - Coronavirus: Scammers Follow the Headlines
- Department of Homeland Security
  - Risk Management for Novel Coronavirus
  - Defending Against COVID-19 Cyber Scams

State Resources

- Missouri Department of Health and Senior Services
  - 24 hour hotline: 877-435-8411
  - Fact Sheet
- Missouri Department of Commerce and Insurance - Insurance Bulletin

Insurance

- IRS: High-Deductible Health Plans Can Cover Coronavirus Costs