

## **Coronavirus INFORMATION and FAQs\***

### **Introduction**

This document and the FAQs are intended to provide you with general information about the 2019 Novel Coronavirus including how it is transmitted and how you can prevent infection. It does not constitute legal advice on this topic.

This document is not intended to be exhaustive and we encourage you to supplement your knowledge of Coronavirus by visiting the website of the Centers for Disease Control website at [www.cdc.gov](http://www.cdc.gov)

### **What is Coronavirus?**

Coronavirus is a new respiratory virus that originated in Wuhan, China. The virus is contagious and potentially fatal. It is suspected that it is transmitted through coughing and sneezing of infected individuals. At the present time, there is no vaccine, cure or specific treatment.

### **How is Coronavirus spread?**

Health authorities have not confirmed how Coronavirus is transmitted, but suspect it is spread person-to-person. There is also evidence that the virus has been spread by animal sources, including individuals with links to seafood or animal markets. They do not believe you can get it from air, water or food.

### **How many people survive Coronavirus?**

Currently, Coronavirus has a fatality rate of less than 3%. As such, the majority of those affected so far have survived the disease.

### **What are the signs and symptoms of Coronavirus?**

Individuals infected with Coronavirus have displayed the following symptoms:

- Mild to severe respiratory illness;
- Fever;
- Cough;
- Difficulty breathing; and
- Death.

### **How infectious is Coronavirus?**

Virus transmission may happen on a spectrum and authorities are not sure if the virus is highly contagious, or less so. For person-to-person transmission, health authorities suspect the virus is spread through coughing and sneezing, similar to how influenza and other respiratory pathogens are spread. Health authorities do not believe you can get it from air, water or food.

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\* This information sheet is based upon currently available information and is for general guidance purposes.



The incubation period, or the time interval from infection to onset of symptoms, is from 2 to 14 days. During this period, an individual can be infected and spreading the disease although they may not be experiencing the signs and symptoms of the virus.

### **How can I protect myself?**

Because there is currently no vaccine to prevent infection, the best way to protect yourself is to avoid being exposed to this virus. The CDC recommends the following additional steps:

- Wash your hands often with soap and water for at least 20 seconds. Use an alcohol-based hand sanitizer that contains at least 60% alcohol if soap and water are not available.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Avoid close contact with people who are sick.
- 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.

### **What happens if I suspect I or someone I know has Coronavirus?**

If you exhibit symptoms of Coronavirus within two weeks of traveling from China, you should contact a healthcare professional and mention your recent travel. If you have had close contact with someone exhibiting Coronavirus symptoms who has recently travelled from China, you should call ahead to a healthcare professional and mention your close contact and their recent travel. Your healthcare professional will work with your state's public health department and CDC to determine if you need to be tested for Coronavirus.

### **Should I consider quarantining employees, or having employees remain off work, who have recently returned from China?**

You should consider telling any employee returning from China that they should remain away from work for fourteen days from their return. You can also consider telling the employees to self-monitor for any symptoms of Coronavirus. If any of these symptoms occur, the employee should consider being evaluated by a healthcare provider. Further, even if not symptomatic, employees may also want to consult a healthcare provider to confirm that the employee is not infectious before returning to work.

### **Should I consider providing information to my employees about the Coronavirus?**

Yes. Information is available at no cost on the CDC's website -- <https://www.cdc.gov/coronavirus/index.html>. We are attaching the CDC's fact sheet.

**Can I Restrict Employees from Traveling to China?**

Yes. Employers may consider restricting employee travel to the particular areas affected by the disease for business purposes. Employers may also consider requesting employees inform the employer if they are traveling for personal reasons so the employer is aware of employees who are going to areas and are exposed to the disease. Employees who travel to China need to be informed that they may be quarantined upon their return. Employees should also be informed that there may not be adequate medical services available if they travel to China and become ill.

**Does FMLA leave apply for employees, or immediate family members, who may contract Coronavirus?**

Yes, assuming that the FMLA applies to the employer, Coronavirus would qualify as a “serious health condition” under FMLA allowing an employee to take FMLA leave if either the employee contracts the disease or an immediate family member contracts the disease. The employee would be entitled to job reinstatement as well. State law may provide additional leave benefits.

**Would I need to pay workers’ compensation for employees who contract Coronavirus?**

Perhaps, if the employee contracted the disease in the course of their employment, that is, does the employee’s work require them to be exposed to persons who are infected, typically healthcare workers. If an employee incidentally contracts the disease from a co-employee, there likely will be no worker’s compensation liability. If there is worker’s compensation liability, employers are responsible for covering the costs of reasonable and necessarily medical care, temporary total disability benefits, and permanent disability (if any). Employers should engage a competent medical professional on infectious diseases for advice to determine whether the disease is work-related.

**Would I need to pay my employee disability benefits if they contract the Coronavirus?**

Yes, if such payments are provided in an employer’s benefit plan. Employers should review the limits of coverage in the benefit plan to ensure they have competent medical resources to administer the program.

**Does the ADA restrict how I interact with my employees due to the Coronavirus?**

No. The ADA protects employees with disabilities, but during a global health emergency, as recently declared by the World Health Organization, employees can be required to be medically examined to determine if they have contracted the disease. Also, voluntary medical exams are always permitted, if performed confidentially. The EEOC has suggested materials to distribute to the workforce in the event of global health emergency.

The ADA protects qualified employees with disabilities from discrimination. A disability may be a chronic physical condition, such as breathing. Employees may be entitled to an “accommodation” such as leave or be allowed to work away from work for a limited period. Employees who have contracted the virus must be treated the same as non-infected employees, as long as the infected employees can perform their



essential job functions. If the employee poses a health or safety threat to the workforce, the employer may place the employee on leave.

### **Has OSHA provided guidance on how to handle Coronavirus?**

OSHA has issued a fact sheet regarding protecting workers in the case of a global health emergency. Per, OSHA, employers should train employees on the following:

- Differences between seasonal epidemics and worldwide pandemic disease outbreaks;
- Which job activities may put them at risk for exposure to sources of infection;
- What options may be available for working remotely, or utilizing an employer's flexible leave policy when they are sick;
- Social distancing strategies, including avoiding close physical contact (e.g., shaking hands) and large gatherings of people;
- Good hygiene and appropriate disinfection procedures;
- What personal protective equipment (PPE) is available, and how to wear, use, clean and store it properly;
- What medical services (e.g., vaccination, post-exposure medication) may be available to them; and
- How supervisors will provide updated pandemic-related communications, and where to direct their questions.

### **Can OSHA cite an employer for exposing my workforce to Coronavirus without protective measures?**

Perhaps. OSHA regulates safety hazards through its "general duty" clause that applies to "recognized hazards" in the workplace. OSHA will look to the CDC as authority when issuing such citations. The agency will determine whether the employer's industry, "recognized" that exposure to infected individuals in the workplace is a hazard. If so, the agency would expect the employer to take feasible measures to protect the employees and, if not does not take such action, the employer could be subject to citation. Employers should conduct a hazard assessment for potential exposures and develop an action plan that includes hazard identification, hazard prevention procedures, employee training, medical monitoring surveillance and recordkeeping.

### **Conclusion**

The foregoing information is provided based upon currently known information. The progress of this disease is constantly evolving. The foregoing information is subject to change based upon such evolving information. If you have any questions regarding this matter, please contact Mark A. Lies II ([mlies@seyfarth.com](mailto:mlies@seyfarth.com); (312) 460-5877) or Daniel Birnbaum ([dbirnbaum@seyfarth.com](mailto:dbirnbaum@seyfarth.com); (312) 460-5129).