

## COVID-19: EMPLOYMENT POLICIES AND FACT SHEETS FOR COMPANIES IN THE UNITED STATES

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**K&L Gates Document**

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### **COMPANY'S CURRENT RESPONSE TO OUTBREAK OF CORONAVIRUS COVID-19**

The health, safety and welfare of each member of our team as well as their family members is a high priority for us. We, therefore, are closely monitoring the outbreak of coronavirus disease 2019 ("COVID-19"). It is an evolving and dynamic situation, so our response to it may change. However, we wanted to provide you with background information about the virus causing COVID-19 to improve your understanding of the disease and provide some directions on how to respond to it. The risks of the virus causing COVID-19 should be taken very seriously. The Company will monitor developments vigilantly, but at the same time, we should guard against overreaction, as some stories may tend to sensationalize the issue. Because the situation is fluid, we will update you when information changes as we are able to do so. The Company's response to the outbreak of COVID-19 (the "Response") dated [insert date] is set forth below. The Company reserves the right to revise, supplement, rescind, or deviate from any policies or portion of the Response from time to time as it deems appropriate, in its sole and absolute discretion, and with or without advance written notice.

### **OVERVIEW**

Toward the end of December 2019, authorities in Wuhan, Hubei province, China, announced a cluster of cases of pneumonia associated with a local seafood wholesale market, for which a cause had not yet been identified. On January 8th, a new coronavirus called 2019-novel coronavirus (called "2019-nCoV") was identified as the cause of the illness.

As of early March 2020, there are over 109,000 confirmed cases with over 3,800 deaths worldwide. Currently, four countries have been listed as Level 3 Travel Health Advisories: China, Iran, Italy, and South Korea, and one country is listed as a Level 2 Travel Health Advisory: Japan. In addition, over 50 other countries globally have reported confirmed cases, including but not limited to the United States, Hong Kong, Macau, Taiwan, Australia, Cambodia, Canada, Finland, France, Germany, India, Malaysia, Nepal, Philippines, Sri Lanka, Singapore, Thailand, the Republic of Korea, the United Arab Emirates, and Vietnam. Although the large majority of cases have been confined to China, Iran, Italy, South Korea, and Japan, the expectation is that the virus will continue to spread throughout the world. There have been several confirmed cases of infection in the United States affecting people who travelled outside of the United States and contracted the disease, there are also several cases of individuals who contracted COVID-19 in the United States.

## WHO, CDC, AND STATE DEPARTMENT OVERVIEW

While the Company is following and reviewing a variety of resources in this situation, it is most closely reviewing information being provided by the World Health Organization ("WHO"), the U.S. Centers for Disease Control and Prevention ("CDC"), the United States Department of Health and Human Services ("Department of Health and Human Services"), and the United States Department of State ("State Department").

The WHO has declared the outbreak of 2019-nCoV a global emergency. The CDC has issued safety and other guidance related to the disease. The Department of Health and Human Services also has declared the COVID-19 a public health emergency for the entire United States. The State Department has issued travel advisories, including Do Not Travel Advisories to China and Iran and Reconsider Travel Advisories to Italy, Mongolia, and South Korea. The CDC recommends that travelers should avoid all nonessential travel to Italy and South Korea, and it further recommends that older adults or those who have chronic medical conditions consider postponing travel to Japan. WHO information can be located at: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019>. The CDC advisory can be located at: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>. The Department of Health and Human Services information can be located at: <https://www.hhs.gov/about/news/2020/01/31/secretary-azar-declares-public-health-emergency-us-2019-novel-coronavirus.html>. The State Department's Do Not Travel to China and Iran and other advisories can be located at: <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/china-travel-advisory.html>.

## WHAT IS KNOWN ABOUT THE TRANSMISSION OF COVID-19

Authorities have confirmed that the virus spreads through two routes:

- Environment-to-human: Information suggests that the virus causing COVID-19 is "zoonotic" transmitted from an animal source to humans. The initial cluster of cases appeared to have a common source of exposure, a local live seafood and animal market.
- Person-to-person spread: From a sick person to others who are in close contact (within about six feet). The virus is actively in the human-to-human transmission phase. The spread has largely been limited to family clusters and healthcare workers but several new cases indicate a generalized human-to-human spread.

In general, scientists believe the virus causing COVID-19 spreads from one person to another in the same way as other respiratory infections, including colds and the flu - through infected respiratory droplets. The sick person expels these when they cough, sneeze, or talk and possibly in his or her fecal matter and blood as well. Others can get the disease via contact (direct or indirect) with these contaminated droplets.

It may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, and possibly their eyes.

The virus that causes COVID-19 seems to be spreading easily and sustainably in the community ("Community Spread") in some affected geographic areas. Community Spread means people have been infected with the virus in an area, including some who are not sure how or where they became infected.

Someone who has completed quarantine or has been released from isolation does not pose a risk of infection to other people.

## KNOW THE SYMPTOM OF COVID-19

For confirmed COVID-19 infections, reported illnesses have ranged from infected people with little-to-no symptoms to people becoming severely ill and dying. Current information suggests that older adults and persons with underlying health conditions or compromised immune systems might be at greater risk for severe illness from this virus, and they should take more precautions to avoid exposure.

Besides knowing how it can be transmitted, recognizing the symptoms is an important step. Symptoms may appear two to 14 days after exposure to the virus. This can allow the virus to be spread without an individual showing symptoms. People with underlying health conditions appear to be at higher risk for severe disease.

COVID-19 symptoms include:

1. Fever;
2. Cough; and
3. Shortness of breath.

## HOW TO PREVENT THE SPREAD OF COVID-19

There is currently no vaccine to prevent the COVID-19 infection. The best way to prevent infection is to avoid being exposed to this virus. Everyday preventive actions to help prevent the spread of respiratory viruses include:

- Clean your hands often with an alcohol-based hand sanitizer that contains at least 60-95 percent alcohol, or wash your hands with soap and water for at least 20 seconds. Soap and water should be used preferentially if hands are visibly dirty.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Cover your mouth and nose with a tissue when you cough or sneeze.
- Put your used tissue in a waste basket.
- If you don't have a tissue, cough or sneeze into your upper sleeve, not your hand.
- Avoid close contact with people who are sick.
- Routinely clean all frequently touched surfaces in the workplace, such as workstations, countertops, and doorknobs with the cleaning agents that are usually used in these areas, following the directions on the label of the cleaning agent.
- Stay home when you are sick.
- Facemasks should be used by people who show symptoms of COVID-19 to help prevent the spread of the disease to others. At this time, the CDC does not recommend that people who are well wear a facemask to protect themselves from respiratory diseases, including COVID-19.

## COMPANY POLICIES RELATED TO COVID-19

- If you become ill at work with acute respiratory illness symptoms (i.e. cough, shortness of breath), notify your supervisor so that you can be separated from other employees and be sent home immediately. If you are able to notify your supervisor by telephone or email, you should do so.
- Employees who have symptoms of acute respiratory illness are recommended to stay home and not come to work until they are free of fever (100.4° F [37.8° C] or greater using an oral thermometer), signs of a fever, and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants). Employees should notify their supervisor and stay home if they are sick. If you believe you have been exposed to the virus causing COVID-19 and you are fever-free without the use of fever-reducing or other symptom-altering medicines for more than 24 hours, the Company may still ask you not to report to work or may ask you to work remotely.
- If you have a confirmed case of COVID-19, please contact your supervisor by phone or email. You will not be allowed to report to work for at least 14 days.
- If you have a confirmed case of COVID-19, the Company will inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act ("ADA").
- Any employees exposed to a co-worker or family member with a confirmed case of COVID-19 will be asked to conduct a risk assessment ("Risk Assessment") to assess their potential exposure pursuant to CDC guidance.
  - The Risk Assessment requires employees to assess their risk level and whether they are symptomatic or asymptomatic.
  - Depending on your individual Risk Assessment, you may not be allowed to report to work for at least 14 days. During this 14-day period you may be permitted to telework or work remotely, depending on your position and in the Company's sole discretion.
  - Depending on your risk exposure, the Company may recommend that you self-observe your symptoms until 14 days after your last potential exposure. The Company may recommend that you check your temperature before arriving at the workplace to ensure that you are still asymptomatic.
- Employees who are well but who have a sick family member at home with COVID-19 should notify their supervisor and refer to CDC guidance for how to conduct a Risk Assessment of their potential exposure.
- If you are asked to telework, and you need equipment or technical support to do so, please contact your supervisor.

## COMPANY POLICY RELATED TO SICK LEAVE

For the health and safety of all of your coworkers, it is essential that you do not report to work if you suspect you have COVID-19. If you suspect that you or a family member that resides with you has COVID-19, please seek immediate medical treatment and do not report to work. If you are showing any symptoms of COVID-19, you should not report to work until either (1) a healthcare provider examines you and confirms that you do not have COVID-19, or (2) a healthcare provider diagnoses you with COVID-19 and then clears you to return to work. If

you have contracted COVID-19, and you believe you became infected with the disease while working for the Company, including during work-related travel, please immediately alert the Human Resources Department so that you can assess your exposure risk using the Risk Assessment tool created by the CDC.

Please follow the Company policies related to sick leave and for reporting that you will be absent. If you have sick leave or other paid leave, please use it. If you do not, please contact the Human Resources Department to arrange for discretionary leave. For all medically confirmed cases of COVID-19, including anyone with complications from the disease or anyone requiring extended leave to recover, please contact the Human Resources Department to obtain information about Short Term Disability Leave, Long Term Disability, Family Medical Leave, and/or other discretionary medical leave. If you are unable to contact the Human Resources Department, please have a family member or other person contact the Human Resources Department to obtain the necessary paperwork for you.

If you have a confirmed case of COVID-19 the Company will need you to provide an authorization from your healthcare provider authorizing you to return to work. The Company will keep all employee health information confidential. If a healthcare provider confirms you do not have COVID-19, and you have recovered from your illness, please return to work as you would normally from a common illness like the cold or flu.

If you contract COVID-19 and suffer from any complications that impact you upon your return to work, please contact the Human Resources Department to discuss whether there are any reasonable accommodations that can be made to assist you while you recover.

## **COMPANY TRAVEL POLICY RELATED TO COVID-19**

There is a risk of infection in areas with active outbreaks. People who are in contact with sick people are at risk of being exposed to the virus.

Air travel and use of other forms of mass transportation can contribute to the spread of the virus. If you have traveled by air, monitor your health for 14 days after your trip. Please do not return to work after air-travel if you are experiencing COVID-19 symptoms. If you develop symptoms after traveling, contact medical authorities, and if instructed to do so, seek medical attention. Limit your contact with other people as much as possible, and let the medical facility know about your travel history and any potential exposures. If you, a family member, or someone with whom you reside in the same household has traveled to China or any other area where the CDC has issued a Risk 3 level or higher advisory, please contact the Human Resources Department and do not report to work. We will make arrangements for you to work remotely for 14 days until you can confirm that you and your family members residing with you are not infected by COVID-19. Please note, this telework policy applies only to the specific risk of COVID-19. This accommodation may not be appropriate for other employee illnesses. If you cannot work remotely, the Human Resources Department will work with you to assess risk associated with your return to work or it may require you to take paid or unpaid leave. The Company may also implement safety protocols for you and your coworkers, such as requiring you to wear a mask or other protective gear during the 14 day incubation period.

If you have any personal travel planned, please be sure to check for travel advisories on the State Department website and the CDC website. We recommend that you avoid all unnecessary travel, especially to China, Iran, and Japan, as recommended by the CDC and the State Department.

If you have any international work-related travel, please contact the Human Resources Department in advance. If there is evidence of a COVID-19 outbreak in the United States, the Company may consider canceling non-essential business travel to additional countries per travel guidance on the CDC website. The Company will assess whether the travel is necessary based on current known advisories and/or if business needs support an alternative to the travel, such as attendance in meetings by video or other means.

If you become sick while traveling (either for personal or work-related travel) or on temporary assignment you must notify your supervisor. The Company also recommends that you promptly call a healthcare provider for advice, if needed.

## COMPANY SAFETY POLICIES

Please follow the Company's safety policy including Company rules related to the use of personal protective equipment, including the use of gloves, eye and face protection, and respiratory protection. If you have any questions about the Company's safety policies or the use of personal protective equipment, please contact the Human Resources Department.

## ACKNOWLEDGEMENT OF COMPANY'S CURRENT RESPONSE TO OUTBREAK OF COVID-19

I acknowledge that I have read the Company's Response to COVID-19 ("Response") and that I understood it and agree to comply with it. I further acknowledge that I have been reminded of the Company's Safety Policy and understand that it is my responsibility to be familiar with it and abide by its terms. This Response is not promissory and does not set terms or conditions of employment or create an employment contract.

Signature:

Printed Name:

Date:

**The employment policy and fact sheet provided above can be shared with your employees. If you have any questions or need legal advice on your company's specific circumstances or situation, please email [COVID-19@klgates.com](mailto:COVID-19@klgates.com).**

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