

# COVID-19 AND CONTACT TRACING

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# What is contact tracing?

- Case investigation and contact notification of exposure
- Core public health strategy to break chain of transmission of communicable diseases



# COVID-19 Contact Tracing

- Notify individuals of positive COVID-19 test
- Place COVID-19 cases in isolation (10 days)
- Conduct a case investigation
  - Determine onset of infection
  - Identify close contacts during infectious period
- Notify close contacts of their exposure
- Place contacts in quarantine (14 days)
- Ensure person can isolate or quarantine safely



# **Business Roles: Case Investigation**

### Identify close contacts to COVID-19+ employee

- Check employee schedule, other staff schedules, COVID+ employee's distance to other staff, customer records
- Provide contact information for close contacts (employees, customers) so contact tracers can notify of exposure and place under quarantine
   Report employees testing COVID-19 positive to ECDOH https://www3.erie.gov/covidform



# **Business Roles: COVID-19 Prevention**

Follow NY Forward guidelines for:
Maintaining records
Physical distancing, masks and PPE

Employees: stay home when sick!!!!



# Isolation and Quarantine

Isolation: limits exposure to infected person who is contagious
10 days = duration of infection
Quarantine: limits exposure to a person at high risk of developing infection
14 days = COVID-19 incubation period



# **Quarantine: Essential Workers**

- Workers deemed "essential" for business operations or safety may go to work during quarantine period if employee:
  - Remains asymptomatic and monitors for symptoms twice daily
  - Wears a mask and maintains social distancing
- Travels only from home to work and back home
   No errands, restaurants, gatherings, etc.
   Diagnostic COVID-19 testing strongly recommended



# COVID-19+ Employee Return to Work: Time-based strategy

- Asymptomatic employee: 10 days after COVID-19+ test
- Symptomatic employee: 10 days after onset of COVID-19 symptoms AND
- Fever-free for at least 72 hours (3 days), without fever-reducing medications AND
- COVID-19 symptoms improving
- Nursing homes' return to work requirements differ



# Why should businesses care about contact tracing?

Goal: Erie County and WNY stays open for business. We cannot go backward.

- Every business responsible to keep employees and customers safe and healthy.
- Encourage employees to stay at home when possible.
  - Meet virtually
  - Avoid crowded places
  - Enforce physical distancing at work
- Prioritize health and safety.

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# Symptomatic and Asymptomatic

Recent COVID-19 case data reveal:

- 2/3 COVID-19 cases symptomatic
  - Reported symptoms at time of test
- 1/3 COVID-19 cases asymptomatic
  - Reported no symptoms during infection
- Asymptomatic people can have COVID-19 and transmit to others



# Erie County COVID-19 Diagnostic and Antibody Testing

- Call (716) 858-2929 to schedule
- Antibody testing only
  - Schedule online at <u>www.erie.gov/covidtest</u>
- No cost FREE THROUGH ERIE COUNTY!!
- No lab order/doctor referral needed
- Clinics throughout Erie County
- By appointment only
- Please, show up to your appointment



# **ECDOH Test Sites**

- Free Diagnostic Testing
  - Williamsville (Mondays)
  - Orchard Park (Wednesdays)
  - Buffalo (Thursdays)
- Antibody Test Sites:
  - 9/25: Hillcrest Fire Department (Orchard Park)
  - 9/29: North Collins Fire Department
  - 10/1: Hamburg Senior Center





## Erie County COVID-19 Test Sites www.erie.gov/covidtestsites

List subject to change Most sites require an appointment – call ahead for details & criteria Pharmacies are included in this map





# Flu Season

Flu & COVID-19
 share similar
 symptoms



- Encourage employees to get a flu vaccination: <u>vaccinefinder.org</u>
- Masks work
- Encourage employees and customers to stay home when ill



# **Questions?**

Thank you.

### Resources

- www.erie.gov/covid19
- COVID-19 Info Line: (716) 858-2929
- NY Forward: forward.ny.gov



### WHAT TO DO WHEN A COVID-19 DIAGNOSIS HITS YOUR WORKPLACE... BECAUSE YOU KNOW IT WILL



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Disclaimer 2: Guidance changes frequently, so stay up to date!

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### NEWYORK MANDATED SAFETY PLAN

PeoplePlaces

Process

Other

#### FORWARD.NY.GOV

STATE Of Health

#### NY FORWARD SAFETY PLAN TEMPLATE

Each business or entity, including those that have been designated as essential under Empire State Development's Essential Business Guidance, must develop a written Safety Plan outlining how its workplace will prevent the spread of COVID-19. A business may fill out this template to fulfill the requirement, or may develop its own Safety Plan. **This plan does not need to be submitted to a state agency for approval** but must be retained on the premises of the business and must made available to the New York State Department of Health (DOH) or local health or safety authorities in the event of an inspection.

Business owners should refer to the State's industry-specific guidance for more information on how to safely operate. For a list of regions and sectors that are authorized to re-open, as well as detailed guidance for each sector, please visit: **forward.ny.gov**. If your industry is not included in the posted guidance but your businesses has been operating as essential, please refer to ESD's **Essential Business Guidance** and adhere to the guidelines within this Safety Plan. Please continue to regularly check the New York Forward site for guidance that is applicable to your business or certain parts of your business functions, and consult the state and federal resources listed below.

#### **COVID-19 Reopening Safety Plan**

### EMPLOYEE TESTS POSITIVE

- Has s/he been on-site?
- Plan of action:
  - Send Employee Home
  - Secure Area
  - Clean
  - Communicate
    - Employees
    - Reporting to NYS/Local DOH
- Do others need to stay home?
  - Maybe, if there has been contact

It is probably **not** HIPAA, although it is private information

**BUT IT'S HIPAA!** 

### WHEN CAN THE EMPLOYEE(S) COME BACK?

- Interim Guidance for Public and Private Employees Returning to Work Following COVID-19 Infection or Exposure – NYS DOH (May 31, 2020)
  - https://coronavirus.health.ny.gov/system/files/documents/2020/06/doh\_covid19\_publicprivate employeereturntowork\_053120.pdf
  - Tests Positive: (symptomatic or asymptomatic) at least 10 days of isolation from the onset of symptoms or 10 days of isolation after the first positive test if they remain asymptomatic.
  - COVID-19 Symptoms at Work: at least 10 days of isolation from the onset of symptoms OR upon receipt of a negative COVID-19 test result.
  - Close or proximate contact AND symptomatic: at least 10 days of isolation from the onset of symptoms.
    - Within 6 ft with a person with COVID-19 for a prolonged time (>10 mins)
  - Close or proximate contact AND asymptomatic: 14 days of self-quarantine
    - Exception: essential and critical for the operation or safety of the workplace CAN RETURN if:
      - Documented determination by supervisor and HR consultation with appropriate state and local health authorities
      - Monitoring, masking, distancing, cleaning quarantine when not at work
    - What you can do vs. what you should do

### DO EMPLOYEES GET PAID WHEN THEY ARE OFF?

### NY COVID-19 Sick Leave

I. Must be subject to a quarantine or isolation order

2. Must not have traveled to certain countries as designated by the CDC

### EPSL (FFCRA)

 State order: quarantine/isolation
 MD: self-quarantine
 COVID-19 symptoms & seeking treatment

4. Caring for someone (cat. 1 or 2)

5. Child out of school due to COVID-19

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\*Employees able to telework are ineligible for leave under either

law.

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## POINTERS

- Use a payroll company
- Have written policies
  - FFCRA has tax benefits
  - New York Paid Sick Leave is coming there will be some overlap with FFCRA and Expanded PFL
    - September 30, 2020 employees start accruing
    - January I, 2021 employees can start using accruals
- Get a flu shot encourage your employees to do the same (good health = increased productivity)
- Check your insurance policies

### **REMINDER: NY PAID SICK LEAVE!**

- NEW paid sick leave requirements per the 2021 Budget Bill
- Covered employees will be entitled to begin accruing sick leave on September 30, 2020 (one hour is accrued per 30 hours worked)
- Employees may be restricted from utilizing accrued sick leave until January 1, 2021

Employers with four or fewer employees in a calendar year and a net income of \$1 million or less:	Employees are eligible to receive 40 hours of <b>unpaid</b> sick leave each calendar year.
Employers with four or fewer employees in a calendar year and a net income of greater than \$1 million:	Employees are eligible to receive 40 hours of <b>paid</b> sick leave each calendar year.
Employers with 11-99 employees in a calendar year:	Employees are eligible to receive 40 hours of paid sick leave each calendar year.
Employers with 100 or more employees in a calendar year:	Employees are eligible to receive 56 hours of paid sick leave each calendar year.

### LIABILITY (THINK "GETTING IN TROUBLE" OR "GETTING SUED")

Employee exposure at work - workers' compensation Lawsuits for customer/visitor exposure at your business

### Employment Law Claims

Reports to the DOH

Reports to the DOL

### HOW DO I \*NOT\* GET SUED?!

#### Nothing can stop someone from suing you

• Even if someone does not have a good case, you may still get sued

BUT, you can dissuade people from suing you by showing them how compliant you are

> AND, you will insulate your business as best as possible (from workers' comp and lawsuits)

### WORKERS' COMPENSATION

- Employees who contract COVID-19 while "work[ing] in an environment where exposure risks are significantly higher" are more likely to be eligible for benefits.
- Workers' compensation claimants must demonstrate that they worked in an environment where "exposure to COVID-19 was prevalent" in order to be eligible for benefits, and provide a medical report from an authorized workers' compensation medical provider stating that the claimant's work caused their illness.
- Trends
  - Difficult to pin down the nexus of infection
    - Where exposure is \*known\* to be at work, and no other exposures likely to be sustained
  - Will employee file a claim?
    - Employee may use other leaves and not report
    - If you learn of a potential workplace exposure notify your carrier, work with them
  - Defending a claim (employee did not get COVID at work)
    - Excellent safety practices (compliant with NYS, CDC, OSHA guidance)
    - Strong written policies
    - Employee who can testify about both

### LAWSUITS FROM CUSTOMERS/VISITORS?

- A Whole New World (in other words...even lawyers don't know all the answers)
- Likely will need to show exposure at defendant business like workers' comp, may difficult to show
- Best defense
  - Excellent compliance with government rules
    - Standard of Care
    - Sets the "floor" for minimum steps business should take
  - Well trained employees
  - Do not overstate in your advertisements

### EMPLOYMENT LAW CLAIMS (ACCOMMODATIONS & DISCRIMINATION)

- Employees with COVID
- High risk groups
  - Immunocompromised Employees
  - Older Employees
- Have Policies and Procedures and follow them

### **TYPES OF INSURANCE**



# **COMMON QUESTIONS**

- Can I turn away customers who refuse to wear a mask?
  - Yes.
- Can I make employees wear masks?
  - Yes, and you need to provide them.
- Can an employee refuse to come in because s/he is afraid of getting COVID?
  - Not without more.
- Can I force my employees to get COVID tested?
  - Can suggest it lots of resources in Erie County
- Can I prohibit my employees from traveling to the "hotspots"?
  - No, but you can require them to tell you, keep them out of the office during quarantine periods
- How do I encourage my employees to stay healthy?
- Teleworking?
  - It might just be working well...
  - IT security
  - Could avoid exposures, claims, unhappy employees
- Can employees take time off if their kids are home from school? Does it need to be paid?
  - Yes. See next slide.

### **RETURN TO SCHOOL & FFCRA**

- Emergency Family Medical Leave Expansion Act ("EFMLA")
  - 12 weeks of leave (ten paid) for eligible employees who need leave to care for a qualifying son or daughter whose school or place of care is closed due to COVID-19 precautions
  - ✓Applicable to "Hybrid" Times
  - Note: "hybrid" time off is NOT considered intermittent

### A FEW MORE RESOURCES

- Attitude is everything...and modeling good behavior goes a long way
  - Acts of generosity vs. mandates
- Testing!
  - https://www2.erie.gov/health/
- How to wear a mask (World Health Organization)
  - https://www2.erie.gov/health/
- How to wear gloves (World Health Organization)
  - https://www.who.int/gpsc/5may/Glove\_Use\_Information\_Leaflet.pdf



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QUESTIONS? CONCERNS?