CORONAVIRUS: SOME ISSUES FOR BUSINESSES AND HR PROFESSIONALS

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The current COVID-19 pandemic by now has affected all Ohioans in very real ways. The crisis also presents unique questions for the employer-employee relationship. The following bullet points consist of general HR considerations relating to the virus. If your business has a specific concern regarding a policy or employee, as always, you should direct that question to your legal counsel.

FOLLOW ALL RELEVANT GOVERNMENT SAFETY ORDERS

By now, Ohioans are used to daily briefings from the Governor, Lieutenant Governor, and the Director of Health, usually to announce new precautionary measures. For example, the Director has signed Orders restricting the operation of certain businesses, and most recently, an Order restricting the operation of all “non-essential” businesses in Ohio for a period of 14 days. First and foremost, your business should ensure that it is in compliance with all specific orders from the state, federal, or local government.

Even if your business remains in operation throughout the state of emergency, you are required to follow safety measures outlined by the Health Department.

WHAT IF AN EMPLOYEE HAS COVID-19?

For example, employers must ensure that all staff follow appropriate social distancing measures, meaning maintaining at least six feet between individuals, whenever possible.

Employers are also directed to encourage hand-washing and/or the use of hand sanitizer as often as possible. “High-contact” surfaces such as doorknobs, keyboards, work benches, etc., should also be cleaned with sanitizing products as often as possible.

HR professionals should consider posting conspicuous written notices regarding social distancing and hygiene throughout the facility. Additionally, sanitizing products should be easily accessible for use by employees.

MAY A COMPANY HAVE A MANDATORY FEVER-CHECK POLICY?

The ADA does not prohibit a company from requiring all employees to have their temperatures taken upon reporting to work. In fact, this practice has been encouraged, if not required, by the Governor and Director of Health in Ohio.

The ADA also does not prohibit you from requiring any employee showing symptoms of the virus to stay home. Notably, this is consistent with specific health directives from the state and federal government.

WHAT IF AN EMPLOYEE IS IN A VULNERABLE GROUP?

If an employee cannot work due to being infected with the virus, new federal legislation likely requires that the employee be given up to two weeks of paid sick leave. A separate summary of that legislation, the Families First Coronavirus Response Act, has also been provided by the Troy Chamber.

ARE THERE ADDITIONAL RESOURCES RELATING TO COVID-19?

The federal Equal Employment Opportunity Commission (“EEOC”) has provided multiple resources for businesses specific to the current pandemic. For example:

Employer FAQs: https://www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitation_act_coronavirus.cfm
Written Guidance Regarding the Pandemic: https://www.eeoc.gov/facts/pandemic_flu.html