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LEGAL UPDATES

5 Questions on Managing COVID-19 and Potential Exposures in the Workplace

Questions about Covid-19 and employees continue to be front and center. Below are five frequently asked questions and answers based on current guidelines.

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Q. I have an employee who tested positive for COVID-19. What do I tell other employees?

A. The scope of the disclosure will depend on whether the employee may have come in contact with other co-workers. If yes, then the employer should inform co-workers who may have come in contact with the employee of their possible exposure, but should not disclose the employee's identity.

Q. Does the employee qualify for paid sick leave?

A. Most likely, yes. In addition to any available Company provided sick leave, there are a number of sick leave statutes that could come into play. First, there is California's paid sick leave, which provides up to 3 days or 24 hours of paid sick leave for qualifying employees. Second, for employers with less than 500 employees, Emergency Paid Sick Leave is likely available under the federal Families First Coronavirus Response Act. Third, several cities, including San Jose, San Francisco, and Los Angeles have recently enacted emergency paid sick leave requirements in response to COVID-19.

Q. What documentation can I require before returning the employee to work?

A. The employer may require the employee to provide a doctor's note certifying that the employee is "fit for duty" and able to safely return to the workplace.

Q. If an employee calls in sick, how much information can I request?

A. During a pandemic, employers may ask the employee if they are experiencing symptoms of the pandemic virus. For COVID-19, these include symptoms such as fever, chills, cough, shortness of breath, or sore throat. Employers must

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maintain all information about employee illness as a confidential medical record in compliance with the ADA.

Q. If the Employee has symptoms of COVID-19, or might have been exposed, can I require the employee to stay home?

A. Yes, provided there is a good faith belief that the employee has symptoms of COVID-19 and/or would create a risk to the workforce by physically coming into work.

Separately, it's also always important to review any applicable privacy laws prior to gathering and retaining any sensitive medical information. Our [employment](#) and [privacy](#) attorneys are here to help.