



Protocol for Businesses That Learn of a Probable or Confirmed COVID-19 Exposure in the Workplace

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On April 15, 2020, the Pennsylvania Secretary of Health issued an [order](#) that applies to all Pennsylvania businesses, other than health care providers, that are authorized to maintain in-person operations. The [order](#), which takes effect on April 19, 2020 at 8:00 PM, directs businesses to establish a protocol for use if a business discovers it has been exposed to a person who has a probable or confirmed case of COVID-19.

The order includes measures that businesses must take if they learn they have been exposed to an individual who has a probable or confirmed case of COVID-19. Generally, the measures include cleaning, contact tracing, and monitoring.

1. **What does the order require with respect to cleaning if a business learns of a probable or confirmed COVID-19 exposure?**

- Close off areas visited by the person with a probable or confirmed case of COVID-19.
- Open outside doors and windows. Use ventilation fans to increase air circulation.
- Wait a minimum of 24 hours (or as long is practical) before beginning cleaning and disinfection.
- Clean and disinfect all areas such as offices, bathrooms, common areas (including break rooms, conference or training rooms, and dining facilities), shared electronic equipment (such as tablets, touch screens, keyboards, remote controls, and ATM machines used by the ill person), focusing on frequently touched areas.

2. **What contact tracing measures are required if a business learns of a probable or confirmed case of COVID-19?** Businesses must identify employees who had close contact (within 6 feet for 10 minutes) with the individual who has a probable or confirmed case of COVID-19 from the period 48 hours before symptom onset to the time at which the individual isolated. The order outlines the following guidelines for such identified employees.

- **If an identified employee remains asymptomatic**, they should adhere to the practices set forth by the CDC in its April 8, 2020 [Interim Guidance for Implementing Safety Practice for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19](#). These CDC practices include checking the

employee's temperature before entering the worksite, monitoring the employee, maintaining 6 feet social distancing, and cleaning and disinfecting work areas.

- **If an identified employee becomes sick during the workday**, they should be sent home immediately and the employee's workspaces should be cleaned and disinfected. Employees should be identified who had contact with the ill employee during the time the employee had symptoms and 48 hours prior to the symptoms. Other individuals in the workplace who had close contact with the employee would be considered exposed.
- Promptly notify employees who had close contact of any known exposure to COVID-19 at the business premises, consistent with applicable confidentiality laws.
- Businesses must have enough employees to perform these protocols effectively and timely.

3. **What does the order require with respect to monitoring employees generally if a business learns of a probable or confirmed case of COVID-19?**

- Implement temperature screening before employees enter the business, prior to the start of each shift, or, for employees who do not work shifts, before the employee starts work. Make sure that employees practice social distancing while waiting to have their temperature taken. Additionally, send home any employees who have an elevated temperature of 100.4 degrees or higher.
- Instruct employees who have symptoms of COVID-19 (i.e., fever, cough, or shortness of breath) to stay home.
- Sick employees should not return to work until the CDC criteria to discontinue home isolation are met, in consultation with their healthcare provider and state and local health departments. Employers are encouraged to implement liberal paid time off for employees who must stay home.

4. **What is a "probable" case of COVID-19?** The order does not specify what is a "probable" case of COVID-19. However, guidance from the Centers for Disease Control and Prevention with respect to reporting "probable" cases of COVID-19 defines probable cases as those that anecdotally match the symptoms of COVID-19, but lacking an actual test confirming a COVID-19 diagnosis.

5. **Does the order exclude any businesses?** The order does not apply to healthcare providers. Additionally, because the order applies to "businesses," it is not clear whether the order is intended to apply to local governments, public schools, or other entities not commonly considered to be a business.

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This is a rapidly evolving situation from both a legal and public health standpoint. Because guidance from Harrisburg changes frequently, you should always check to make sure you are aware of the most recent guidance. Wisler Pearlstine is committed to providing up to date, practical legal advice on how to manage the legal implications of the evolving landscape of the COVID-19 pandemic.

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