

Coronavirus and Arizona Employers: Keep Calm, and Sanitize On

Are you (or your employees) anxious about the “Coronavirus?” Take heart; dealing with the situation in a responsible and legal manner is not that difficult.

CDC Recommendations

The federal Centers for Disease Control and Prevention have publicized some straightforward, common sense recommendations for employers to reduce the spread of the virus and to deal with personnel who may be ill.

<https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-business-response.html>

The first steps are very simple: think tissues, hand sanitizer, hand washing, and disposable wipes, and then encourage employees to use those items frequently to keep hands and surfaces clean.

If any employee actually starts displaying symptoms of the virus (such as fever, coughing, and/or shortness of breath), the CDC recommends directing the employee to “stay home and not come to work” until they are free of any symptoms for at least 24 hours without the use of any medication (such as fever reducers or cough suppressants).

The CDC also recommends that any individual who has traveled to any “Level 3” destination (currently China, Italy, South Korea, and Iran) should “stay home for 14 days” after returning to the United States.”

In this day and age, of course, sending an employee home does not necessarily mean that he or she cannot work. Employers whose operations are suited to telecommuting or other remote work arrangements certainly may implement such steps with employees who are sent home due to Coronavirus symptoms.

ADA Issues

The federal Equal Employment Opportunity Commission has stated expressly that the Americans with Disabilities Act “does not interfere with or prevent employers from following the guidelines and suggestions made by the CDC about steps employers should take regarding the Coronavirus.”



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The EEOC does point out that the ADA still applies to confidentiality of individual employee medical information; any such information must be maintained on “separate forms” and in “separate medical files,” and must be “treated as a confidential medical record.”

Paid Time Off?

If the employer tells an employee who is displaying symptoms to “stay home and not come to work” (and the employee is not telecommuting), is the employer required to pay that employee for his or her time off?

All employees in Arizona are eligible to accrue certain Paid Sick Time under Proposition 206. An employee who is sent home after displaying symptoms of the Coronavirus (and who is not telecommuting) should be permitted to use whatever Paid Sick Time he or she has accrued at that time.

If the employee is eligible for any other paid time off under any other policy that the employer might have in place (vacation, etc.), the employer should strongly consider permitting the employee to use that policy to cover his or her time at home.

If the employee does not have any Paid Sick Time or any other paid time off available, the employer ordinarily is not required to pay for an absence due to illness. The Fair Labor Standards Act does not mandate that employers pay hourly workers for time off from work due to illness. And the FLSA allows employers to take deductions from salaried personnel for absences of a day or more.

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We encourage employers who have specific questions about the Coronavirus (or any employment law topics) to contact Don Johnsen at (602) 530?8437 or dpj@gknet.com.