The Do’s and Don’ts of COVID-19
Medical and Legal Experts Weigh in on Business Operational Responses to COVID-19

Tuesday, Oct. 27 | 10 - 11 a.m. | Virtual

FEATURING:
- Dr. Ben Wilson, Family Health Center
- Teresa Schiller, Beard Kultgen Brophy Bostwick & Dickson, PLLC

RSVP at wacochamber.com

This free event is made possible through a partnership with:
City Center Waco | Cen-Tex African American Chamber
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McLennan County | StartUp Waco | Waco Business League
Agenda

1. Preparing the Workplace
2. The Sick Employee
3. Close Contacts
4. Caregivers
5. Intra-organizational Contact Tracing
6. Q&A
Dr. Ben Wilson

• Associate Chief Medical Officer and COVID-19 response coordinator, Waco Family Health Center
• Member of the Mayor’s Health Response Team for the City of Waco
• Contributor to the "Reopening" guidance for employers on covidwaco.com
• Panelist for the Mayor's weekly COVID-19 press conferences
• Board Member, McLennan County Medical Society
• Residency in Internal Medicine, Scott & White Memorial Hospital, Temple, TX
• M.D., University of Texas Health Science Center - San Antonio
• B.S., Texas A&M University
Teresa Schiller

Teresa practices business and employment law at Beard Kultgen in downtown Waco. She is an experienced public speaker and writer. (Recent legal articles are available here: https://thetexasfirm.com/attorneys/teresa-schiller/.) Teresa is chair of the State Bar of Texas Women and the Law Section. She formerly practiced law in New York City. Teresa clerked for a federal district judge in Chicago and a federal appellate judge in Wilmington, Delaware. A native Texan, she grew up in Brenham and now lives in West.
Preparing the Workplace

Medical Perspective
General Information

• Masks and hand hygiene – something everyone can do
• Resources
  • Covidwaco.com → “Reopening” tab
  • CDC Guidance for Businesses and Workplaces
    • Engineering Controls (plexiglass)
    • Disinfection of surfaces
    • Symptom and temperature screening
• Definitions
  • Isolation – COVID positive person
  • Quarantine – close contact
Preparing the Workplace

Legal Perspective
Preparing the Workplace

1. Do have a health and safety policy.
2. Do consider DSHS protocols.
3. Don’t forget about wage and hour laws.
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FLSA
FAIR LABOR STANDARDS ACT
The Sick Employee

Does my employee need to be off work while test is pending?

• Has symptoms?  Yes
• Is a close contact of someone with known COVID-19? Yes
  **Potential exception for essential/critical workers
• Neither has symptoms nor is a close contact? No

CDC Guidance For Critical Workers
FFCRA
The Sick Employee

Return To Work

• Contagious period - 10 day / 1 day isolation
  • 10 days post symptom onset
  • 1 day (24 hours) fever-free
  • 1 day (24 hours) of other symptoms (not fever) improving at least somewhat

• No longer contagious but prolonged symptoms - employee may request extended time off if their symptoms are still debilitating enough to where they’re unable to work.

CDC Return to Work Guidance COVID Positive Case
The Sick Employee
Return To Work

• Test prior to return? **No**
• Work excuse
  • One work excuse is enough if armed with the 10 day / 1 day criteria.
    *FMLA
• [DSHS Letter to Employers](#)
The Sick Employee

Legal Perspective
The Sick Employee

4. Do grant required leave for sick employees.
5. Don’t discriminate.
6. Do grant reasonable accommodations.
The Sick Employee

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6. Do grant reasonable accommodations.
FMLA
Family and Medical Leave Act
LEAVE OF ABSENCE
The Sick Employee

4. Do grant required leave for sick employees.
5. Don’t discriminate.
6. Do grant reasonable accommodations.
DISCRIMINATION
The Sick Employee

4. Do grant required leave for sick employees.
5. Don’t discriminate.
6. Do grant reasonable accommodations.
Close Contacts
Medical Perspective
Close Contact
Definition – Two requirements

• Proximity – ANY of the following qualify
  • Within 6 feet for > 15 minutes
  • Direct exposure to secretions/droplets
  • Direct physical contact
  • Household member

• Timing
  • During the COVID positive person’s contagious period (10 day / 1 day isolation period) OR
  • During the 48 hours prior to COVID positive person’s symptom onset

CDC Return To Work Guidance Close Contacts
Close Contact
14 day quarantine

• 14 day quarantine from last close contact with COVID positive person as long as COVID positive person was contagious at the time (10 day / 1 day period)

CDC Return To Work Guidance Close Contacts
## Close Contact

14 day quarantine – Scenario 1, 2, 3, 4

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</table>

**Last day of quarantine**

 CDC Return To Work Guidance Close Contacts
Close Contact
14 day quarantine – “what ifs”

• COVID-like symptoms during 14 day quarantine?
  • Yes
    – Send for test
    – Test positive? 14 day quarantine cancels and 10 day / 1 day begins.
  • No
    – Testing at least once during the 14 day quarantine is recommended.
    – A negative test during a 14 day quarantine should never be used to cut the quarantine short.
    – Testing at end of 14 day quarantine as a condition of return to work is not recommended.

CDC Return To Work Guidance Close Contacts
Close Contact
Critical Workers

• Some contacts are permitted to work through the quarantine.
  • FFCRA - Questions 52-57
  • CDC Guidance For Critical Workers
Close Contacts

Legal Perspective
Employees Who Are Close Contacts

7. Do grant required leave to close contacts.
Caregivers

Medical Perspective
Caregivers

• Caring for someone with COVID or is a close contact

• Person A has exposure to Person B who is close contact of a COVID positive person (Person C).
  • Person A – no need to quarantine unless a caregiver
Caregivers

Legal Perspective
Caregivers

8. Do grant required leave to caregivers.
FFCRA
Families First Coronavirus Response Act
Intra-organizational Contact Tracing

Medical Perspective
Intra-organizational Contact Tracing

• McLennan County Health Department (HD) - employers *can* do contact tracing among their employees.

• HD reporting line - 254-750-5411
  • Report both COVID cases and close contacts.

• Use criteria for “close contact” above.

*CDC Guidance for Contact Tracing in Businesses*
Intra-organizational Contact Tracing

Legal Perspective
Intra-organizational Contact Tracing

Shhh...
Q&A
Resources

- Covidwaco.com → “Reopening” tab → “For All Employers and Event Organizers”, “Returning to Work FAQ”.
- DSHS Letter to Employers
- CDC Guidance for Businesses and Workplaces
- CDC Return to Work Guidance COVID Positive Case
- CDC Return To Work Guidance Close Contacts
- CDC Guidance For Critical Workers
- CDC Guidance for Contact Tracing in Businesses
- FFCRA
- FFCRA FAQ