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COVID-19 Response Kit

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Editor's Note: We have received a high volume of calls from clients in various industries regarding a wide variety of labor and employment issues that have arisen as a result of the COVID-19 crisis. One topic of particular interest is how to respond if an employee tests positive for or is symptomatic of COVID-19, or is exposed to someone who has tested positive or is symptomatic. In response to these inquiries, we have developed this "COVID-19 Response Kit" to provide guidance for employers. As you will see, this Response Kit includes a sample employer policy, management guidelines, and sample employee letters to use in notifying employees of certain developments. Also included is some of the latest CDC Guidance on these topics. As you review these materials, please keep in mind the following:

- These materials do not constitute legal advice. Also, applicable laws can vary significantly based on geographic location. In using these materials and ultimately developing policies and practices that are appropriate to your circumstances, you are strongly advised to seek the assistance of legal counsel before implementing any actions based on these materials.
- These materials are drafted to include a requirement that all employees (as well as other persons who enter the employer's premises) use an appropriate face covering (covering the nose and mouth) at all times while working where medically tolerable. To date, this requirement has been established in several states and localities, but not all.
- These materials are provided to you as a starting point; you are encouraged to personalize the materials as you deem appropriate to fit the circumstances at your work place, and to transition these materials to your Dealership stationary or letterhead. Once personalized by you, we would be happy to review any modifications and provide feedback before the materials are finalized.
- These materials are limited in scope. As noted above, these materials address the question of how to respond if an employee tests positive for or is symptomatic of COVID-19, or is exposed to someone who has tested positive or is symptomatic. There are numerous other COVID-related issues that we have addressed separately, including use of paid time off to cover absences related to COVID; worker eligibility for paid sick leave benefits under the recent federal legislation; implementing reduced work schedules for certain employees; **travel to COVID "hot spots"**; and related unemployment compensation issues, among others. Also, these materials do not address COVID-related issues that may arise under union collective bargaining agreements that may be in effect covering some of your operations. For further information on all of these topics, please visit our website at www.littler.com . If you can't find the answer there, we welcome your questions on any or all of these issues at any time.

We hope that you find these materials useful. As always, if we can provide any assistance on these or any other COVID-related issue, please feel free to contact us directly. In the meantime, stay safe and stay healthy!

Littler Mendelson, P.C.

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Sample Action Plan; For Distribution to All Employees

COVID-19 EXPOSURE ACTION PLAN

We take the health and safety of our employees very seriously and want to assure you that we are continuing to monitor all available guidance on the Coronavirus pandemic from the U.S. Center for Disease Control and Prevention (CDC) and the Occupational Safety and Health Administration (OSHA). Consistent with the directives of CDC, OSHA and other organizations, we have implemented the following Exposure Action Plan (Plan) to minimize COVID-19 exposure for our employees while at work, and to safeguard our operations. We know that the scientific community's understanding of COVID-19 is constantly evolving. This Plan is based on currently available information from the CDC and OSHA, and is subject to change based on further information provided by the CDC, OSHA, and other public officials, as well as operational needs. We very much appreciate your anticipated support on all of the elements of this Plan.

Protecting Yourself

Please familiarize yourself with the **symptoms** of the virus: **coughing; fever; chills; body aches; loss of sense of taste or smell; sneezing; runny nose; shortness of breath or difficulty breathing; extreme fatigue; diarrhea; nausea/vomiting; or sore throat.** If you develop any of these symptoms, please do not come to work, and contact your health-care provider immediately. Likewise, if you come into close contact with someone showing these symptoms, please contact your health-care provider immediately. **Also, please note: this list of COVID symptoms is intended to refer to new/unexplained symptoms, and not unrelated chronic symptoms. For example, a cough due to seasonal allergies would not be considered a COVID-19 symptom.**

OSHA and the CDC have provided the following control and preventative guidance to all workers and employers, regardless of exposure risk:

- Frequently wash your hands with soap and water for at least 20 seconds. When soap and running water are unavailable, use an alcohol-based hand rub with at least 60% alcohol. Always wash hands that are visibly soiled.
- Avoid touching your eyes, nose, or mouth with unwashed hands.
- Follow appropriate respiratory etiquette which includes covering for coughs and sneezes into the sleeve or elbow (not hands).
- Avoid close contact with people who are sick or do not live in your household.
- Practice social distancing at all time, maintaining at least six feet of space between you and others.
- **Cover your nose and mouth with a mask or face covering in public settings and when around people who do not live in your household. NOTE: wearing a mask is not a substitute for social distancing and you should continue to keep 6 feet between yourself and others even when wearing a mask.**

Precautions at Work

We are asking every one of our employees to help with our prevention efforts while at work. In order to minimize the spread of COVID-19 in the work place, the Dealership has instituted the following practices:

- The Dealership requires the use of an appropriate face covering (covering the nose and mouth) by all employees who are able to tolerate such a face covering, as well as other individuals who enter Dealership property. The Dealership will provide face coverings to all employees at no charge. **Please Note:** the CDC has highlighted that employees should *not* wear a face covering with a one-way valve or vent (including some N95 and KN95 filtering face pieces) that allows exhaled air to be expelled out through holes in the material because the valve/vent can allow exhaled aerosols to reach others and potentially spread COVID-19. Accordingly, unless required for a medical reason, the Dealership will not offer, or permit, employees to wear face coverings with one-way valves or vents.
- The Dealership will ensure an adequate supply of soap, single-use paper towels, tissues, trash receptacles, alcohol-based hand sanitizers and/or wipes.
- The Dealership has instituted more rigorous housekeeping practices regarding frequently touched surfaces, equipment, and other areas of the work environment, including doorknobs, light switches, shared equipment, toilet handles, sink faucets, and clock in/out areas. All employees should adhere to these housekeeping practices on a regular basis in your assigned work areas. The Dealership is also prepared to conduct further deep cleaning and disinfecting procedures where circumstances warrant.
- Employees should limit the use of coworkers' workstations, computers, phones, desks, offices, tools, or equipment as much as possible.
- Employees should maintain appropriate social distancing (i.e., maintain at least six feet between you and your coworkers or other persons) at all times.
- If practicable, in an effort to increase physical/social distancing, the Dealership will institute measures to permit for flexible work arrangements (e.g., telecommuting) and hours (e.g., staggered shifts).

Exposure Response

The Dealership urges employees who are exhibiting COVID-19 symptoms or who test positive for COVID-19 to stay at home, seek immediate medical attention, and promptly notify the Dealership so that appropriate action can be taken. Note: the loss of taste and smell may persist for weeks or months after recovery and need not delay the end of isolation or quarantine.

The Dealership has planned specific actions in response to several different scenarios, including the following:

- **Employee Exhibiting COVID-19 Symptoms But Has Not Been Tested**

As directed by CDC and other available guidance, if an employee exhibits COVID-19 symptoms, the employee must remain at home until 10 days have passed since symptoms first appeared **and** he or she has been fever free for a continuous 24-hour period without the use of fever-reducing or other symptom-altering medicines (e.g., cough suppressants) and there has been improvement in other symptoms (e.g., cough, shortness of breath).

The Dealership will similarly require an employee who reports to work with COVID-19 symptoms to return home and remain there until he or she is symptom free for 10 days **and** he or she has been fever free for a continuous 24-hour period without the use of fever-reducing or other symptom-altering medicines (e.g., cough suppressants) **and** there has been improvement in other symptoms (e.g., cough, shortness of

breath). To the extent practical, such employees will be expected to obtain a release to return to work from their health care provider. In any event, employees will be required to complete a Self-Certification Form attesting to the above prior to returning to work.

- **Employee Tests Positive for COVID-19**

As directed by CDC and other available guidance, employees who test positive for COVID-19 must remain at home until:

- *If asymptomatic:*

At least 10 days have passed since the date of his/her first positive test, **and** the employee has not had a subsequent illness or symptoms,

- *If experienced symptoms:*

At least 10 days have passed since symptoms first appeared, **and** he or she has been fever free for a continuous 24-hour period without the use of fever-reducing or other symptom-altering medicines (e.g., cough suppressants) **and** there has been improvement in other symptoms (e.g., cough, shortness of breath).

To the extent practical, employees will be expected to obtain a release to return to work from their health care provider. In any event, employees will be required to complete a Self-Certification Form attesting to the above prior to returning to work.

If the Dealership learns that an employee has tested-positive, the Dealership will conduct an investigation in order to identify coworkers who may have had close and direct contact with the confirmed-positive employee during the period starting 2 days prior to the onset of the illness (or, for asymptomatic employees, 2 days prior to the positive test) and ending at the time that the employee is isolated or quarantined. Close contact is defined as being within 6 feet of an infected person for at least 15 minutes, physical contact with such a person (hug or kiss them), using shared eating or drinking utensils, and sneezing or coughing on you. As directed by CDC and other available guidance, the Dealership will then direct those individuals to self-quarantine for 14 days from the last date of close contact with the carrier. Employees who self-quarantine will be required to complete a Self-Certification Form attesting to the absence of COVID-19 symptoms prior to returning to work.

- **Employee Has Had Close Contact with an Individual Who Has Tested Positive for COVID-19**

If an employee learns that he or she has come into close contact with a confirmed-positive individual outside of the workplace (family member, health care provider, friend, etc.), he or she must promptly alert Human Resources. As directed by CDC and other available guidance, such employees will be directed to stay at home and self-quarantine for a period of 14 days from the last date of close contact with the carrier. Close contact is defined as being within 6 feet of an infected person for at least 15 minutes, physical contact with such a person (hug or kiss them), using shared eating or drinking utensils, and sneezing or coughing on you. In any event, employees will be required to complete a Self-Certification Form attesting to their condition prior to returning to work. If the employee subsequently develops symptoms or tests positive for COVID-19, then the above procedures will be followed.

Cleaning and Disinfecting

As described above, the Dealership has instituted more rigorous housekeeping practices, which includes cleaning and disinfecting frequently touched surfaces, equipment, and other elements of the work environment, including doorknobs, light switches, shared equipment, toilet handles, sink faucets, and clock in/out areas. As directed by CDC and other available guidance, where it is determined that an employee has tested positive for COVID-19 and has been in the workplace in the 14 days preceding his or her positive test, the Dealership will initiate much deeper cleaning and disinfecting procedures that are conducted in compliance with detailed CDC guidance. Further information will be provided in these circumstances.

We're In This Together

The Dealership takes the health and safety of our employees very seriously and we want to assure you that we are continuing to monitor all available guidance and information to maintain safety in our work place. We deeply appreciate your patience and support during this difficult period, and we are committed to providing as much support as we possibly can to you and your families. If you have any questions regarding any of this, please contact your manager or supervisor, or Human Resources. Most important of all, stay safe, and stay healthy!

Sample Guide for Management Use Only; Not For Distribution to All Employees

RESPONDING TO COVID-19 EXPOSURE: A GUIDE FOR MANAGEMENT

PREVENTIVE PRACTICES

If not already in place, the Dealership will promptly institute the following precautions to prevent the spread of COVID-19 in the workplace:

- The Dealership will require the use of an appropriate face covering (covering the nose and mouth) by all employees who are able to tolerate such a face covering, as well as other individuals who enter Dealership property. The Dealership will provide face coverings to all employees at no charge.
- The Dealership will ensure an adequate supply of soap, single-use paper towels tissues, trash receptacles, alcohol-based hand sanitizers and/or wipes.
- The Dealership will institute regular housekeeping practices, which includes cleaning and disinfecting frequently touched surfaces, equipment, and other elements of the work environment, including doorknobs, light switches, shared equipment, toilet handles, sink faucets, and clock in/out areas. Employees should regularly do the same in assigned work areas.
- All personnel should limit the sharing of workstations, computers, phones, desks, offices, tools, or equipment as much as possible. The Dealership will consider instituting split shifts or other adjustments that can reduce direct contact between employees.
- All personnel must practice social distancing at all times, maintaining at least six feet of space between you and others to the extent job duties permit. **NOTE: wearing a mask is not a substitute for social distancing and all personnel should continue to practice social distancing as permitted by job duties even when wearing a mask.**

Further information regarding recommended preventive practices is provided in the attached CDC guidance. **(CDC Guidance attached).**

FACE COVERINGS

According to the CDC, the use of face coverings may slow the spread of COVID-19 by helping to prevent asymptomatic people from unknowingly transmitting the virus. In addition, face coverings are required state-wide under the Governor's Executive Order, as well as by a number of municipalities by local ordinances.

A face covering is not PPE, and must not be confused with a filtering face-piece respirator ("FFR") (e.g., N95). The CDC has highlighted that employees should *not* wear a covering with a one-way valve or vent (including some N95 and KN95 filtering face pieces) that allows exhaled air to be expelled out through holes in the material because the valve/vent can allow exhaled aerosols to reach others and potentially spread COVID-19. Such masks protect the wearer, but do not protect others. Accordingly, unless required for a medical reason, the Dealership will not offer, or permit, employees to wear face coverings with one-way valves or vents. Pursuant to OSHA regulations, employees who choose to voluntarily wear an acceptable FFR without an exhalation valve must read and complete a voluntary use notice.

The use of face coverings is an additional measure that the Dealership is taking to limit exposure in the workplace – it is not a substitute for social distancing, personal hygiene, and additional cleaning protocols. The Dealership must ensure that it maintains an adequate supply of face coverings when requiring use in the workplace. Additionally, the Dealership must discipline employees who fail to adhere to the face covering rules.

A. Appropriate Coverings

A face covering is a cloth, bandana, or other type of material that covers a person’s nose and mouth. The CDC lists five criteria for “cloth face coverings,” which should:

1. Fit snugly but comfortably against the side of the face;
2. Be secured with ties or ear loops;
3. Allow for breathing without restriction;
4. Include multiple layers of fabric;
5. Be able to be laundered and machine-dried without damage or change to shape.

If the Dealership chooses to use disposable face coverings, items 1-3 apply. Similarly, if the Dealership permits employees to use their own face coverings, such use must fit within the face covering rules.

B. Additional Considerations

1. Accommodations

An employee must not wear a face covering if doing so will adversely affect his or her health. If an employee requests an accommodation, the Dealership must engage the employee in the interactive process regarding the requested accommodation. The Dealership may ask questions or request medical documentation to determine whether the employee has a “disability” as defined by the ADA (a physical or mental impairment that substantially limits a major life activity, or a history of a substantially limiting impairment) regarding the requested accommodation.

2. Safety

Employees must not wear a face covering if doing so will inhibit job functions. Supervisors must determine which job functions can and cannot be performed while wearing a face covering.

EXPOSURE SCENARIOS

1. Employee discloses or presents at work with symptoms of COVID-19 (with no test results)

- COVID-19 symptoms include : **coughing; fever; chills; body aches; loss of sense of taste or smell; sneezing; runny nose; shortness of breath or difficulty breathing; extreme fatigue; diarrhea; nausea/vomiting; or sore throat.** This list of COVID-symptoms is intended to refer to new/unexplained symptoms and not chronic symptoms. For example, a cough due to seasonal allergies would not be a COVID-19 symptom.
- Direct the employee to obtain medical assistance and remain at home until 10 days have passed since symptoms first appeared and he/she is fever free for a continuous 24-hour period without

using fever-reducing or other symptom-altering medicines (e.g., cough suppressants) **and** there has been improvement in other symptoms (e.g., cough, shortness of breath).

- Should the employee take a COVID-19 test, direct the employee to promptly advise you if he or she obtains a test, and the test results. To the extent possible, maintain continuous communication with the employee to monitor status.
- Based on updated guidance from the CDC, employees should not be returned to work based solely on a negative COVID-19 test result. The CDC no longer endorses test based decisions and suggests that a symptom-based strategy should be used to discontinue quarantine. CDC data shows that a person who had and recovered from COVID-19 may continue to have a positive test result for up to 3 months after diagnosis, even though they are not spreading COVID-19. If the Dealership wants to return an employee sooner than the time period described above, the employee would need to obtain two consecutive negative test results taken more than 24 hours apart.
- Request that the employee obtain a note and/or fitness for duty form from a health care provider releasing the employee to return to work (but do not require as it may not be feasible due to extremely high demand for assistance from health care providers).
- Not required to alert or self-quarantine any other employees.
- Not required to clean and disinfect the job site.

2. Employee tests positive for COVID-19

- Employees who test positive must remain out of the work place (at home or in a medical facility) in self-quarantine until:
 - *If asymptomatic:*
 - At least 10 days have passed since the date of his/her first positive test, **and** the employee has not had a subsequent illness or symptoms,
 - *If experienced symptoms:*
 - At least 10 days have passed since symptoms first appeared, **and** he or she has been fever free for a continuous 24-hour period without the use of fever-reducing or other symptom-altering medicines (e.g., cough suppressants) **and** there has been improvement in other symptoms (e.g., cough, shortness of breath).
- Upon learning that an employee has tested positive, promptly conduct an analysis to identify other employees who have had **close** or **direct** contact with the confirmed-positive employee during the period starting from 2 days prior to the onset of the illness (or, for asymptomatic employees, 2 days prior to the positive test) and ending at the time that the employee is isolated or quarantined. If possible, talk directly with the confirmed-positive employee to assist in this analysis to identify the employees with whom he or she has had close contact, and also to identify the work areas that were accessed by the confirmed-positive employee during the period starting from 2 days prior to the onset of the illness (or, for asymptomatic employees, 2 days prior to the positive test) and ending at the time that the employee is isolated or quarantined.
 - **Close or direct** is contact is within 6 feet for at least 15 minutes, physical contact with such a person (hug or kiss them), using shared eating or drinking utensils, and sneezing or coughing on you; walking past someone in the hallway is not close contact.
- Alert those employees who have had close or direct contact with the confirmed-positive employee (during the period starting from 2 days prior to the onset of the illness (or, for asymptomatic employees, 2 days prior to the positive test) and ending at the time that the employee is isolated or quarantined, and direct those employees to self-quarantine for 14 days

from the last close or direct contact with the confirmed-positive case. *(see sample template letter #1 attached)*

- Do not disclose the identity of the confirmed-positive employees to others.
- Encourage those potentially exposed employees to seek medical care and a COVID-19 test, especially if exhibiting symptoms.
- The only time an employee will not need to self-quarantine after close contact with a confirmed positive employee is if that employee has: (1) previously been diagnosed with COVID-19 within the previous three months; (2) has recovered from COVID-19; and (3) remains asymptomatic.
- Although there is no obligation to do so, you may also wish to alert other employees that a coworker has tested positive. In this world of texting and twitter, word is very likely to get out, and you may want to frame your own message to your employees. *(see sample template letter #2 attached)*
- **Clean** and **disinfect** the areas of the workplace that have been accessed by the confirmed-positive employee over the past 14 days. *(See clean and disinfection section below)*.
- Contact local health department and request guidance on any recommendations or requirements that the local health department has for an employers that experience a confirmed-employee diagnosis.

3. Employee reports that he/she has been in close or direct contact with a confirmed-positive COVID-19 individual outside of the work place

- This applies to any contact an employee might have had with any confirmed-positive person (i.e., family member, doctor, friend, etc.).
- Direct the employee to self-quarantine for 14 days from the last **close** or **direct** contact with confirmed-positive person. Encourage the employee to seek medical care and test, especially if exhibiting symptoms.
- Unless this employee later tests positive or develops symptoms, it is not required to alert or self-quarantine any other employees, nor is it necessary to clean and disinfect the work place beyond usual cleaning. If this employee does present at work with symptoms or tests positive, follow the steps detailed in #1 and #2 above.

4. Employee reports that he/she has been in close or direct contact with a suspected COVID-19 individual

- There is no need to self-quarantine an employee for close contact with a “suspected” COVID-19 individual.
- If the “suspected” COVID-19 individual later presents with symptoms or tests positive, follow steps detailed in #1 and #2 above.

5. Employee is fearful to report to work but has no symptoms and no exposure to others with symptoms

- If the above “Preventive Practices” are instituted, and an employee refuses to report to work out of fear, the Dealership should engage with the employee to determine if the Dealership can provide additional protective measures or equipment that would address the employee’s concerns.

- If the employee continues to refuse to come to work even with additional precautionary measures, the Dealership should offer the employee the option to utilize available paid time off. If no paid time off is available, it is recommended that the Dealership permit the employee to remain on unpaid leave status for a reasonable period until the anxiety dissipates.
- There may be situations where an employee discloses information sufficient to raise a questions as to whether he or she is within a high-risk group (e.g., over 60 with a exposing condition such as asthma), or has a disability or a perceived disability under the ADA or under similar state or local laws (such as, for example, serious hypochondriasis). In this situation, the Dealership may be required to engage in the interactive process to determine if the employee needs an accommodation. If this situation arises, the Dealership should follow their leave and accommodation policies and ensure compliance with federal/state/local law.

CLEANING AND DISINFECTING PROCEDURES

As noted above under “Preventive Practices,” the Dealership has instituted more rigorous housekeeping practices, which includes cleaning and disinfecting frequently used surfaces, equipment, and other work areas. The Dealership will also provide employees disposable wipes and encourage employees to do the same in assigned work areas. If the Dealership experiences any scenario detailed above which requires more vigorous **cleaning** and **disinfecting** procedures, those procedures are detailed in the attached CDC Guidance. A summary of those procedures is set forth below:

- If practical, prior to cleaning, open outside doors and windows to increase air circulation in the area. If possible, wait up to 24 hours before beginning cleaning and disinfecting.
- Cleaning staff should clean and disinfect all areas that were accessed by the person in question (e.g., offices, bathrooms, and common areas), focusing especially on frequently touched surfaces.
- Ensure that cleaning staff has the appropriate PPE. PPE does not include respirators, but does include disposable gloves and gowns for all tasks, including handling trash.
- How to clean:
 - Gloves and gowns should be compatible with the disinfectant products being used.
 - Additional PPE might be required based on the cleaning/disinfectant products being used and whether there is a risk of splash.
 - Gloves and gowns should be removed carefully to avoid contamination of the wearer and the surrounding area. Be sure to thoroughly wash hands after removing gloves.
 - After cleaning a room or area, gowns should be removed while gloves are still on, then gloves should be removed and hands must be cleaned immediately after gloves are removed.
 - Cleaning staff should immediately report any breaches in PPE (e.g., tear in gloves) or any potential exposures to their supervisor.
- In order for the Dealership to perform CDC recommended cleaning in-house (i.e., follow the above-steps), the Dealership should: (1) develop policies for worker protection; (2) provide training to all cleaning staff on site prior to commencing cleaning tasks; (3) training should include when to use PPE, what PPE is necessary, how to properly don (put on), use, and doff (take off) PPE, how to properly maintain PPE, and how to properly dispose of PPE.
- If the Dealership cannot perform cleaning and disinfecting in-house, it should use an outside cleaning or haz-mat contractor to perform these duties. Note that demand for these services is currently extremely high, so services may be significantly delayed.

RETURN TO WORK PROCEDURES

1. Employee was symptomatic but not confirmed with COVID-19

- The employee must remain at home until 10 days have passed since symptoms first appeared **and** he or she is fever free for a continuous 24-hour period without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants) **and** the improvement of other symptoms (e.g., cough, shortness of breath).
- Require employee to complete a Self-Certification Form attesting to the above prior to returning to work. ***(see sample Self-Certification Form – Symptoms (no test) attached)***
- You can request that employee obtain a note and/or fitness for duty form from a health care provider releasing the employee to return to work (but do not require as it may not be feasible due to extremely high demand for assistance from health care providers).

2. Employee was directed to self-quarantine because of close contact with confirmed COVID-19 individual but does not test positive

- Employees must remain at home for 14 days from last close or direct contact with confirmed-positive individual, and may return to work after the quarantine period if no symptoms are experienced during self-quarantine.
- Require employee to complete a Self-Certification Form attesting to the above prior to returning to work. ***(see sample Self-Certification Form – Self Quarantine – No Symptoms attached)***
- You can request that employee obtain a note and/or fitness for duty form from a health care provider releasing the employee to return to work (but do not require as it may not be feasible due to extremely high demand for assistance from health care providers).

3. Employee tested positive

- CDC guidelines currently suggest that an employee who tests positive should not return to work until:
 - *If asymptomatic:*
 - At least 10 days have passed since the date of his/her first positive test, **and** the employee has not had a subsequent illness or symptoms,
 - *If experienced symptoms:*
 - At least 10 days have passed since symptoms first appeared, **and** he or she has been fever free for a continuous 24-hour period without the use of fever-reducing or other symptom-altering medicines (e.g., cough suppressants) **and** there has been improvement in other symptoms (e.g., cough, shortness of breath).
- Require employee to complete a Self-Certification Form attesting to the above prior to returning to work. ***(see sample Self-Certification Forms – Positive Test (Symptomatic) and Positive Test (Asymptomatic) attached)***
- You can request that employee obtain a note and/or fitness for duty form from a health care provider releasing the employee to return to work (but may not be feasible due to extremely high demand for assistance from health care providers).

OSHA Recording/Reporting Obligations

A. When to Record a COVID-19 in the 300 Log

Record the case on your OSHA 300 log if: (1) the case is a tested-positive confirmed case of COVID-19; (2) the case is work-related (see below for more information); and (3) the case involves death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, loss of consciousness, and/or a significant injury or illness diagnosed by a physician or other licensed healthcare professional.

Under current OSHA standards, the Dealership is not required to record a positive case of COVID-19 unless there is objective evidence that the COVID-19 case is work-related (objective evidence would include, for example, a number of cases developing among workers who work closely together without an alternative explanation); **AND** the evidence was reasonably available to the employer (meaning, for example, information was given to you by employees or you could have learned this information about your employees' health and safety in the ordinary course of managing your business and employees).

B. Investigating COVID Incidents

Employers are not expected to undertake extensive medical inquiries, given privacy concerns and most employers' lack of medical expertise. However, in most circumstances, employers should complete the following steps when they learn that an employee has tested positive for COVID-19 which results in days away from work:

1. Ask the employee how they believe they contracted the illness;
2. Discuss with the employee, while respecting privacy concerns, the activities both inside and outside of work that may have led to the illness, and
3. Review the employee's work environment for potential COVID-19 exposure.

The review of the work environment will primarily be focused on other instances of workers who contracted COVID-19, and the circumstances surrounding those other cases. An employer's implementation and enforcement of steps to address the spread of COVID-19 in the workplace consistent with guidelines from the CDC and OSHA (including, for example, the use of face coverings, social distancing, and cleaning procedures) may also be a consideration in the employer's analysis of work-relatedness.

OSHA's updated guidance recognizes that an employer cannot know everything about a particular employee's exposure, and that a determination as to whether a COVID-19 case is work-related should be based on information reasonably available to the employer at the time it made the determination. If the employer later learns more information related to an employee's COVID-19 illness, however, OSHA may use that information to evaluate whether the employer made a reasonable work-relatedness determination.

C. When to Report a COVID-19 Case to OSHA

OSHA specifically recognizes that the difficulty of determining whether a COVID-19 illness is work-related and acknowledges that there is no formula for determining work-relatedness. With this in mind, OSHA

will look for certain types of evidence that weigh in favor of or against work-relatedness. OSHA's updated guidance provides that COVID-19 illnesses may be work-related when, for example:

- Several cases develop among workers who work closely together *and there is no alternative explanation*.
- It is contracted shortly after a *lengthy, close exposure* to a particular customer or coworker who has a confirmed case of COVID-19 *and there is no alternative explanation*.
- The employee's job duties include *frequent, close exposure to the general public* in a locality with ongoing community transmission *and there is no alternative explanation*.

On the other hand, OSHA provides that COVID-19 illnesses are likely NOT work-related when:

- The employee is the *only worker* to contract COVID-19 *in the vicinity* and the worker's job duties do not include having frequent contact with the general public, regardless of the rate of community spread.
- The employee, outside the workplace, closely and frequently associated with someone (*e.g.*, a family member, significant other, or close friend) who (1) has COVID-19; (2) is not a coworker; and (3) exposes the employee during the period in which the individual is likely infectious.

Further, OSHA will also give weight to evidence of causation from the employee, the employee's medical providers, and the public health authorities where that information is available. If, after making a reasonable inquiry under the factors outlined above, an employer cannot determine whether it is *more likely than not* that the COVID-19 case is work-related, then the employer does not need to record the illness.

If the Dealership determines that an employee with a confirmed case of COVID-19 is work-related per the above analysis, the Dealership must report the case to OSHA if it results in a fatality or an in-patient hospitalization of one or more employees.

If the fatality due to COVID-19 occurs after 30 days or more from the workplace incident leading to the illness, the Dealership is not required to report it.

Template Letter #1 – For Use if Employee Tests Positive for COVID-19: Letter to Employees Who Are Determined to Have Been in Close or Direct Contact With Confirmed-Positive Employee

DATE: [DATE]

TO: [CLOSE CONTACT EMPLOYEE]

FROM: [DEALERSHIP REP]

We have been informed by one of our [employees/customers/vendors/etc.] working at [SITE] that he/she has a confirmed case of COVID-19, commonly known as “Coronavirus,” based on test results obtained on or about [DATE]. As directed by CDC and other available guidance, this [employee/customer/vendor/etc.] has been directed to self-quarantine until permitted to return to work.

We are alerting you to this development because, based on the Dealership’s investigation, we believe that you may have come into close or direct contact with the confirmed-positive employee during the relevant period. As directed by CDC and other available guidance, we are directing you not to report to work (i.e., self-quarantine) for whatever remains of the 14 day period from your most recent close or direct contact with the confirmed-positive individual. In the interim, we encourage you to seek medical advice and a COVID-19 test, especially if you are exhibiting symptoms of the virus.

If you do not test positive for COVID-19 or experience symptoms within this 14 day period, you may return to work. However, please inform us immediately if you experience COVID-19 symptoms (such as fever, chills, body aches, cough, sneezing, runny nose, shortness of breath, diarrhea, nausea/vomiting, or sore throat), or if you test positive for COVID-19. We will then instruct you as to further procedures.

We are committed to providing a safe environment for all of our employees and top quality service to our customers. It is in the interest of those goals and an abundance of caution that we provide this information to you. Please note that we are also taking precautionary measures and will be requesting that the surrounding work area be thoroughly cleaned and disinfected.

We also want to take this opportunity to remind you that one of our core values as a Dealership is respect for and among our employees. We will treat information regarding the identity of employees with suspected or confirmed cases of COVID-19 as confidential to the greatest extent practicable, and will comply with all applicable laws regarding the handling of such information. Further, per Dealership policy, we will not tolerate harassment of, or discrimination or retaliation against, any employees at any time.

We are here to provide to you all of the assistance we possibly can during this difficult period. Please contact [DEALERSHIP CONTACT AWARE OF APPROPRIATE PROTOCOLS] at [PHONE NUMBER] if you have any questions or concerns. Also, for more information about COVID-19, please visit the CDC website at: <http://www.cdc.gov/coronavirus/2019-ncov/index.html> Thank you for your patience and understanding as we navigate these challenges circumstances together.

Template Letter #2 – For Use if Employee Tests Positive for COVID-19: Letter to Employees Who Are Not Determined to Have Been in Close or Direct Contact With Confirmed-Positive Employee

DATE: [DATE]

TO: [ALL EMPLOYEES OTHER THAN CLOSE CONTACT EMPLOYEES]

FROM: [DEALERSHIP REP]

We have been informed by one of our [employees/customers/vendors/etc.] working at [SITE] that he/she has a confirmed case of COVID-19, commonly known as “Coronavirus,” based on test results obtained on or about [DATE]. As directed by CDC and other available guidance, this [employee/customer/vendor/etc.] has been directed to self-quarantine until permitted to return to work.

We have conducted an investigation to identify employees who may have been in close or direct contact with this employee during the relevant period, and have separately notified those employees to stay at home in self quarantine for 14 days from their last close or direct contact with the affected employee. **You are receiving this letter because there is no information to suggest that you have been in close or direct contact with the positive-test employee during the past 14 days.** While we have no reason to specifically believe that there has been any particular risk of exposure to any of you who are receiving this letter, we wanted to make you aware of this situation so that you can take any action you believe to be appropriate.

If you develop or are experiencing any associated COVID-19 symptoms, you should seek a medical professional’s advice. COVID-19 symptoms include fever, chills, body aches, cough, sneezing, runny nose, shortness of breath, diarrhea, nausea/vomiting, or sore throat. If you experience such symptoms, or if you test positive for COVID-19, please also contact us immediately. We will then instruct you as to further procedures.

We are committed to providing a safe environment for all of our employees and top quality service to our customers. It is in the interest of those goals and an abundance of caution that we provide this information to you. **Again, please understand that we do not have any indication that any particular risk of exposure has been created for you.** Please note that we are also taking precautionary measures and will ensure that the surrounding work area be thoroughly cleaned and disinfected.

We also want to take this opportunity to remind you that one of our core values as a Dealership is respect for and among our employees. We will treat information regarding the identity of employees with suspected or confirmed cases of COVID-19 as confidential to the greatest extent practicable, and will comply with all applicable laws regarding the handling of such information. Further, per Dealership policy, we will not tolerate harassment of, or discrimination or retaliation against, any employees at any time.

We are here to provide to you all of the assistance we possibly can during this difficult period. Please contact [DEALERSHIP CONTACT AWARE OF APPROPRIATE PROTOCOLS] at [PHONE NUMBER] if you have any questions or concerns. Also, for more information about COVID-19, please visit the CDC website at: <http://www.cdc.gov/coronavirus/2019-ncov/index.html> Thank you for your patience and understanding as we navigate these challenges circumstances together.

[CDC Interim Guidance for Businesses and Employers to Plan and Respond to COVID-19 \(https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html \)](https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html)



Isolate If You Are Sick

Separate yourself from others if you have COVID-19

Updated July 26, 2020

[Print](#)

Isolation is used to separate people infected with SARS-CoV-2, the virus that causes COVID-19, from people who are not infected.

People who are in isolation should stay home until it's safe for them to be around others. In the home, anyone sick or infected should separate themselves from others by staying in a specific "sick room" or area and using a separate bathroom (if available).

Who needs to isolate?

People who have COVID-19

- People who have [symptoms of COVID-19](#) and are able to recover at home
- People who have no symptoms (are asymptomatic) but have tested positive for infection with SARS-CoV-2

Steps to take

Stay home except to get medical care

- Monitor your symptoms. If you have an [emergency warning sign](#) (including trouble breathing), seek emergency medical care immediately
- Stay in a separate room from other household members, if possible
- Use a separate bathroom, if possible
- Avoid contact with other members of the household and pets
- Don't share personal household items, like cups, towels, and utensils
- Wear a mask when around other people, if you are able to

[Learn more about what to do if you are sick.](#)

When you can be around others after you had or likely had COVID-19

When you can be around others (end home isolation) depends on different factors for different situations.

Find CDC's recommendations for your situation below.

I think or know I had COVID-19, and I had symptoms

You can be with others after

- At least 10 days since symptoms first appeared **and**
- At least 24 hours with no fever without fever-reducing medication **and**
- Symptoms have improved

If you had severe illness from COVID-19 (you were admitted to a hospital and needed oxygen), your healthcare provider may recommend that you stay in isolation for longer than 10 days after your symptoms first appeared (possibly up to 20 days) and you may need to finish your period of isolation at home. If testing is available in your community, your healthcare provider may recommend that you undergo repeat testing for COVID-19 to end your isolation earlier than would be done according to the criteria above. If so, you can be around others after you receive two negative tests results in a row, from tests done at least 24 hours apart.

I tested positive for COVID-19 but had no symptoms

If you continue to have no symptoms, you can be with others after:

- 10 days have passed since the date you had your positive test

If testing is available in your community, your healthcare provider may recommend that you undergo repeat testing for COVID-19 to end your isolation earlier than would be done according to the criteria above. If so, you can be around others after you receive two negative test results in a row, from tests done at least 24 hours apart.

If you develop symptoms after testing positive, follow the guidance above for "I think or know I had COVID, and I had symptoms."

I had COVID-19 or I tested positive for COVID-19 and I have a weakened immune system

If you have a [weakened immune system \(immunocompromised\)](#) due to a health condition or medication, you might need to stay home and isolate longer than 10 days. Talk to your healthcare provider for more information.

If testing is available in your community, your healthcare provider may recommend you undergo repeat testing for COVID-19. If your healthcare provider recommends testing, you can be with others after you receive two negative test results in a row, at least 24 hours apart.

Your doctor may work with an [infectious disease expert](#) at your local [health department](#) to determine when you can be around others.

Last Updated July 26, 2020

[This document must not be shared with anyone except employees authorized to receive the information, must be filed separately from any personnel files, and may be accessed by the COVID-19 Human Resources and Safety Committee Team.]

CONFIDENTIAL

SELF-CERTIFICATION FORM - COVID-19
(For Use With Employees Returning to Work After Being Quarantined But with no COVID Symptoms or Confirming Test)

INSTRUCTIONS TO EMPLOYEE: IF YOU WERE ASKED TO COMPLETE THIS FORM, IT MUST BE RETURNED TO THE COMPANY BEFORE YOU CAN RETURN TO YOUR RELEVANT WORKSITE(S) AND/OR RESUME ANY WORK DUTIES. FAILURE TO RETURN THE COMPLETED FORM MAY RESULT IN A DELAY OR DENIAL OF YOUR RETURN TO WORK.

1. What was the last date you had close contact with a positive COVID-19 individual?

Date: _____

2. Have at least 14 days passed since you had close contact with a positive COVID-19 individual?

Yes No

3. During the preceding 14 days, have you experienced any symptoms of COVID-19? Symptoms of COVID-19 include, but are not limited to, cough, fever, shortness of breath, difficulty breathing, chills, fatigue, muscle or body aches, sore throat, congestion, runny nose, nausea, vomiting, diarrhea, and/or new loss of taste or smell.

Yes No

I hereby certify that I self-quarantined for 14 days from the date I had close contact with a positive COVID-19 individual and that I have not, and am not currently, experiencing any symptoms of COVID-19.

Signature of Employee

Employee's Printed Name

Date: _____

[This document must not be shared with anyone except employees authorized to receive the information, must be filed separately from any personnel files, and may be accessed by the COVID-19 Human Resources and Safety Committee Team.]

CONFIDENTIAL

SELF-CERTIFICATION FORM - COVID-19
(For Use With Employees Returning to Work After Exhibiting COVID Symptoms
But With No Confirming Test)

INSTRUCTIONS TO EMPLOYEE: IF YOU WERE ASKED TO COMPLETE THIS FORM, IT MUST BE RETURNED TO THE COMPANY BEFORE YOU CAN RETURN TO YOUR RELEVANT WORKSITE(S) AND/OR RESUME ANY WORK DUTIES. FAILURE TO RETURN THE COMPLETED FORM MAY RESULT IN A DELAY OR DENIAL OF YOUR RETURN TO WORK.

1. What was the first date you began experiencing symptoms of COVID-19? Symptoms of COVID-19 include, but are not limited to, cough, fever, shortness of breath, difficulty breathing, chills, fatigue, muscle or body aches, sore throat, congestion, runny nose, nausea, vomiting, diarrhea, and/or new loss of taste or smell.

Date: _____

2. Have at least ten (10) days passed since you first began experiencing symptoms of COVID-19?

Yes No

3. Have at least 24 hours passed since your symptoms of COVID-19 have resolved? For purposes of this form, symptoms of COVID-19 are considered to have resolved if you are no longer experiencing a fever without the use of fever-reducing medications and your other symptoms (e.g., cough, shortness of breath) have improved without the use of medications.

Yes No

I hereby certify that at least ten (10) days have passed since I first began experiencing symptoms of COVID-19 and that at least 24 hours have passed since my symptoms of COVID-19 have resolved.

Signature of Employee

Employee's Printed Name

Date: _____

[This document must not be shared with anyone except employees authorized to receive the information, must be filed separately from any personnel files, and may be accessed by the COVID-19 Human Resources and Safety Committee Team.]

CONFIDENTIAL

**SELF-CERTIFICATION FORM - COVID-19
(For Use With Employees Returning to Work Who Tested Positive for COVID-19
And Exhibited Symptoms)**

INSTRUCTIONS TO EMPLOYEE: IF YOU WERE ASKED TO COMPLETE THIS FORM, IT MUST BE RETURNED TO THE COMPANY BEFORE YOU CAN RETURN TO YOUR RELEVANT WORKSITE(S) AND/OR RESUME ANY WORK DUTIES. FAILURE TO RETURN THE COMPLETED FORM MAY RESULT IN A DELAY OR DENIAL OF YOUR RETURN TO WORK.

1. What was the date you tested positive for, or were diagnosed positive by a healthcare provider for, COVID-19?

Date: _____

2. What was the first date you began experiencing symptoms of COVID-19? Symptoms of COVID-19 include, but are not limited to, cough, fever, shortness of breath, difficulty breathing, chills, fatigue, muscle or body aches, sore throat, congestion, runny nose, nausea, vomiting, diarrhea, and/or new loss of taste or smell. This list of COVID-symptoms covers new/unexplained symptoms and not chronic symptoms.

Date: _____

3. Have at least ten (10) days passed since you first began experiencing symptoms of COVID-19?

Yes No

4. Have at least 24 hours passed since your symptoms of COVID-19 have resolved? For purposes of this form, symptoms of COVID-19 are considered to have resolved if you are no longer experiencing a fever without the use of fever-reducing medications and your other symptoms (e.g., cough, shortness of breath) have improved without the use of medications.

Yes No

I hereby certify that at least ten (10) days have passed since I first began experiencing symptoms of COVID-19 and that at least 24 hours have passed since my symptoms of COVID-19 have resolved.

Signature of Employee

Employee's Printed Name

Date: _____

[This document must not be shared with anyone except employees authorized to receive the information, must be filed separately from any personnel files, and may be accessed by the COVID-19 Human Resources and Safety Committee Team.]

CONFIDENTIAL

**SELF-CERTIFICATION FORM - COVID-19
(For Use With Employees Returning to Work Who Tested Positive for COVID-19
But Exhibited no Symptoms)**

INSTRUCTIONS TO EMPLOYEE: IF YOU WERE ASKED TO COMPLETE THIS FORM, IT MUST BE RETURNED TO THE COMPANY BEFORE YOU CAN RETURN TO YOUR RELEVANT WORKSITE(S) AND/OR RESUME ANY WORK DUTIES. FAILURE TO RETURN THE COMPLETED FORM MAY RESULT IN A DELAY OR DENIAL OF YOUR RETURN TO WORK.

1. What was the date you tested positive for, or were diagnosed positive by a healthcare provider for, COVID-19?

Date: _____

2. In the last ten (10) days have you experienced any symptoms of COVID-19 which include, but are not limited to, cough, fever, shortness of breath, difficulty breathing, chills, fatigue, muscle or body aches, sore throat, congestion, runny nose, nausea, vomiting, diarrhea, and/or new loss of taste or smell.

Yes

No

I hereby certify that at least ten (10) days have passed since I tested positive for, or was diagnosed positive by a healthcare provider, for COVID-19 and during this period I have not, and am not currently, experiencing any symptoms of COVID-19.

Signature of Employee

Employee's Printed Name

Date: _____