



**FYI**

## Covid-19 Emergency Leave Guidance **HEALTH AND SAFETY**

*Revised: April 2020*

### **Summary:**

COVID-19 is currently disrupting lives and businesses in the United States. Employees who are impacted by COVID-19 may be eligible for paid sick time, paid FMLA leave, state or private disability insurance, unemployment insurance, or, in limited circumstances, workers' compensation benefits.

### **Important Notice:**

*The information provided herein is general in nature and designed to serve as a guide to understanding. These materials are not to be construed as the rendering of legal or management advice. If the reader has a specific need or problem, the services of a competent professional should be sought to address the particular situation.*

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## CONTEXT

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COVID-19 is currently disrupting lives and businesses in the United States. Reports from the Centers for Disease Control (CDC) indicate that the illness is highly contagious and, though symptoms may be mild in much of the population, older workers and those who may be immunocompromised are at risk of more severe symptoms and additional complications. Given this, there is a growing consensus that Americans need to stay home to help prevent the spread of COVID-19, especially if they feel sick or have a suspected or confirmed case of COVID-19.

There exists a broad concern that many workers might be forced to choose between staying home and getting paid. Employees who are impacted by COVID-19 may be eligible for paid sick time, paid FMLA leave, state or private disability insurance, unemployment insurance, or, in limited circumstances, workers' compensation benefits.

## PURPOSE OF EMERGENCY LEAVE

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Emergency leave for COVID-19-related absences may be necessary to keep your workers safe and reduce the chance of greater disruption to your operations. An effective emergency leave policy should prioritize keeping COVID-19 out of the workplace while recognizing the personal and economic burdens that closures may have on employees. In an effort to help with this burden, Congress recently passed the Families First Coronavirus Act (FFCRA) which requires both paid sick time and paid FMLA leave under certain circumstances.

## POTENTIAL REASONS FOR EMERGENCY LEAVE

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The reasons for leave related to COVID-19 can be divided into four major categories:

*Sick Employees* - Employees who have been diagnosed with COVID-19 or who are exhibiting similar symptoms

*Exposed or Potentially Exposed Employees* - Employees who may have been exposed to COVID-19, such as those who have travelled to hotspots or those who have been in close contact or live with someone who has been diagnosed with COVID-19 or is exhibiting symptoms.

*Employees Needed to Care for Another* - Employees who are needed to care for a sick person or for a child due to school or daycare closures.

*Self-Isolating Employees* - Employees who may be at high risk for severe complications and death if they contract COVID-19.

## CURRENT LAWS

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Any provision of emergency leave should comply with our current regime of employment laws, which have various policy objectives and may not always align with the purposes of emergency leave.

### FMLA

The FMLA may or may not protect absences related to an employee's health condition due to the COVID-19 virus. Coverage depends upon whether the employee's condition qualifies as a serious health condition under the FMLA. Generally, flu-like symptoms have not been considered a serious health condition under the FMLA. However, when complications arise from the flu it can qualify as a serious health condition. Therefore, each request for FMLA based upon COVID-19 should be analyzed individually and in accordance with the FMLA regulations, 29 C.F.R. 825.113.

Normally, the FMLA provides 12 weeks of protected leave for an employee who is needed to care for the employee's spouse, son, daughter, or parent with a serious health condition. Again, whether the family member's condition due to the COVID-19 virus is a serious health condition will depend on the regulations usual analysis.

The FMLA has recently been amended by the Families First Coronavirus Response Act (FFCRA) to provide paid FMLA leave when an employee is needed to care for a son or daughter due to the COVID-19 public health emergency. This new paid FMLA leave is discussed further in the section on the FFCRA below.

### ADA

The EEOC is currently emphasizing that, "the ADA does not interfere with employers following recommendations of the CDC or public health authorities, and employers should feel free to do so."

Under the Americans with Disabilities Act (ADA), qualified individuals with disabilities may be entitled to unscheduled leave, unpaid leave, or modifications to the employer sick leave policies as "reasonable accommodations." These are modifications or adjustments to jobs, work environments, or workplace policies that enable qualified employees with disabilities to perform the essential functions (i.e., fundamental duties) of their jobs and have equal opportunities to receive the benefits available to employees without disabilities.

An employer may exclude an employee with a disability from the workplace if it:

- obtains objective evidence that the employee poses a direct threat (i.e. significant risk of substantial harm); and
- determines that there is no available reasonable accommodation (that would not pose an undue hardship) to eliminate the direct threat.

(See the U.S. Equal Employment Opportunity Commission’s Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees under the Americans with Disabilities Act for additional information.

<https://www.eeoc.gov/policy/docs/qanda-inquiries.html>)

Based on guidance of the CDC and public health authorities as of March 2020, the COVID-19 pandemic meets the direct threat standard. The CDC and public health authorities have acknowledged community spread of COVID-19 in the United States and have issued precautions to slow the spread, such as significant restrictions on public gatherings. In addition, numerous state and local authorities have issued closure orders for businesses, entertainment and sport venues, and schools in order to avoid bringing people together in close quarters due to the risk of contagion. These facts manifestly support a finding that a significant risk of substantial harm would be posed by having someone with COVID-19, or symptoms of it, present in the workplace at the current time. At such time as the CDC and state/local public health authorities revise their assessment of the spread and severity of COVID-19, that could affect whether a direct threat still exists. (See the U.S. Equal Employment Opportunity Commission’s Enforcement Guidance: Pandemic Preparedness in the Workplace and the Americans With Disabilities Act available at: [https://www.eeoc.gov/facts/pandemic\\_flu.html](https://www.eeoc.gov/facts/pandemic_flu.html))

During a pandemic health crisis, an employer would be allowed to require a doctor’s note, a medical examination, or a time period during which the employee has been symptom free, before it allows the employee to return to work. Specifically, an employer may require these assurances where it has a reasonable belief – based on objective evidence – that the employee’s present medical condition would:

- impair his ability to perform essential job functions (i.e., fundamental job duties) with or without reasonable accommodation, or,
- pose a direct threat (i.e., significant risk of substantial harm that cannot be reduced or eliminated by reasonable accommodation) to safety in the workplace.

However, employers should consider that during a pandemic, healthcare resources may be overwhelmed and it may be difficult for employees to get appointments with doctors or other health care providers to verify they are well or no longer contagious. Therefore, federal and state agencies have encouraged employers to loosen documentation requirements during this health crisis.

If an employee is confirmed to have COVID-19, employers should inform fellow employees of their possible exposure to COVID-19 in the workplace, but they should also maintain confidentiality as required by the ADA. Employees exposed to a co-worker with confirmed COVID-19 should refer to CDC guidance for how to conduct a risk assessment of their potential exposure.

## COLORADO HELP RULES

In response to the COVID-19 pandemic, the Colorado Department of Labor issued emergency rules to provide sick pay for certain Colorado workers. The Colorado Health Emergency Leave with Pay (“Colorado HELP”), temporarily requires that certain employers provide paid sick leave to employees who may be impacted by COVID-19.

Colorado HELP requires that employers to provide up to four days of paid sick leave for an employee with flu-like symptoms and who is being tested for COVID-19. On March 26, 2020, the rules were amended to include those under instructions from a health care provider to quarantine or isolate due to a risk of having COVID-19” even if not being tested. The paid leave ends if an employee receives a negative COVID-19 test result.

The HELP rules became effective on March 11, 2020. They will expire 30 days from that date, unless the Governor extends the State of Emergency. The rules apply only to employers in these fields:

- Leisure and hospitality
- Retail stores that sell groceries (as of March 26, 2020)
- Food services
- Child care
- Education at all levels (including related services, including, but not limited to, cafeterias and transportation to, from, and on campuses)
- Home health care (working with elderly, disabled, ill, or otherwise high-risk individuals),
- Operating a nursing home
- Operating a community living facility

The rules themselves do not describe these industries further, but the CDLE has issued a FAQ with more detail that is available on its website: <https://www.colorado.gov/cdle>

The HELP rules do not require employers to provide additional days of paid sick leave if they already offer all employees an amount of paid leave sufficient to comply with the rule. However, if an employee has already exhausted all other paid leave allotted by the employer, the employer must provide enough sick leave to comply with the rules.

The HELP rules apply to employees regardless of the method of pay, whether hourly, salaried or otherwise. The required daily pay during leave is either the employee’s established daily rate or, if their pay fluctuates, their average daily pay for the past month. Colorado HELP does not provide for wage replacement should an employee test positive and require quarantine or medical treatment leading to lost work time and wages.

Violating Colorado HELP constitutes a failure to provide wages to employees under the Colorado Minimum Wage Order No. 35 and the Colorado Overtime and Minimum Pay Standards Order No. 36. Colorado HELP took effect on March 11, 2020 and remains in effect for the longer of (a) 30 days after adoption, or (b) the duration of the State of Disaster Emergency, no more than 120 days after March 11, 2020.

## **FAMILIES FIRST CORONAVIRUS REPOSENSE ACT (FFCRA)**

Congress has recently passed a legislative package, the Families First Coronavirus Response Act (FFCRA). The leave provisions of this law apply only to employers with

fewer than 500 employees. The FFCRA provides two types of leave: paid sick leave and paid FMLA leave.

## PAID SICK LEAVE

The FFCRA mandates that an employer shall provide to each employee paid sick leave to the extent that the employee is unable to work or telework due to a need for leave because:

(1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.

Quarantine or isolation orders include a broad range of governmental orders, including orders that advise some or all citizens to shelter in place, stay at home, quarantine, or otherwise restrict their own mobility. The relevant question is whether the employee would be able to work or telework “but for” being required to comply with a quarantine or isolation order.

For example, an order either closing a workplace or preventing customers from travelling to the workplace does not trigger paid sick leave under the FFCRA. Whereas, an order forbidding travel to work by the employee, paired with an inability to telework, would qualify. In other words, there must be some causal relationship between the order and the specific employee’s inability to work.

(2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.

This reason for leave is only available if the employee has been advised to self-quarantine by a health care provider based on a belief that the employee either has COVID-19, may have COVID-19, or is particularly vulnerable to COVID-19.

As with the other reasons for paid sick leave under the FFCRA, there must still be a causal connection between the advice and the specific employee’s inability to work or telework. An employee who has been advised by a health care provider to self-quarantine may still be able to telework and would therefore have no need for the leave.

(3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

If an employee is experiencing a fever, cough, or shortness of breath, she may take paid sick leave, but only for the time used to obtain a diagnoses, such as making, waiting for, or attending a doctor’s appointment.

(4) The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2).

An employee may take paid sick leave to care for someone who is subject to a governmental quarantine or isolation order or who has been advised a health care provider that he has COVID-19, may have COVID-19 or is particularly vulnerable to COVID-19. The person must be an immediate family member, a person who regularly resides in home, or similar person, with whom the employee has a relationship that creates an expectation that the employee would care for the person and does not include persons with whom the employee has no personal relationship.

(5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.

A son or daughter includes children under 18 years of age and children age 18 or older who are incapable of self-care because of a mental or physical disability. This paid sick leave is only available if no other suitable person is available to provide the care.

(6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.

The Secretary of Health and Human Services has not yet identified any “substantially similar condition” that would allow an employee to take paid sick leave. If HHS does identify any such condition, the Department of Labor will issue guidance explaining when you may take paid sick leave on the basis of a “substantially similar condition.

Paid sick leave for all of the reasons above applies to all employees, regardless of how long the employee has been employed. Full time employees are entitled to 80 hours of paid sick time. Part-time employees are entitled to a proportional amount of hours equal to their average hours worked over a two week period. An employer may not require an employee to use other paid leave before the employee uses the paid sick time.

Paid sick time is capped at \$511 per day or \$5,110 in the aggregate for leave taken due to employee illness, suspected illness, or isolation (reasons (1), (2), and (3) above). The cap for when the employee is needed to care for someone else (reasons (4), (5), and (6), above) is \$200 per day or \$2,000 in the aggregate.

The rate of pay is the greater of either the employee’s regular rate of pay, the Federal minimum wage, or the applicable State minimum wage. However, paid sick time is reduced to two-thirds (2/3) this rate for when absences are due to the employee’s need to care for “family members” (situations that arise due to paragraphs (4), (5), and (6) above).

## PAID FMLA LEAVE

The FFCRA amends the FMLA to provide 12 weeks of protected leave to any employee who has been employed for at least 30 days and is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.

After the first 10 days of this leave, the employee is entitled to pay at two thirds (2/3) the rate of their regular rate. This leave provision is effective 15 days from the date the FFCRA is enacted and ends on December 31, 2020.

Note that paid FMLA leave is not available for an employee who is needed to care for a family member other than a son or daughter. Rather, under such circumstances, and assuming the illness qualifies as a serious health condition, the FMLA will only provide leave protection (no pay).

For both paid sick time and paid FMLA leave, the FFCRA grants the Secretary of Labor authority to exclude certain health care providers and emergency responders and to

allow the employer of such workers to opt out. A similar exemption may be issued for small businesses with fewer than 50 employees when the imposition of such requirements would jeopardize the viability of the business as a going concern.

If an employer allows it and if an employee is teleworking a normal schedule of hours, an employee may take both paid sick time and paid FMLA leave intermittently if needed due to one of the qualifying reasons.

If an employee is not teleworking, intermittent leave cannot be taken, unless it is to care for a son or daughter whose school or daycare is closed due to COVID-19. In other words, if not teleworking, then intermittent leave is only available for when an employee is unable to work due to the need to care for a son or daughter due to COVID-19 school or daycare closings.

## SCENARIOS

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### SICK EMPLOYEES

Employees who have been diagnosed with COVID-19 or who are exhibiting similar symptoms are likely entitled to paid sick time under the FFCRA. If an employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19, has been advised by a health care provider to self-quarantine due to concerns related to COVID-19, or is experiencing symptoms of COVID-19 and seeking a medical diagnosis, then they are entitled to an appropriate amount of paid sick time, such as 80 hours for regular full-time employees.

An employer may not require an employee to use other paid leave before the employee uses the paid sick time. In other words, the paid sick time entitlement of the FFCRA is in addition to any accrued sick leave or PTO already provided by the employer. However, if the employee wishes, an employer may allow the employee to supplement the amount she receives from paid sick leave or expanded family and medical leave under the FFCRA, up to her normal earnings, with preexisting paid vacation, personal, medical or PTO leave.

Currently, testing for COVID-19 is not widely available, so employers should rely on the employee's self-reporting of flu-like symptoms. The Centers for Disease Control and Prevention's (CDC) guidance advises that employees with symptoms of acute respiratory illness and a fever (greater than 100.4 degrees Fahrenheit or 37.8 degrees Celsius, using an oral thermometer) should stay home. Employers should consider using a Self-Certification Form similar to the one provided below.

For illnesses that last more than 14 days, short-term disability (STD) benefits would likely kick in. While we expect that most disability insurers and administrators will be covering claimants diagnosed with COVID-19, employers should confirm with their vendors to identify any potential exclusions.

An employer's goal should be to encourage an employee's absence until the employee has recovered and is unlikely to infect others as determined by the appropriate health



authorities. Current CDC guidance states that a person may stop home isolation if these three things have happened:

- no fever for at least 72 hours (that is three full days of no fever without the use of medicine that reduces fevers), AND
- other symptoms have improved (for example, when cough or shortness of breath have improved), AND
- at least 7 days have passed since the symptoms first appeared.

If an employee will be tested for COVID-19:

- Employee must no longer have a fever (without the use of fever-suppressing medicine); and
- Other symptoms, such as cough or shortness of breath, have improved; and
- Employee must have received two negative tests in a row, 24 hours apart.

As discussed above, the FMLA allows an employer to require an employee who has been sick with the pandemic influenza or similar symptoms to provide a doctor's note, but employers are discouraged from requiring this because of the burden placed on health care providers during this pandemic. Therefore, employers may have to rely on their employee's assertion that they are symptom free and any guidance provided by public health officials. Employers may wish to use a Self-Certification form to document the employee's representations.

The ADA allows employers to send sick or symptomatic employees home during a pandemic as long as the symptoms are akin to those attributable to the coronavirus, e.g. fever, coughing, shortness of breath, etc. Employers may ask employees if they are experiencing these influenza-like symptoms. As always, employers must maintain all information about employee illness as a confidential medical record in compliance with the ADA.

## EXPOSED OR POTENTIALLY EXPOSED EMPLOYEES (QUARANTINE)

Employers may have employees who were exposed or have good reason to believe they were exposed to COVID-19. This may arise from travel or through close contact with those exhibiting flu-like symptoms.

Close contact is defined by the CDC as a) being within approximately 6 feet (2 meters) of a COVID-19 case for a prolonged period of time; close contact can occur while caring for, living with, visiting, or sharing a healthcare waiting area or room with a COVID-19 case, or b) having direct contact with infectious secretions of a COVID-19 case (e.g., being coughed on).

An employer may require that employees who have travelled to hotspots, both domestic and international, self-isolate/quarantine for a period of time. Travel to such areas may present a risk of exposure similar to close contact. Guidance is ever changing and should be followed closely. At this time, travelers from countries with widespread ongoing transmission (China, Iran, South Korea, Europe, and the U.K.) are asked to stay home

for a period of 14 days. The CDC guidance can be found at <https://www.cdc.gov/coronavirus/2019-ncov/travelers/after-travel-precautions.html>.

In both scenarios, the employee should stay home for 14 days and practice social distancing. They should be encouraged to monitor their health and practice social distancing. If no symptoms arise, they may return to work. Employers may wish to manage the return to work with a Self-Certification form.

If such an employee has been advised by a health care provider to self-quarantine, then the employer must provide paid sick time as required by the FFCRA. An employer may not require an employee to use other paid leave before the employee uses the FFCRA paid sick time. Neither the FMLA nor the ADA are likely to apply to such an employee until they become sick.

It is important to note that most disability policies will not cover absences of this type. In most plans, an employee must have some sort of physical impairment to be considered disabled. If an employee is quarantined due to a suspected exposure, it is unlikely that absence will be covered under employer disability plans, but employers should check with their vendor to confirm. Employers with self-funded plans may have additional flexibility to cover such periods under their plan, as long as all employees are treated in a way that is consistent with their written policy.

## EMPLOYEES NEEDED TO CARE FOR ANOTHER

Employees who are needed to care for a sick person or for a child due to COVID-19-related closures might require use of emergency leave. Currently, the FFCRA provides paid sick leave to employees who are needed to care for either:

- an individual who is subject to a Federal, State, local, or a health care provider quarantine/isolation advisement,
- a son or daughter of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions, or

The FMLA will protect the leave of an employee who is caring for a spouse, son or daughter, or biological parent who tests positive or has similar symptoms as long as the relative's condition becomes a "serious health condition" as defined by the FMLA.

The FFCRA will provide 12 weeks of protected leave to any employee who has been employed for at least 30 days and is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency. After the first 10 days of this leave, the employee is entitled to pay at two thirds (2/3) the rate of their regular rate.

If an employee who is needed to care for a family member other than a son or daughter, and assuming the illness qualifies as a serious health condition, the FMLA will only provide leave protection (no pay).

## SELF-ISOLATING EMPLOYEES

Employees who may be at high risk for severe complications and death if they contract COVID-19 may benefit from some form of emergency leave. Older adults and people who have severe underlying chronic medical conditions like heart or lung disease or diabetes seem to be at higher risk for developing more serious complications from COVID-19 illness. The FFCRA provides paid sick leave to those employees who have been advised to self-isolate by a health care provider because they are particularly vulnerable to COVID-19. Additionally, vacation or paid-time off may be utilized and, when exhausted, an employer's grant of some type of emergency leave could supplement for a period.

When an employee's pre-existing disability places them at high-risk of severe respiratory complications, self-isolation might qualify as a reasonable accommodation under the ADA.

Even during a pandemic, the ADA does not allow employers to ask employees who do not have influenza symptoms to disclose whether they have a medical condition that the CDC says could make them especially vulnerable to influenza complications.

If an employee voluntarily discloses (without a disability-related inquiry) that he has a specific medical condition or disability that puts him or her at increased risk of influenza complications, the employer must keep this information confidential. The employer may ask him to describe the type of assistance he thinks will be needed (e.g. telework or leave for a medical appointment). Employers should not assume that all disabilities increase the risk of influenza complications. Many disabilities do not increase this risk (e.g. vision or mobility disabilities).

If an influenza pandemic becomes more severe or serious according to the assessment of local, state or federal public health officials, ADA-covered employers may have sufficient objective information from public health advisories to reasonably conclude that employees will face a direct threat if they contract pandemic influenza. Only in this circumstance may ADA-covered employers make disability-related inquiries or require medical examinations of asymptomatic employees to identify those at higher risk of influenza complications.

## **SAMPLE EMERGENCY LEAVE POLICY**

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Emergency leave for COVID-19- related absences is necessary to keep our employees safe and to reduce the chance of greater disruption to our operations. Therefore, the following emergency leave policy is effective immediately.

### **PAID SICK TIME**

All employees may take paid sick time if:

- (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 and said order makes it so that the employee unable to work (or telework).
- (2) The employee has been advised by a health care provider to self-quarantine based on a belief that the employee has COVID-19, may have COVID-19, or is particularly vulnerable to COVID-19; and following the advice of the health care provider to self-

quarantine prevents the employee from being able to work, either at the employee's normal workplace or by telework.

(3) The employee is experiencing a fever, cough, or shortness of breath and is seeking a medical diagnosis. Such an employee may take paid sick leave, but only for the time used to obtain a diagnoses, such as making, waiting for, or attending a doctor's appointment.

(4) The employee is caring for someone who is subject to a governmental quarantine or isolation order or who has been advised a health care provider that he has COVID-19, may have COVID-19 or is particularly vulnerable to COVID-19. The person must be an immediate family member, a person who regularly resides in home, or similar person, with whom the employee has a relationship that creates an expectation that the employee would care for the person.

(5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.

(6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.

Earned PTO, vacation, and sick leave need not be used before paid sick time may be taken.

The amount of paid sick time and the rate of pay are to be determined by the Families First Coronavirus Response Act, but in a typical case it will be 80 hours at the employee's regular rate of pay. If the employee's need for leave is based upon the need to care for "family members" (situations that arise due to paragraphs (4), (5), and (6) above), paid sick time is reduced to two-thirds of this rate.

## PAID FMLA LEAVE

Employees are eligible for paid FMLA leave after at least 30 days of employment.

An eligible employee who is needed to care for a minor son or daughter due to COVID-19-related school or daycare closings and is unable to work or telework is entitled to 12 weeks of FMLA protected leave.

The first 10 days of this leave is unpaid FMLA leave. After this 10 day period, the employee is entitled to pay at two thirds of their regular rate as determined by the Families First Coronavirus Response Act.

## GENERAL PROVISIONS

Employees whose need for emergency leave arises from their own diagnoses of COVID-19 or having symptoms similar to COVID-19 must:

- remain absent from the workplace,
- notify their supervisor immediately, and

- [OPTIONAL] must complete a Self-Certification before returning to the workplace.

Employees who have travelled to a CDC Warning Level 3 location must:

- notify their supervisor, and
- Self-Quarantine for 14 days.

Employees who live with or have had close contact with someone who has been diagnosed with COVID-19 or is exhibiting similar symptoms must:

- notify their supervisor, and
- Self-Quarantine for 14 days.

Close contact is defined as being within approximately 6 feet (2 meters) of a COVID-19 case for a prolonged period of time; close contact can occur while caring for, living with, visiting, or sharing a healthcare waiting area or room with a COVID-19 case, or having direct contact with infectious secretions of a COVID-19 case (e.g., being coughed on).

[OPTIONAL] Employees who Self-Quarantine are required to complete a Self-Certification before returning to work.

Employees who are needed to care for someone who has been diagnosed with COVID-19 or is exhibiting similar symptoms must:

- notify their supervisor,
- Self-Quarantine for 14 days after they are no longer caring for the individual

[OPTIONAL] Employees who are considered higher risk by CDC [or consider themselves higher risk] and are unable to work or telework may take paid sick time as if they qualified under the FFCRA. The CDC considers older adults and people who have serious chronic medical conditions (e.g., heart disease, diabetes, and lung disease) to be higher risk.

[OPTIONAL] \*EMPLOYERS SHOULD CONSULT WITH AN ATTORNEY PRIOR TO USING THIS FORM\*

### Employee Self-Certification Form

Please note that COMPANY is relying on your honesty to maintain the health and safety of the workplace.

#### RETURN FROM CONFIRMED COVID-19 ILLNESS OR COVID-19 SYMPTOMS

If employee has not be tested for COVID-19:

I, \_\_\_\_\_, certify that:

- I have not had a fever (100.4 F or higher) for at least 72 hours (that is without the use of fever-suppressing medicine); AND
- My symptoms, such as cough or shortness of breath, have improved; AND
- At least 7 days have passed since my symptoms first appeared.

If employee has been tested for COVID-19:

I, \_\_\_\_\_, certify that:

- I have not had a fever (100.4 F or higher) for at least 72 hours (that is without the use of fever-suppressing medicine); AND
- My symptoms, such as cough or shortness of breath, have improved; AND
- I have received two negative tests in a row, 24 hours apart.

#### RETURN FROM QUARANTINE OR TRAVEL TO LEVEL 3 AREA

I, \_\_\_\_\_, certify that I have not been ill with COVID-19 or experienced COVID-19-like symptoms, such as fever, cough, or shortness of breath, within the past 14 days.

Furthermore, I certify that within the past 14 days, I have not visited any Level 3 Travel Health Notice Countries. For a list of such countries, please visit:

<https://www.cdc.gov/coronavirus/2019-ncov/travelers/after-travel-precautions.html>.

**RETURN FROM CARING FOR OR LIVING WITH AN INDIVIDUAL  
WHO HAS HAD CONFIRMED COVID-19 ILLNESS OR COVID-19 SYMPTOMS**

I, \_\_\_\_\_, certify that:

- It has been 14 days since I have cared for or been in close contact\* with an individual who has had confirmed covid-19 illness or covid-19 symptoms, AND
- I have not been ill with COVID-19 or experienced COVID-19-like symptoms, such as fever, cough, or shortness of breath, within the past 14 days.

\*Close contact is defined by the CDC as (a) being within approximately 6 feet (2 meters) of a COVID-19 case for a prolonged period of time; close contact can occur while caring for, living with, visiting, or sharing a healthcare waiting area or room with a COVID-19 case, or (b) having direct contact with infectious secretions of a COVID-19 case (e.g., being coughed on).

This policy is subject to change in accordance with any changes in circumstances or guidance from the CDC, public health officials, or government (federal, state, or local).

Employee Name (please print) \_\_\_\_\_

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

❖ Completed form will be maintained in a confidential file, separate from your personnel file.