

Thank you for attending the SOCMA Town Hall on March 24. Below are the questions that were asked during the Town Hall. If you would like to share any additional feedback or resources related to the questions, please contact Amber Thichangthong at [athichangthong@socma.org](mailto:athichangthong@socma.org).

The questions will be published to an FAQ and referenced on the [SOCMA COVID-19 Resource Page](#).

### **BUSINESS OPERATIONS**

**1. Do you have an obligation to inform employees or potentially customers of an employee diagnosis?**

The Centers for Disease Control (CDC) has published interim guidance for employers on disability-related concerns in response COVID-19. CDC states that 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 maintain confidentiality as required by the Americans with Disabilities Act.

**2. If an employee is found to have the virus. How do you clean the facility and how long do you wait until people can return to work?**

SOCMA is collecting responses to this question. If you would like to submit a response, please contact Amber Thichangthong at [athichangthong@socma.org](mailto:athichangthong@socma.org)

**Response 1:** We operate ISO class 7 cleanroom, and if an employee who works in or was found to have been in the cleanroom, is found to have the virus, we require: 1) shutdown of area; 2) pre-sanitization viable monitoring; 3) triple clean of the cleanroom using sanitizing agents; and 4) Post-sanitization viable monitoring.

**Response 2:** We would sanitize the workplace but allow employees to return as scheduled. We are minimizing contact, remote working when possible and if an employee is ill with anything, they must have a return to work form from a doctor.

**3. What other procedures have you implemented in your facility?**

Our company required all facilities to have employees record a daily list of encountered personnel at work. If someone tests positive for coronavirus, the list would allow us to conduct contact tracing and notify employees who may have come in contact with a person who was diagnosed and recommend contacts to quarantine or see a doctor. We are still working through this scenario. An additional benefit would be deciding recordability in the future.

### **OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)**

**4. As the health care industry focuses on managing COVID-19, some are no longer performing critical annual physicals required by OSHA. Will OSHA provide some relief regarding timing of those annual exams so we are not out of compliance?**

OSHA is currently working on publishing enforcement guidance on all time-dependent requirements in OSHA standards. They do not however have an estimate on when the guidance will be published. In the meantime, the only published guidance on enforcement discretion relates to

annual fit testing for N95 respirators, developed to help relieve demand for N95s in the response to the coronavirus. [Read Memo](#)

**5. When would OSHA consider COVID-19 cases as a recordable injury?**

While there is an exception in OSHA's standard that states that the common cold and flu are not recordable incidents in employer 300 logs, OSHA has explicitly stated that COVID-19 is a recordable illness when a worker is infected on the job. Determining if the specific case is recordable would require a positive test to confirm whether the employee has contracted COVID-19 and distinguish it from the cold/flu exemption in the regulation. Work-relatedness must also be determined.

OSHA reporting tied to COVID-19 would be required when there is a fatality or a hospitalization. Hospitalization is reportable if the employee received formal admission to the in-patient service of a hospital or clinic for care or treatment within 24 hours of the work-related exposure. The fatality is reportable under the regulation if it occurs within 30 days of a work-related exposure.

For additional information, read our [blog on OSHA Regulations](#).

### **HR 6201: FAMILIES FIRST CORONAVIRUS RESPONSE ACT**

Responses to the following questions is not legal advice. If you have questions on this topic, we recommend engaging your legal counsel.

**6. When does HR 6201 go into effect? What must employers do with employees off prior to this going into effect? Can a company get reimbursed for sick time paid before April 1?**

The Department of Labor published [guidance](#) and a [Question and Answers page](#) the evening of March 24 stating that HR 6201 goes into effect Wednesday, April 1, 2020.

There is no provision in the law about reimbursing companies for granting sick time before the effective date of the law. This is a strong message that SOCMA can deliver to both the Department of Commerce and the Department of the Treasury because if there is ambiguity in the law it will likely be decided by first the federal agencies and then in court if necessary.

**7. Is the two weeks paid sick leave on top of the sick time the company already offers? (e.g. If you give employees a week sick time, does this mean they now can use 3 weeks giving they meet the criteria?)**

This is a very technical legal issue and we encourage you seek legal counsel.

The total number of hours for which employees receive paid sick leave is capped at 80 hours under the Emergency Paid Sick Leave Act. Paid sick leave under the Act is in addition to any employer provided paid sick leave or Paid Time Off (PTO). Paid sick leave under the Act must be used first and prior to any additional paid sick leave or PTO.

For additional information, please visit the Department of Labor [FAQ](#) and engage legal counsel.

**8. Are part-time employees included in the sick pay benefits under HR 6201?**

Part-time employee may receive paid sick leave under HR 6201 for any combination of qualifying reasons. Sick leave will be based on the number of hours equal to the average number of hours that the employee works over a typical two-week period.

For additional information, please visit the Department of Labor [FAQ](#) and engage legal counsel.