

**CORONA VIRUS POLICY**

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**TITLE: PROCEDURE FOR REPORTING OF POSITIVE COVID TESTING**

Wherever possible, an employee who has been exposed to or tested positive for COVID-19 should be made aware of the employer's need to make certain disclosures to the workforce. Keeping employees informed is prudent and will reduce the likelihood of complaints. Such a dialogue reinforces the employee's role in helping to halt the spread of the disease. Approaching this from a practical perspective, these are the procedures for reporting an employee's or employee's family member positive COVID-19 test.

**Whom should we inform if an employee or an employee's family member tests positive for COVID-19, and what should we reveal about their identities?**

A Supervisor or Department Head should disclose to Human Resources immediately that an employee or an employee's family member has tested positive for COVID-19.

Human Resources, Supervisor and Department Head will not disclose the identity of an employee or employee's family member who has tested positive, or anything specific about his/her medical condition or symptoms, to others in the workplace. Under the ADA, any information regarding the medical condition or history of an employee that an employer obtains as part of an examination or inquiry into a disability could constitute a confidential medical record that can be disclosed only to certain individuals in limited circumstances. The FMLA also prevents the disclosure of records related to medical histories in connection with an employee's leave request or eligibility. The EEOC and some courts have gone further and taken the position that any information concerning an employee's medical condition is protected under the ADA or FMLA. In any event, employers should err on the side of confidentiality.

**What could we ask the employee to reveal or let us reveal?** Human Resources may ask whether an employee is willing to disclose symptoms or a positive diagnosis to others, or whether the employee is comfortable with the employer's doing so. Human Resources will ask an employee who has tested positive or had a family member test positive to provide a list of individuals (employees, clients, contractors, vendors) with whom they came in contact in the last 14 days in connection with their employment, as well as floors they may have visited, whether they were in shared spaces, etc. Human Resources may disclose this information to the department in which this employee was working, without disclosing the identity of the individual.

**What disclosures should we make regardless of the employee's consent?** Even if it is not possible to get prior consent from an employee who has tested positive for COVID-19 or had a family member test positive, Human Resources will notify specific co-workers, clients, vendors, etc. that a person or person's family member with whom they were in contact over the past 14 days has now tested positive, and that they should take appropriate cautionary measures.