

GUIDANCE ON THE CORONAVIRUS AND THE WORKPLACE

Newspapers must continue to publish during all sorts of difficult situations. The COVID-19 pandemic imposes new barriers as publishers struggle to keep the news moving while protecting the workplace from threat of illness.

Several federal regulations affect workplace decisions. Contact NNA's Federal Laws Hotline if you run into a situation that you are not sure about. In general, if you make reasonable decisions, are consistent in your application of those decisions and base them upon the best information available, you are on the right track.

In the current pandemic, health authorities are requesting social distancing. I.E., stay as far apart from others as possible. Remain at home if possible. If coming to work is necessary, take precautions.

Scientists are telling us that social distancing in the early days of a pandemic is the most important tool for containing the spread. If it is not done early, contagion in the general population may become so widespread that social distancing is no longer effective. Even young and healthy workers who feel they could weather the virus can be carriers to others.

Here are a few things to keep in mind.

1. Have a plan so you can make sure you are as consistent as possible in managing the situation, even as you adjust to new information.
2. Take a look at each worker's duties and act accordingly. Low-risk people are those who come to work in a low-density environment and have little contact with others. Workers who are customarily exposed to high risk environments (large group gatherings such as schools or hospitals) need to take extra care. Avoid unnecessary contacts with large groups immediately.
3. The primary transmission of the disease is thought to come from the droplets that we all distribute (particularly when coughing or sneezing). Although catching the disease from touching things is possible, it is the distancing from one another that helps to contain

the illness. Keep people as far apart as possible. If you see people coughing or sneezing, remind them to cough and sneeze into a tissue and immediately throw it away. Or cough/sneeze into the elbow. If you have someone who cannot seem to remember, isolate him.

4. Make sure people have a place to wash their hands. Provide hand sanitizers if possible. Make sure people stay home when they are sick. Under the ADA, you are restricted from asking people about their disabilities in general, but when these concerns are job-related and connected to a reasonable belief that there is a direct threat to the health and safety of others, reasonable inquiries are permitted.
5. Employers are not required to provide masks. If people have them and wish to wear them, you may decide whether such behavior fits within your policy. But the masks are generally for keeping a sick person's illness from others, not for well people to minimize exposure. If someone is ill enough for the mask, he should be sent home and you should take steps to isolate those who came into contact.
6. But employees are required to come to work during required working hours unless there is an imminent threat or danger.
7. If someone does have symptoms, require people who came into contact with the person for the past two weeks to stay at home. Presently, the advice is to remain in home quarantine for 2 weeks because it may take that long between exposure and symptoms to show whether the person has the virus.
8. Under NLRB rules, employees must be permitted to discuss their health situations and working conditions. But employers are also permitted to require employees to get their work done.
9. Working from home is a good way to impose social distancing on the workforce. For people who must be in the workplace, consider staggering start and quitting times to minimize the number of people

in one place at one time. Consider restricting access to your office by the general public. Provide a drop box outside and post your email address prominently so customers can deal with you remotely.

10. Under FLSA rules, exempt employees who report for work during the week must be paid the week's salary. For non-exempt persons, if they are working, they are owed their hourly pay—whether working from home or at the office. If an employee works from home—even though the employer has told him or her not to work—the employee must be paid for the work. But the employer has the right to discipline the employee for breaking the rules.

OSHA has recently published new guidance on health and safety here <https://www.osha.gov/Publications/OSHA3990.pdf> with useful information.