

COVID-19 Human Resources/Occupational Health FAQs

Use these questions and answers as a guide, as they may not cover all situations. Refer to policy or Memoranda of Understanding. Contact your agency's human resource professional with questions not addressed here.

We recognize that these are examples of questions and may not cover every concern held by the employee or manager. Internally, we have created a working group to handle occupational health and human resources questions and concerns that may arise. Please avoid addressing these questions to the Health Department. Questions regarding occupational health or human resources concerns can be sent to: HR-COVID19-Questions@baltimorecity.gov

General Information

For more information on preventative care go to:

- <https://health.baltimorecity.gov/novel-coronavirus-2019-ncov>
- <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>
- <https://phpa.health.maryland.gov/Pages/Novel-coronavirus.aspx>

1, What policies or Memoranda of Understanding provisions apply in the case of a pandemic?

Agencies will operate according to normal policy and procedures, City HR policies, rules and Memoranda of Understanding, except in the event of a declared state of emergency by the Mayor in conjunction with the Health Commissioner.

2. Is COVID-19 considered a "serious health condition" under FMLA?

COVID-19 can be a qualifying event if it meets the serious health condition criteria (for example, absence plus treatment, or in-patient hospitalization). Follow the procedures under the City policy, AM-203-2, Family and Medical Leave, to ensure compliance with FMLA. For additional questions or guidance, please contact your agency HR professional.



3. An employee was on vacation in an affected area and is experiencing COVID-19 like symptoms. The employee extends their time off using appropriate accrued leave. Can I require the employee to obtain a release from a doctor before I allow them back in the workplace?

Yes, according to normal policy and procedures and if management has reason to believe the employee may be a health hazard to themselves or others or that the employee's health condition would interfere with his or her ability to perform the job. Refer to the respective Memoranda of Understanding if applicable. If the employee's condition meets the criteria of a serious health condition for FMLA purposes, follow City policy, AM-203-2, Family and Medical Leave.

4. An employee comes to work and later exhibits COVID-19 like symptoms, what options are available to that employee?

That employee may request to go home and use sick leave or with supervisory approval, use other accrued leave, emergency advance sick leave, or leave without pay.

5. Can management send an employee home who appears to exhibit COVID-19 like symptoms?

Yes. If the Agency Head or designee has reason to believe that the employee is a health hazard to themselves or others or that the employee's symptoms are interfering with his or her ability to perform the job. The employee will remain out until released by a healthcare provider. (See Section 10 of the DHR Emergency Response Plan.)

6. What happens if an employee is sent home for appearing to exhibit COVID-19 like symptoms is not infected and is returned to work by a healthcare provider?

Those instances will be handled on a case by case basis. Please consult your agency HR professional.



7. If employee 'A' comes to work ill and employee 'B' is concerned about getting sick from being exposed to employee 'A', what options does employee 'B' have?

Employee 'B' may request, subject to supervisory approval, to use vacation, personal leave, or compensatory time. At the Agency Head or designee's discretion and where applicable, teleworking may be permitted. This situation does not excuse an employee from performing their assigned duties. Refer to applicable policies in the Personnel or Administrative Manuals and the respective Memoranda of Understanding.

8. An employee works in a direct public contact position. The employee is reluctant to come to work for fear of exposure from the public. What options are available to the employee?

The employee may request, subject to supervisory approval, to use vacation, personal leave, or compensatory time. Refer to policies and the respective Memoranda of Understanding.

Subject to operational requirements and the discretion of management, an employee may use hand sanitizer, wipes or agency approved personal protective equipment (“PPE”), as required by specific occupations. These measures may help the employee feel comfortable in the performance of his or her duties.

9. My child's school or childcare closes and I have to stay home with my child who is not ill, what type of leave do I use?

Subject to supervisory approval, an employee may request to use vacation, personal leave, compensatory time, or leave without pay. Teleworking may be an option for some positions. An Agency Head, or designee will determine if teleworking is applicable. Refer to policy and the respective Memoranda of Understanding. Sick leave is not appropriate for a healthy parent staying home with a healthy child or dependent.

10. Who decides if an agency should close and under what circumstances?

A supervisor or manager should contact the Agency Head or designee who will consult with the Mayor's Office and the Health Commissioner. Assessing whether an agency should close will occur on a case-by-case basis.



11. Should an agency cancel discretionary functions, such as public outreach events?

The Agency Head should consult with and follow the recommendations of the Mass Gatherings guidelines put forth by the City. This guidance will be updated regularly.

12. If a facility closes, does the agency pay its employees or do the employees use accrued leave?

If the facility closes, permission leave, approved by the Labor Commissioner will be available.

13. If an employee resides with anyone who has COVID-19, can the employee come to work?

No, it is required they stay home and use sick leave or with prior supervisory approval, use other accrued leave, emergency advance sick leave, or leave without pay.

14. What if an employee needs to stay home to care for a member of their household but the employee does not have accrued leave?

Follow normal policies and Memoranda of Understanding provisions. The manager/supervisor may approve advanced use of sick leave, leave without pay or request permission leave from the OLC. Telework may be appropriate subject to supervisory approval.

15. Can I refuse an employee's request to wear a medical mask or respirator?

Yes. Absent a legally recognized disability, unique physical condition, or an occupation where employees work directly with those impacted by a condition such as the COVID-19 coronavirus or flu, you are generally not required to allow workers to wear masks at work.

16. Can a manager take an employee's temperature at work to determine whether they might be infected?

No. the Americans with Disabilities Act ("ADA") places restrictions on the inquiries



that an employer can make into an employee's medical status.

17. At what point can a manager discuss health issues with an employee?

If a manager observes an employee not feeling well, the manager may inquire, "Are you feeling OK?" We do not recommend asking an employee what is specifically wrong.

18. An employee of ours has tested positive for COVID-19. What should we do?

The appropriate supervisor should send home all employees who worked closely with that employee for a 14-day period of time to ensure the infection does not spread. Before the employee departs, ask them to identify all individuals who worked in close proximity (three to six feet) with them in the previous 14 days to ensure you have a full list of those who should be sent home. When sending the employees home, do not identify by name the infected employee or you could risk a violation of confidentiality laws. You must also contact building maintenance and request a deep cleaning of your affected workspace(s). If you work in a shared office building or area, you should inform building management so they can take whatever precautions they deem necessary.

19. One of our employees has a suspected but unconfirmed case of COVID-19. What should we do?

Take the same precautions as noted above. Treat the situation as if the suspected case is a confirmed case for purposes of sending home potentially infected employees. Communicate with your affected workers to let them know that an employee has not tested positive for the virus but has been exhibiting symptoms.

20. How can we distinguish between a "suspected but unconfirmed" case of COVID-19 and a typical illness?

There is no easy way for you to make this determination, but you should let logic guide your thinking. The kinds of indicators that will lead you to conclude an illness could be a suspected but unconfirmed case of COVID-19 include whether that employee traveled to a Category 3 country according to the CDC, whether that employee was exposed to someone who traveled to one of those areas, or similar facts. You should err on the side of caution but not panic.



21. If we learn or suspect that one of our employees has COVID-19, do we have a responsibility to report this information to the CDC or the Health Department?

The healthcare provider that receives the confirmation of a positive test result is a mandatory reporter who will handle that responsibility.

22. What steps can we take now to minimize risk of transmission?

Perhaps the most important message employers can give to employees is to stay home if sick. In addition, instruct your workers to take the same actions they would to avoid the flu. For example:

- Wash your hands often with soap and water for at least 20 seconds. If soap and water are not available, use an alcohol-based hand sanitizer.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Avoid close contact with people who are sick.
- Stay home when you are sick.
- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces.
- Ensure that employees have ample facilities to wash their hands, including tepid water and soap, and that third-party cleaning/custodial schedules are accelerated.
- Teleconference in lieu of meeting in person if available.
- Have a single point of contact for employees for all concerns that arise relating to health and safety.
- Follow updates from the CDC and the BCHD regarding additional precautions.

You may reference the Occupational Safety and Health Administration's (OSHA's) [Guidance on Preparing Workplaces for an Influenza Pandemic](#) for additional information on preparing for an outbreak.

23. Can Management prohibit an employee from traveling to a non-restricted area on their personal time?

No. However, supervisors should educate employees before they travel to try to work out a solution. In an effort to protect the City's workforce, the City reserves the right to prohibit employees return to work upon return from travel.

24. Does the COVID-19 coronavirus emergency supersede HIPAA privacy rules?

No.



25. How should we treat medical information?

We recommend you treat all medical information as confidential and afford it the same protections as those granted by HIPAA in connection with your group health plan.

26. Does contraction of COVID-19 coronavirus implicate the ADA?

Generally, no, but consult with your agency HR Professional.

