

COVID-19 FAQ's: Employers & Businesses

1) Can an employer require their employees be tested for COVID-19?

Yes. According to the U.S. Equal Employment Opportunity Commission, the ADA requires any policy mandating employee testing be “job related and consistent with business necessity.” Therefore, employers may take steps, including testing, to determine whether employees entering the workplace have COVID-19. Please learn more [here](#). The Snohomish Health District does not direct employers in their creation of testing policies outside of

- An investigation, or
- Reinforcing a clearly stated COVID-19 requirement.

And if so, who should be tested?

Symptomatic staff members, and those who have had close contact with a confirmed case are recommended to be tested. Testing may be directed by Health District outbreak investigation staff for any employee or group of employees it deems appropriate.

2) Should an employer require their employees to be tested for COVID-19 routinely or only before returning to work?

Routine testing of asymptomatic employees is only recommended in certain high risk situations (e.g., healthcare workers in skilled nursing facilities). Testing asymptomatic workers for COVID-19 only assesses the worker at that point in time and tests do not always detect people who are infected.

The Health District does not recommend a testing-based strategy for determining when an employee can return to work after testing positive for COVID-19. This is because pieces of the virus can remain in the airway for up to several weeks after recovery and can cause the test to be falsely positive. If someone is to get re-tested after the isolation period, they may test positive although they are no longer contagious. A time-based strategy is recommended (see below).

3) If negative COVID-19 test results are not required to confirm that an employee is safe to return to work, then how does an employer know that it's safe for that employee to return to work?

The CDC, DOH, and Health District all recommend a time-based strategy for determining when an employee can return to work [in most circumstances](#).

People with confirmed COVID-19 infection who are not hospitalized can return to work after:

- At least 10 days since symptoms first appeared and
- At least 24 hours with no fever without fever-reducing medication and
- Other symptoms of COVID-19 are improving (Note: Loss of taste and smell may persist for weeks or months after recovery and need not delay the end of isolation)

COVID-19 FAQ's: Employers & Businesses

People with confirmed COVID-19 infection who were admitted to a hospital may need to stay in isolation up to 20 days since their symptoms first appeared. Those who tested positive, but are asymptomatic, must remain in isolation through the 10th day after they were tested.

Those who have had close contacts with a confirmed COVID-19 case should remain in quarantine through the 14th day after their last exposure. They should not be tested until 4-7 days after their last exposure, unless symptoms develop earlier. Testing done earlier may show a false-negative result.

The Health District encourages employers to allow employees to return to work upon fulfilling these time-based requirements.

4) Should an employer require some sort of doctor's note or public health correspondence confirming that an employee is allowed to return to work?

That is up to the employer, but they need to be aware that healthcare providers and medical facilities may not have the capacity to provide the required documentation in a timely manner during this pandemic. For this reason, the CDC [does not recommend](#) that employer's require sick employees to provide a COVID-19 test result or a healthcare provider's note to validate their illness, qualify for sick leave, or to return to work. It is important that employer's communicate with employees to ensure that they remain away from work for the full duration of their isolation or quarantine period. The Health District will not provide employees written documentation to certify that they are safe to return to work, but will provide guidance on time-based return to work strategies.

Alternatively, as confirmation, should an employer require a doctor's note, positive test result, or public health correspondence from an employee that has tested positive and has been instructed to stay home?

That is up to the employer. Those testing positive for COVID-19, and those who have been in close contact with a confirmed case should be advised that to return to work prior to release from isolation or quarantine, respectively, violates the Governor's and the local health officer's orders, and therefore is a misdemeanor. Individuals tested at Health District sites can request a copy of documentation of their results if needed. The Health District is a public health agency rather than a health care provider, and cannot fill out FMLA certifications. This must be completed by the employee's personal health care provider.

5) If the employer is aware of multiple positive COVID-19 cases, are they required to disclose the other cases to a public health investigator, even though they may not be related to the one currently being investigated?

Yes. It is not the duty or power of the employer to decide whether cases are related. The Health District serves that function. Revealing such cases whenever and wherever they exist or have existed (i.e., both present and past) is part of cooperating with a communicable disease investigation and is obligated pursuant to [WAC 246-101-425](#).

COVID-19 FAQ's: Employers & Businesses

6) For customer/client-oriented employers that learn of an employee testing positive for COVID-19, is the employer required to inform customers/clients about potential exposure?

No. That falls within the purview of the Health District's investigation. The employer should contact the Health District in order to provide the relevant information. The Health District will take further steps if it is determined that those customers/clients have been exposed. There are exceptions in certain circumstances where the Health District delegates this role to another entity (e.g., hospital infection prevention).

7) Are employers required to collect and later disclose client/customer personal information to public health investigators?

Yes, the Health District recommends that all places of business maintain a visitor/client log that is retained for 30 days in the event that a contact investigation is needed. Businesses are required to share with us any and all identifying and locating information that they have for subjects of a communicable disease investigation—including patrons--pursuant to [WAC 246-101-425](#).

8) At any point in time, are customer/client-oriented employers required to disclose to patrons if they've had a positive COVID-19 case recently at their site/location?

No. The Health District works to determine whether patrons were at risk and, if so, to determine and implement the method for notifying them. In that context, the employer must cooperate in providing all known identifying and locating information as set forth above.

9) Will the Health District require a business or organization to close because of a confirmed case?

In most cases, a single case will not result in closure. A business may voluntarily close for cleaning or may need to close because they do not have enough staff to operate if multiple employees are to remain at home during quarantine. However, if a business is not cooperating with the Health District during an active case investigation, a Health Officer Order may be issued. Such orders may require the temporary closure of the business, as well as potential legal action if the business fails to comply with the order.

10) Do I need to pay the employee while they are in quarantine or isolation?

In certain circumstances, employers are required to provide paid leave to employees who have been affected by COVID-19. Employers should review [state](#) and [federal](#) requirements to ensure that they are compliant with the reliefs and protections that are available to employees during this pandemic. The Health District encourages employers to support their employees whenever possible, and to point them to state and federal resources for more options. Please see <https://esd.wa.gov/about-employees> and www.doh.wa.gov/Coronavirus/Workplace for more information about resources, guidelines and laws for both employees and employers.