



seattle metropolitan chamber of commerce

TOOLKIT

After The COVID-19 Emergency Orders: Reporting, Requirements and How To Protect Employees



November 2022

Questions? Contact info@seattlechamber.com

REPORTING COVID-19 OUTBREAKS + EXPOSURES



The following is applicable all employers, regardless of number of employees.

KEEP IT CONFIDENTIAL

Reports must NOT include names or identifying information of ANY individuals involved in the outbreak or exposure.

WHEN TO REPORT AN EXPOSURE

The moment an employer becomes aware of a potential exposure of employees to COVID-19, and your report must occur within one business day after you become aware. In medical settings, report high-risk exposures within 24 hours – high-risk means the medical professional was not wearing a fit-tested respirator in some settings.

WHEN TO REPORT AN OUTBREAK

The moment an employer becomes aware of 10 or more test-confirmed employee COVID-19 cases, and at least two cases have occurred within 14 consecutive calendar days.

Or, if public health notifies an employer of outbreak in your workplace.

Employers with 50+ employees must also report outbreaks to DOSH within 24 hours of being notified of an outbreak. (Call 1-800-4BE-SAFE (1-800-423-7233); follow the option for “reporting fatalities, hospitalizations, amputations, or loss of an eye.”)

HOW TO REPORT

Employers must provide written notice of outbreaks, exposures and high-risk exposures to:

- All employees who were on the workplace premises the same day(s) as the potentially infectious individual, or known or suspected exposure
- Union representative, if applicable, and only with the employee’s authorization
- Any temporary help services on the premises the same day(s)

PUT IT IN WRITING

- State the existence of known or suspected exposure or outbreak
- Remove any identifying information of any employees
- Use a method you regularly use to communicate with employee
- Notify in English and the language understood by the majority of employees

CONTINUING TO PROVIDE A SAFE WORKPLACE



The following are minimum requirements for all employers, health care and non-health care.

HAVE A PLAN

All employers in Washington state are required to create an Accident Prevention Program that includes a COVID-19 hazard assessment, or similar safety plan, like this [example](#).

HAVE A RULE OF THUMB

COVID-19 positive and/or symptomatic employees must avoid the workplace for at least five days and follow [isolation guidelines](#).

KEEP IT CLEAN

Provide employees with handwashing facilities and supplies, and education on preventing COVID-19 at work.

WELCOME PPE

Allow employees to wear face masks and personal protective equipment, as long as they do not create safety or security issues.

MEDICAL SETTINGS: REQUIRE PPE

When indoors, every person, including employees, must wear a face mask that covers their nose and mouth. These settings include:

- Hospital, clinic or health care provider's office
- Health maintenance organization
- Diagnostic or treatment center
- Neuropsychiatric or mental health facility
- Hospice or nursing home
- Long-term care settings

In the setting above, employees can skip the mask:

- While working in areas not accessible to the public and with vaccinated employees
- While working alone with little expectation of interruption
- While eating, drinking or personal hygiene activities

CONFIRM AND ACCOMMODATE HIGH-RISK EMPLOYEES

Employers can seek confirmation from their employees' medical providers affirming high-risk status. Accommodate high-risk employees seeking more COVID-19 protections. Reminder: The Health Emergency Labor Standards Act protects employees from being fired or discriminated against in the workplace for seeking accommodation to prevent exposures.

CONNECTING EMPLOYEES WITH THE RIGHT LEAVE BENEFITS



The following are minimum requirements for all employers, health care and non-health care.

COMMUNICATE ABOUT AND ALLOW PAID SICK LEAVE

Communicate clearly to employees businesses will allow the use of paid sick leave:

- To care for family members exposed to or infected with COVID-19
- If the employee is experiencing COVID-19 related symptoms
- To cover an absence for COVID-19 medical treatment or diagnosis
- To cover COVID-19 preventative care, like boosters

Employers can require employees leave work due to COVID-19 exposure, but they cannot require employees to use their sick leave.

CLARIFY USE OF PAID FAMILY AND MEDICAL LEAVE

To be eligible for Paid Family and Medical Leave, a health care provider must certify that the employee is unable to work because of a serious health condition, which can, but does not necessarily, include COVID-19. A positive COVID-19 test cannot be submitted as documentation for Paid Family and Medical Leave and quarantine is not covered.

CLARIFY AND ALLOW WORKERS' COMPENSATION

Frontline workers (see examples next page) who contract COVID-19 at work will be eligible for workers' compensation coverage until the U.S. declares the end of the federal COVID-19 public health emergency.

Health care employees can use workers' comp if they contract COVID-19 or are quarantined. Employees are eligible for disability and medical benefits; the insurer (L&I or private) will pay for medical treatment.

Time loss benefits will begin the first day after the earliest of the following:

- First missed workday due to symptoms
- The day the employee was quarantined by a medical professional
- The day the employee received a positive test

To qualify for workers' comp, an employee must prove the infection happened in the workplace. The employer can rebut with evidence that infection happened elsewhere.

If the employee was working from home when they contracted COVID-19, they are not eligible for workers' comp.

Vaccination policy note: If vaccination is required by the employer, and the employee has an adverse reaction, the employee may file a workers' comp claim.

WHO IS A FRONTLINE WORKER?



First responders

- Law enforcement
- Firefighters
- EMTs, paramedics, ambulance drivers

Food processing, manufacturing, distribution, farm, meat-packing work
Maintenance, janitorial, and food service workers at any facility treating patients diagnosed with COVID-19

Public transit and transportation drivers and operators

Childcare workers

Retail workers

Lodging employees

Restaurant employees

Home care aides and home health care aides

Educational employees

- Teachers
- Paraeducators
- Librarians
- School bus drivers
- All other educational support staff, or contractor of a school district

Higher education employees for in-person classes