



## GUIDANCE FOR RESTAURANTS RESPONDING TO COVID-19 POSITIVE EMPLOYEE<sup>1</sup>

June 24, 2020

- **Employees Who are Sick**
  - Make sure that employees know they **should not come to work** if they are sick and should notify their manager or other designated COVID-19 point of contact.
  - If an employee becomes sick while at work with COVID-19 [symptoms](#), test positive for COVID-19, or have been [exposed](#) to someone with COVID-19 or have been exposed to someone with COVID-19 symptoms or a confirmed or suspected case, the employee should notify her/his supervisor or other designated COVID-19 point of contact.
  
- **Employees with COVID-19 Symptoms at Work**
  - Immediately separate employees with COVID-19 [symptoms](#) (i.e., fever, cough, shortness of breath). Individuals who are sick should go home or to a healthcare facility, depending on how severe their symptoms are, and follow [CDC guidance for caring for oneself and others](#) who are sick. Employees should not return to work until the criteria to [discontinue home isolation](#) are met, in consultation with healthcare providers.
  
- **COVID-19 Exposed Employees with No Symptoms**
  - Critical Infrastructure workers who have had an exposure but remain asymptomatic could be asked to stay home until 14 days after the last exposure or [allow them to return to work with the following precautions](#):
    - Take employee's temperature and assess symptoms prior to starting work;
    - If the employee doesn't have a temperature or symptoms, they should still self-monitor throughout the day;
    - **If an employee becomes sick during the day, send them home immediately;**
    - Have them wear a face mask while in the workplace;
    - The employee should maintain 6 feet and practice social distancing as work duties permit in the workplace; and,
    - Consider increasing the frequency of cleaning commonly touched surfaces.

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<sup>1</sup> This document provides general guidance on strategies employers could consider in preparation for a potential COVID-19 positive employee. It should not be construed as legal, medical or human resource advice, but rather as a resource for employers needing to take quick action. The electronic version of this document contains the relevant links, as of June 24, 2020, to the CDC, OSHA, EPA, and EEOC pages.

- **Contact Tracing Employees Exposed to COVID-19**
  - Contact trace within your operation to determine potential exposure. You may ask an employee that tested positive for COVID-19 which coworkers he/she had been in “close contact” with in the prior 2 weeks (definition within [6 feet for more than 15 minutes](#)) or check shift schedules.
  
- **Notify Health Officials and Close Contacts**
  - In accordance with state and local laws, restaurant operators should notify [local health officials](#) and staff of any case of COVID-19 among employees, while maintaining confidentiality in accordance with the [Americans with Disabilities Act \(ADA\)](#).
  - Advise those who have had [close contact](#) with a person diagnosed with COVID-19 to stay home and [self-monitor for symptoms](#), and follow [CDC guidance](#) if symptoms develop. As critical infrastructure, you may also allow COVID-19 exposed employees with no symptoms to return to work with the precautions outlined above, also found in the [CDC Guidance for Critical Infrastructure Workers](#).
  
- **Clean and Disinfect**
  - Close off areas used by a sick person and do not use these areas until after [cleaning and disinfecting](#) them.
  - Wait at least 24 hours before cleaning and disinfecting. If 24 hours is not feasible, wait as long as possible. Ensure [safe and correct use](#) and storage of [cleaning and disinfection products](#).
  
- **Returning to Work**
  - You may ask for a “fitness for duty/return to work” medical clearance note prior to a sick employee returning for work. Some jurisdictions, like New York, do not allow employers to ask for such a note from asymptomatic employees.

For questions or to make sure you have the latest version of this document, please contact [Angelo I. Amador](#), Executive Director of the Restaurant Law Center, at 202-492-5037 or via e-mail at [aamador@restaurant.org](mailto:aamador@restaurant.org).

