**How to Communicate With Employees**

**When an Employee Tests Positive for the Coronavirus**

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Millions of Americans have tested positive for the coronavirus, so odds are that one of more of your employees will test positive in the coming months. But there is a smart (and legal) way to communicate this news to your employees.

*The wrong way:* When a member of the WWE wrestling production crew got the virus, the person’s name came out on social media even before the WWE staff found out.

Employees deserve to hear this news from you, not a tweet or local media. But make sure you handle it legally.

The ADA’s confidentiality rules apply to these communications, and the employee’s positive test is still a confidential medical record. That means you can’t divulge the identity of the person who tests positive.

You should, however, use that letter or email to communicate to employees that they may have come in contact with someone who tested positive and they should be diligent about monitoring their own health for possible symptoms. Also, go beyond this alert to make employees feel safer.

“You can flip the story around into one focused on everything you are doing to protect the health and safety of your employees,” says attorney **Jon Hyman of the Meyers Roman law firm in Cleveland** and the author of the popular Coronavirus Law Blog.

**Here is a sample letter drafted by attorney John Hyman that you can adapt to your workplace and send along to employees (via email or other internal communication) after you’ve learned that an employee in the workplace has tested positive…**

 

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Dear Employees:

It saddens us to inform you that one of your co-workers has tested positive for COVID-19. The law prevents us from telling you the identity of that co-worker, but we want to assure you that we will continue to support this employee as your co-worker heals from this virus, and we will welcome them back to join you at work once it is safe to do so.

We are doing everything within our ability and resources to keep you as safe and healthy as possible at work. Still, with many cases of COVID-19 transmitted before anyone knows they have been exposed, and with you being at work only for a fraction of your day, we cannot 100% guarantee the virus won't enter our workplace.

We continue to require that you self-assess daily for your own potential COVID-19 symptoms (fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea). If you have any of these symptoms, please let us know and *do not return to work* until you have received a negative COVID-19 test, or you are symptom-free for at least 72 hours and at least 10 days have passed since your first symptoms.

We are also continuing to take the following steps to help ensure, as best as possible, your health and safety here at work:

* Employees are required to wear masks or other facial coverings at all times while at work, unless you granted a specific exception (such as for safety, a medical reason, or because you are working alone in a closed office).
* Employees are required to maintain six feet of social distance from others at all times.
* Employees must diligently wash their hands and otherwise use hand sanitizer (which we are providing in intervals around the workplace).
* Employee must self-assess their own health before reporting to work, and no employee is permitted to come to work if they have any of the known symptoms of COVID-19.
* Each employee is responsible for cleaning their own work station at the end of each shift.
* We are deep cleaning the entire workplace on a weekly basis.

Additionally, because of the unfortunate positive test, we had the facility deep cleaned and sanitized prior to anyone being allowed to reenter after we learned of the positive test.

Our commitment to your health and safety is our top priority. If you have any questions or concerns, please contact \_\_\_\_\_\_\_\_\_\_\_\_\_\_. Our door is always open.

Be well.