

COVID-19: ILLNESS GUIDELINES IN HOSPITALITY & HOTELS

GUIDELINES FOR EMPLOYEE & STAFF ILLNESS

- Educate employees to notify their supervisors or managers immediately if exhibiting cold or flu-like symptoms.
 - Direct employees to stay home if exhibiting such symptoms, as staying home helps prevent spreading the virus to co-workers and others.
 - Isolate and send home sick employees, including those with temperatures greater than 100.4oF.
 - Consider offering face masks and/or transport for sick employees.
 - Clean and disinfect surfaces and areas exposed to infected employees per CDC guidelines.
- department guidelines, which may include completing 2 consecutive negative SARS-CoV-2 tests. Employees should self-isolate for at least 14 days if any of the following statements apply:
 - They tested for SARS-CoV-2 and are awaiting results.
 - They were exposed to COVID-19 and experiencing symptoms.
 - They are symptomatic but without known exposure.
 - They are caring for a sick family member with COVID-19.
 - They have traveled from places (international or domestic) at high risk for exposure.

Employees should not return to work until they are symptom-free for at least 7 days and are symptom-free for at least 72 hours without the use of medication. Employees should additionally follow local health

Any medical information provided by employees should be kept confidential.

Regulatory Considerations

Americans with Disabilities Act (ADA)

The ADA prohibits employee exclusion from the workplace for health/safety reasons unless they pose a direct threat to others at work that cannot be eliminated by reasonable accommodation.

- Employers can require the disclosure of COVID-19 diagnosis, symptoms, and potential exposure history.
- Employers can require testing of employees with symptoms.

Family Medical Leave Act (FMLA)

The FMLA requires the continuation of healthcare coverage for employees of covered employers for serious health condition including COVID-19. If employees want to return to work after caring for family but are symptomatic, employers may place employees on temporary leave to keep them out of the workplace.

OSHA General Duty Clause

Employers are legally obligated to provide safe and healthy workplaces for employees and employees of other employers on site (vendors/contractors). It is critical that employers “recognized hazards that can cause serious injury/death,” as stated in the OSHA General Duty Clause. Assessing exposures and conducting property risk management/safety intervention requires the following:

- Employee education/training on hazards

- Personal Protective Equipment
- Report infection to local health department
- Medical surveillance
- Document occurrence(s) on OSHA 300 Log (if exposure/infection is determined to be work-related)
- Severe injury/illness notification to OSHA (if exposure/infection is determined to be work-related)

Whistleblower Protection

Employees must believe there is imminent danger at the workplace due to the “actual presence” or “reasonable probability” of disease. This pertains to employees who refuses to work because they feel someone at work has exhibited symptoms of COVID-19 and is a protected activity until employer can establish through “objective evidence” that there is no hazard or that there is a response plan in place that will reasonably protect employees from COVID-19.

Premises Liability

Employers owe a duty of “reasonable care” to protect invitees against hazards on their premises that are not open and obvious. Employers additionally owe a duty to warn or to prevent access; this is applicable to staff and guests, who much be notified and provided the option to leave.

Should an employee begin sneezing or coughing at workplace, the employers may have responsibility for site sanitation and/or security and may need to provide enhanced sanitation of common areas and HVAC systems.

GUIDELINES FOR GUEST ILLNESSES

- Instruct employees to notify their supervisors or managers immediately upon becoming aware of a guest who has symptoms or a confirmed case of the infectious disease or virus.
- Deny service at registration to symptomatic guests if those symptoms present a health risk to others. If uncertain, guests may be relocated to a designated quarantine area until a final decision is made.
- Notify the local health department/authority.
- Advise symptomatic guests or those who feel sick to limit contact (self-isolate) and seek medical treatment.
- Contact symptomatic guests daily to identify any service needs, confirm their well-being, and address any medical attention needs.
- Contain and secure impacted room(s) and/or area(s).
 - o Prohibit employees and guest access.
 - o Disallow guests from exiting the containment area.
 - o Prohibit access to public areas, food and beverage service areas, swimming pools, fitness centers, or business centers.
- o Reduce cleaning frequency of occupied/impacted rooms to “as-needed” until vacancy or self-isolation period is complete.
- o Offer clean linen, towels, amenities, and other items on a regular basis. Leave them in a clear plastic bag outside of guest rooms.
- o Delay cleaning of vacated room/turnaround for 24 hours until entry by housekeeping staff.
- o Direct engineering to implement measures (if possible) to isolate HVAC systems for impacted rooms and areas.
- Offer room service utilizing disposable dishes and utensils. Deliver orders to guest room doors. There should be no hand-to-hand transfer of food or utensils.
- Offer access to a hotel physician for telehealth consultation (if designated).
- Act upon the duty to warn other prospective guests of a COVID-19 outbreak at registration/check-in with the option to leave and cancel reservations without penalty.

Please be advised that any and all information, comments, analysis, and/or recommendations set forth above relative to the possible impact of COVID-19 on potential insurance coverage or other policy implications are intended solely for informational purposes and should not be relied upon as legal or medical advice. As an insurance broker, we have no authority to make coverage decisions as that ability rests solely with the issuing carrier. Therefore, all claims should be submitted to the carrier for evaluation. The positions expressed herein are opinions only and are not to be construed as any form of guarantee or warranty. Finally, given the extremely dynamic and rapidly evolving COVID-19 situation, comments above do not take into account any applicable pending or future legislation introduced with the intent to override, alter or amend current policy language.