



COVID-19 in the Workplace

With the surge in COVID-19 cases across the country, more and more small business owners are seeking guidance on how to handle situations where an employee has virus symptoms or may have been exposed to a person who tested positive for COVID-19. This tip sheet answers some basic questions that small business owners may have when confronted with these situations. The information is based on the latest guidance provided by the [CDC](#).

■ Can I Require Employees with COVID-19 Symptoms to Stay Home?

Yes. An employee who comes to work exhibiting COVID-19 [symptoms](#) should be immediately separated from other employees and sent home. If they develop symptoms outside of work, they should notify their supervisor and remain home.

■ What Is Best Practice if an Employee Was Exposed to COVID-19 but Is Not Showing Symptoms?

An employee may have been exposed if they were in close contact (within 6 ft. for a prolonged period of time) with someone who was infected. If the exposed employee is showing symptoms, they should self-isolate and follow the CDC [recommended steps](#). If the exposed employee does not have any symptoms, they should remain at home and practice social distancing for 14 days.

■ What Should I Do if an Employee Came to Work and Later Tested Positive?

If the employee came to work less than 7 days ago, clean and disinfect all areas used by the sick employee. If other employees have been exposed to close contact with the sick employee, inform them of their possible exposure to COVID-19 but maintain confidentiality as required by the Americans with Disabilities Act.



Otherwise, an exposed employee should take the precautions outlined in the above question and answer. Employees who were not exposed should self-monitor and notify a supervisor if they later develop symptoms.

■ **Should I Require a Doctor's Note or Positive Test Result?**

No. Employers should not require a doctor's note or positive test result to validate illness, qualify for sick leave, or return to work. Healthcare providers and offices may be extremely busy, and tests may not yield results for days.

■ **When Should a Sick Employee Return to Work?**

The CDC recommends requiring employees be symptom-free for a number of days before returning to work. Currently, employees should not return to work until at least 10 days have passed since symptom onset and at least 24 hours have passed since resolution of fever without fever-reducing medications and other symptoms have improved. Employers should not require a negative COVID-19 test to return to work. [This CDC guidance provides more information on a sick employee returning to work.](#)

■ **Can I Require Employees to Be Tested for COVID-19?**

Yes, if the testing is job-related and necessary for the operation of the business, for example confirming COVID-19 negative status so the employee can come to work. If an employer chooses to test employees, they should ensure that tests are administered consistently among similarly situated employees, and tests are not conducted in a discriminatory manner. Employers should also check state and local laws to see if employer testing is prohibited.

■ Is Paid Sick Leave Mandatory?

No. Paid sick leave is left to the discretion of the employer under the Family First Coronavirus Response Act (FFCRA), but may be mandatory under state and local law. The FFCRA no longer mandates employers provide sick leave for employees who are seeking treatment or diagnosis for COVID-19, as well as those who have the illness but instead extends the tax credits for doing so until March 31, 2021. Employers continue to be eligible for a tax credit equal to 100% of FFCRA leave provided. One important note for small businesses: Congress did not increase the 80-hour cap for sick leave or 10 weeks for child-care due to COVID. Thus, the reimbursement for providing the leave is the same as in 2020, except that you will not be reimbursed for anything above the existing caps.

For more information on these provisions, consult these other resources that NFIB has prepared:

- [FFCRA Tax Credits Fact Sheet](#)

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