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Authors:

[David A. Skidmore, Jr.](#)

[Jeffrey N. Lindemann](#)

Coronavirus Guidance for Employers

As the coronavirus (COVID-19) pandemic spreads and quarantines are enacted, what should employers do? There is no one-size-fits-all answer; but your business should start considering how to handle this issue if it erupts in the United States.

How does Coronavirus spread?

Coronavirus generally spreads between people within 6 feet of each other through respiratory secretions, especially coughing and sneezing. It is not currently known whether the virus can be transmitted by touching a surface with the virus on it.

What can employers do now?

It is important for employers to maintain open lines of communication with their employees. To that end, employers should update contact information for employees if necessary and stay informed of the latest news. The Centers for Disease Control and Prevention (CDC) has also issued "Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease." The CDC recommends that employers begin implementing the following steps now:

- Encourage employees with acute respiratory illnesses to stay home;
- Separate sick employees;
- Emphasize cough and sneeze etiquette and hand hygiene;
- Perform routine environmental cleaning;
- Advise employees about the risks prior to travel to countries that have had a significant outbreak; and
- Consider informing employees in the case of possible exposure in the workplace.

What plans should employers put in place?

The CDC also recommends that employers create response plans now in case an outbreak does occur in the United States. Employers should create response plans that would:

- Reduce transmission among staff;
- Protect people at higher risk for adverse health complications;
- Maintain business operations; and
- Minimize adverse effects on other entities in their supply chains.

Can your business allow short-term telecommuting? Flexible hours? The cancellation of some or all business travel? Fewer in-person meetings? There is no single answer to these questions for every business.

Can employers require employees to undergo medical examinations?

As noted by the Equal Employment Opportunity Commission in its guidance, "Pandemic Preparedness in the Workplace and the Americans with Disabilities Act," employers may not require medical examinations under the ADA unless the medical exam is job-related and consistent with business necessity. Whether a medical exam is job-related and consistent with business necessity depends upon the facts presented (e.g., what are the employee's symptoms, where has the employee been, etc.) and the latest CDC guidance on coronavirus.

What actions can employers take in the case of a pandemic?

In the case of a pandemic, employers can send employees home if they show coronavirus-like symptoms at work. Furthermore, employers may ask employees if they are experiencing coronavirus-like symptoms as long as they are mindful of confidentiality obligations. Finally, if an employee returns from traveling during a pandemic, an employer may ask the employee whether they are returning from a location where that individual may have been exposed to the virus.

Obviously, this is an evolving issue. The businesses that plan for it will be in a better position to deal with it if it becomes a crisis in the United States. For more information relative to this specific article, please contact Erin Escoffery, [David Skidmore](#), [Jeff Lindemann](#) or any attorney in Frost Brown Todd's [Labor & Employment Practice Group](#).

To provide guidance and support to clients as this global public-health crisis unfolds, Frost Brown Todd has created a [Coronavirus Resource Page](#). We have also convened a dedicated Coronavirus Response Team, with attorneys on hand to field questions concerning labor and employment matters, commercial contracts, litigation risks, as well as business succession, continuity and crisis response planning.

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