



State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES
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COVID-19 STATE OF EMERGENCY

Protocols for Notifying Employees of COVID-19 Exposure Risk

Prepared in cooperation with the Department of Health and Human Services,
Division of Public Health Services

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The information below is being provided to Commissioners and Agency Human Resources personnel for distribution to all managers and supervisors and contains protocols to follow during the COVID-19 State of Emergency. Due to the continuously evolving nature of information related to the COVID-19 State of Emergency, the information provided in this guideline is subject to change as circumstances change.

The State of NH understands that a worker's medical information is confidential and works diligently to ensure it remains private. However, during the COVID-19 State of Emergency, the balance between privacy and providing a safe work environment may mean providing specific information while maintaining the confidentiality of employees' medical information, as required by the Americans with Disabilities Act (ADA).

Supervisors are reminded to direct employees to contact their supervisor if diagnosed with COVID-19 or experiencing symptoms of COVID-19. The following protocols pertain to supervisors.

1. I have an employee who was diagnosed with COVID-19. What are my obligations to provide notice to employee's co-workers?

According to the Centers for Disease Control and Prevention (CDC), employers should inform fellow employees who had prolonged close contact (within 6 feet for >10 minutes) of their potential workplace exposure, while maintaining confidentiality under the Americans with Disabilities Act (ADA) by not revealing the infected individual's name or other identifying information.

It may be possible, based on who is notified, that employees will have a reasonable idea as to the identity of the affected employee. This may be the case in small agencies or in any agency in which the affected employee has only limited routine contacts with others. Even in those situations, a supervisor must still protect the affected individual's identity. If employees come to you for verification, even if their suspicions are obvious and correct, do not verify and do not disclose any further information.

In consultation with your agency Commissioner and Human Resources administrator, supervisors should:

- Inform co-workers and non-employees who may have been in prolonged close contact (within 6 feet for >10 minutes) with the affected employee that there has been a potential COVID-19 exposure in the workplace.
- Do not include the employee's name or other information that might identify them.
- Non-essential employees should stay home until 14 days after last exposure, if no symptoms develop, and maintain social distance (at least 6 feet) from others at all times. They should follow instructions for self-quarantine available here: <https://www.nh.gov/covid19/resources-guidance/documents/self-quarantine-covid.pdf>
- Essential employees, such as healthcare workers, public safety personnel, COVID-19 response personnel, and others required to run essential state business, and who have been exposed in the workplace, may be permitted to continue to work at the discretion of their agency. Ideally, exposed employees should be asked to stay at home with telework options made available, however, agencies may permit in-person work, if necessary, to maintain essential operations. These employees working in-person should:
 - Report their temperature and absence of symptoms each day prior to starting work;
 - Maintain social distancing (>6 feet from others) while in the office, avoid attending in person meetings, etc.;
 - If available, wear a facemask while working around others, especially in healthcare settings, to prevent pre-symptomatic transmission if symptoms do develop (cloth facemasks are an acceptable alternative to medical/surgical facemasks in non-healthcare settings, i.e. office settings); and
 - Safely notify their supervisor and leave work immediately if they develop even mild symptoms consistent with COVID-19.
- Remind all co-workers not to come to work and to stay home and seek medical attention if they develop any symptoms of illness.
- Immediately notify the appropriate individuals of the need to clean and disinfect the affected employee's work area. Follow these instructions from CDC: <https://www.cdc.gov/coronavirus/2019-ncov/prepare/disinfecting-building-facility.html>

2. ***What if one of my employees notifies me that they are experiencing signs of COVID-19 illness (sick with fever, respiratory illness, or mild flu-like symptoms) but has not received a formal COVID-19 diagnosis?***

Notification protocols in situations involving an employee who is symptomatic but untested should be handled in the same manner as a positive test, as indicated above.

3. ***May an employer share with other employees the name of an employee who has tested positive for COVID-19?***

No. The ADA requires employers that collect medical information from employees to keep such information confidential.