

CORONAVIRUS (COVID-19) AND NON-PROFIT EMPLOYERS

WHAT YOU NEED TO KNOW AND WHAT YOU NEED TO DO

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1. **Are non-profit organizations treated differently than other organizations or companies with respect to employment law issues?** The short answer is “generally no.” All leave laws and other employment-related laws, such as sick time, apply equally to non-profits. There are no special carve-outs. Nonprofits who are 501(c)(3) organizations can, however, have different methods of paying into the unemployment systems or contributing to certain federal tax programs, and certain members of these organizations can be exempt from coverage (such as religious organization employees). Here is a link for further information:

https://www.edd.ca.gov/pdf_pub_ctr/de231np.pdf

2. **Can we force a worker to self-quarantine upon return from a trip?** It depends on where they are coming from. If they are coming from a designated high-risk area, or from a cruise ship, for example, or if they have been in contact with someone who has done so, or the area has a higher than average number of cases but hasn't been designated as “high-risk,” then yes you may tell them to stay home for what has been identified is the expected incubation time frame of 14 days. You do not have to pay for this time, but can permit them to use PTO or vacation; or sick time if they have symptoms or are otherwise sick.
3. **Can we modify schedules and reduce pay consistent with the reduced hours?**
 - a. For hourly workers, the answer is yes. You can both reduce hours and reduce hourly pay if you elect to do so. Consider the morale problem of reducing pay, however. If you do so, be sure to inform employees that you hope this will be a temporary reduction to recover from current circumstances (without promising any specific time frame or a later increase in pay).
 - b. For salaried exempt workers, you may reduce workload and salary. For example, the organization could reduce exempt workers to 80% time with a corresponding reduction in pay by 20%. Based on the government's opinion letters issued when this occurred in 2008 and 2009 during the economic downturn, this will not jeopardize exempt status.
 - c. Note, however, that to remain salaried exempt, such workers would have to maintain the minimum salary of \$49,040 for organizations with fewer than 26

workers, and at least \$54,080 if they have 26 or more workers. Employers may not prorate the minimum thresholds required by the state when hours are reduced.

4. **Can employees demand that they be able to work from home?** There is no state or federal law requiring an employer to honor such a demand in the absence of a government mandate. However, doing so where feasible is a good idea, given precautions recommended by the Center for Disease Control (www.cdc.gov) at this time. This does come up in the context of a disability accommodation and telecommuting may be a reasonable accommodation that may be feasible if not an undue hardship to the employer. If an agency can accommodate telecommuting during the current crisis, we can provide a telecommuting agreement to fit your needs.
5. **Can employees file a claim for worker's compensation benefits if they catch COVID-19 from a co-worker or customer/client/patient?** The answer is unclear. In general, if an employee becomes ill in the workplace or while performing work duties, they are eligible for benefits. However, it would be difficult to prove that your employee caught it from a co-worker, unless the employee worked in a high-exposure environment like a hospital or other health care facility. There is also the possibility that someone could also claim a "serious and willful" work environment existed, perhaps just by keeping a workplace open and someone later contracts the virus. We don't know how this would be adjudicated, but causation seems to be a serious impediment to pursuing a workers compensation claim in most situations.
6. **Are companies required to pay more sick leave than already required by the state?** Not based on state law. Federal law is currently being enacted that would extend sick leave and other unemployment benefits to employees (see below). LightGabler will issue a legal update when this is finalized. See our website at www.lightgablerlaw.com for updates, or you can sign up for our mailing list to receive those updates via email.
7. **What is the federal government doing to provide benefits to employees affected by coronavirus and business closures?** The House of Representatives passed a bill on March 13, 2020. The Senate has yet to pass its own version that should mirror the House version, but is expected to do so and the President is expected to sign the bill, titled in the House as the "Families First Coronavirus Response Act." The House bill includes the following highlights (subject to modification by the Senate's version):

Sick Leave Requirements

- a. Public agencies and employers with fewer than 500 employees will be required to provide full-time employees eighty hours of paid sick leave for specific COVID-19-related issues (e.g., self-isolating, school closures, illness, etc.)

- b. Part-time employees are entitled to the number of hours of paid sick time equal to the number of hours they work, on average, over a 2-week period.
- c. Employers must compensate employees for any paid sick time they take at their regular rates of pay (as determined by the Fair Labor Standards Act).
- d. Employers will be required to post a notice informing employees of their sick leave rights.
- e. For employers with PTO policies, they are not permitted to change their policies after the enactment of the Act in order to avoid providing the 14 additional days.
- f. The paid sick leave provisions will go into effect 15 days after enactment and expire on December 31, 2020.
- g. Reimburses small businesses (under 50 employees) for the costs of providing the 14 days of additional paid sick leave used by employees during a public health emergency.
- h. Allows construction workers to receive sick pay based on hours worked for multiple contractors.
- i. Allow tax credits to employers who provide sick leave.

What we don't yet know is the mechanism for applying for these benefits from the Social Security Administration, which will administer these programs.

FMLA rules under the new law:

- a. The Act provides 12 weeks of job-protected paid Family and Medical Leave Act ("FMLA") for employees of public agencies and employers with fewer than 500 employees.
- b. The first 14 days of this expanded FMLA leave may be unpaid.
- c. Employees are permitted to use accrued personal or sick leave during the first 14 days, but employers are prohibited from requiring employees to do so.
- d. The leave applies to any employee who has been working for their employer for at least 30 days.
- e. Employees may use the leave to quarantine, because of school closures, or to care for a family member.
- f. The provisions also expand the category of people for whom leave can be taken (i.e., domestic partner, child of domestic partner, grandparent, next of kin, etc.)
- g. After the first 14 days, employers must compensate employees at a rate not less than two-thirds of the employee's regular rate of pay while the employee is on COVID-19 FMLA leave.
- h. The FMLA provisions will go into effect 15 days after enactment and expire on December 31, 2020.
- i. Employers with fewer than 50 employees can apply for a hardship waiver. The Act, as written, exempts "small businesses with fewer than 50 employees from

the requirements of section 102(a)(1)(F) [the emergency FMLA leave] when the imposition of such requirements would jeopardize the viability of the business as a going concern.” There are no specifics yet on how to go about applying.

8. **Should we or must we allow employees to go negative on sick or vacation/PTO accruals during this time?** That is a business decision of the organization, but is a reasonable way to extend additional benefits during this critical time. Note, however, that it is unlikely the organization would be able to recover the negative if the employee leaves the organization before recouping the negative. An employer generally cannot take the negative balance out of any final pay or benefits owed.
9. **Can we take the temperature of employees?** The answer so far is “no.” Unfortunately, we don’t really have clear legal guidance on this (at least for our area) because the agencies are scrambling with all the new issues that arise each day (or multiple times per day). Certainly, in emergency situations, drastic measures are often acceptable to protect public health and safety. However, there are a number of significant employment law issues with the process you are suggesting.
 - a. The testing you are proposing is collecting medical information about an employee (i.e., do they have a fever and then, implicitly, flu or coronavirus), which creates HIPAA obligations for you as an employer, and the circumstances don’t allow you to comply with HIPAA confidentiality requirements.
 - b. There are privacy violation issues as you are scanning in an open environment as employees are walking in, which means that medical information is being flagged publicly and you are thus breaching medical confidentiality.
 - c. This is also risking discrimination/harassment/retaliation/bullying from others against an employee who beeps while going through the scanner, which may lead to prohibited conduct toward that employee, even if it was a false positive.
 - d. You may be sending people home who aren’t actually ill, based upon a false positive. And if you do so, it create potential pay-related issues, since they were ready and able to work, but you prevented them from doing so and therefore must pay them during their absence.
 - e. You very likely also are not capturing people who may have the virus but are not yet showing fever, and the scanner would not catch a cough or shortness of breath, so you are selecting only one symptom for testing. Lay people don’t have legal or medical authority to do medical testing on employees, and cannot force them to submit to medical testing, so their only option would be to stay home rather than walk through the scanner and if you aren’t paying them for that leave,

they could argue that you caused them financial damage by making them stay home based upon unauthorized testing.

- f. Taking people's temperatures can create sanitation issues, depending on the methodology you use.
- g. Also note that the EEOC in its flu pandemic guidance provides:

"Generally, measuring an employee's body temperature is a medical examination. If pandemic influenza symptoms become more severe than the seasonal flu...or if pandemic influenza becomes widespread in the community as assessed by state or local health authorities or the CDC, then employers may measure employees' body temperature. However, employers should be aware that some people with influenza...do not have a fever."

- h. Bottom line, wait for the CDC or other government agency to allow or require it before implementing it in your workplace. For now, however, don't take employee temperatures for the reasons noted above. Note that it has been allowed in certain areas with more severe outbreaks, but in general so far the advice is not to take temperatures.

10. **Should we require employees to get a doctor's note before returning to work?** It really depends on the severity of their condition. If they have been diagnosed with the virus, then yes. In most circumstances, however, the health care system would be overwhelmed if every employee were required to obtain a doctor's note to certify that they are healthy and able to come to work. It also may not be possible for a doctor to certify that an employee is safe to return when there is limited testing capability and the doctor may not be aware of more recent exposure if the employee is generally asymptomatic. Only those who have been diagnosed or clearly have symptoms related to the virus should be required to obtain a doctor's note releasing them to work. Remember also that the state sick leave law prevents requiring a doctor's note in most circumstances.

11. **Can we have employees "self-certify" that they are symptom-free?** Yes, that is a viable alternative. Below is a format we have prepared for use:

I acknowledge that I was absent from the workplace for personal reasons, and provide the following certification to support the Company's efforts to protect the workplace from the spread of COVID-19:

- 1. I certify that:

_____ I have experienced none of the three primary symptoms of the COVID-19 virus – fever, coughing, shortness of breath -- during my absence.

OR

_____ I experienced fever, coughing, and/or shortness of breath during my absence, but have been without these symptoms for a period of at least fourteen (14) days.

OR

_____ I have a pre-existing condition that causes either shortness of breath or coughing, but I have not experienced fever during my absence, or I have been without fever for a period of fourteen (14) days.

2. I agree that if I experience these symptoms in the future, I will report it to my supervisor and HR immediately.
3. I certify that I have not been diagnosed with COVID-19, and have not knowingly come in contact with anyone else known to have COVID-19.
4. I certify that I have not traveled to a high-risk location as designated by the CDC (www.cdc.gov), or traveled on a cruise, nor have I knowingly come into contact with anyone who has done so, within the last 30 days.
5. I understand that the Company will protect my medical information and hold it confidential as much as possible in light of current COVID-19 conditions. I further understand that the Company is obligated to report any suspected case of or exposure to COVID-19 in the workplace, but will make every effort to maintain the confidentiality of employee names as much as possible in light of current COVID-19 regulations or governmental recommendations.

My signature below indicates that these are true statements made in good faith for the purpose of preserving the health and well-being of everyone who comes to the Company during the current pandemic.

Date: _____ Print Name: _____

Sign Name: _____

12. **If there is testing available, what is the turnaround time?** We have been informed by clients in relevant industries that testing results may take two to three days. However, due to the escalating testing activity, we have also been told that it can be up to five or six days or more before results are available.

13. **Does the Center for Disease Control (CDC) have any general guidelines for COVID-19 or flu pandemics generally?** Pandemic flu is different than an earthquake or hurricane since it travels from person to person so easily, so national coordination is even more important. The Department of Health Services and the Centers for Disease Control and Prevention set national policy -- read the CDC's 52-page pandemic flu plan, last updated in 2017. But it is largely up to states, in cases like this, to implement it. Here is the link to the newest COVID-19 specific materials: <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>. The CDC's 52-page flu guidelines are here: <https://www.cdc.gov/flu/pandemic-resources/national-strategy/index.html>.
14. **How do federal HIPAA rules affect this situation?** In addition to the usual protections afforded to employees when they are sick or disabled, the Office for Civil Rights of the US Department of Health and Human Services, which enforces HIPAA, released guidance on COVID-19-related uses and disclosures in February 2020:

<https://www.hhs.gov/sites/default/files/february-2020-hipaa-and-novel-coronavirus.pdf>

Under HIPAA, "covered entity" health care providers may disclose personal health information (PHI) about individuals who are suspected of having contracted COVID-19 to public health authorities that are authorized by law to receive such information for preventing or controlling the spread of disease. "Public health authorities" include agencies or authorities of the United States government, a State, a territory, a political subdivision of a State or territory, or Indian tribe that is responsible for public health matters as part of its official mandate, as well as a person or entity acting under a grant of authority from, or under a contract with, a public health agency.

Under HIPAA, health care providers may also, at the direction of a public health authority, disclose PHI to a foreign government agency. Some states have mandatory legal requirements to report infectious disease cases, such as COVID-19, to state or local public health authorities. Health care providers may report COVID-19 cases to federal, state and local public health authorities that are tasked with tracking COVID-19 case and performing COVID-19 testing. Such disclosures should be limited to the "minimum necessary" information needed by the public health authority to conduct activities to control the spread of COVID-19. In addition, Covered Entity health care providers must keep records of disclosures made to public health authorities in order to be able to accommodate requests from individuals for an accounting of disclosures.

15. **If we are a public agency, are there special rules?** There are significant issues with public agency employees because they have a property right in their jobs and likely are subject to certain due process requirements beyond the scope of this material. In addition, agencies may need to negotiate or at least discuss with union representatives the potential actions the agency may take. The union contracts may have certain restrictions. Agencies subject to

multiple unions will need to review each contract with their legal counsel to determine what the agency can and cannot do unilaterally.

16. **Do the discrimination laws impact this situation?** Any decisions that an employer makes about its employees must factor in the state and federal discrimination laws. For example, employers may not apply more harsh treatment to employees who are of Chinese descent simply because the virus originated in China. On the other hand, if an employee has traveled from China or another high risk area as defined by the CDC, the employer will likely have greater flexibility and discretion in dealing with that employee. Employers are advised to tread lightly to weigh the potential discrimination issues when addressing health and safety issues, and all such protocols should be implemented neutrally unless there is a compelling health or safety reason to treat a particular employee or group of employees differently. Employers also must ensure that employees in the workplace are not discriminating against or harassing employees who are ill or are of Asian descent, along with other protected categories.

17. **What is the state's OSHA agency doing regarding COVID-19?** The California Division of Occupational Safety and Health (Cal/OSHA) Aerosol Transmissible Diseases (ATD) standard is aimed at preventing worker illness from infectious diseases that can be transmitted by inhaling air that contains viruses (including COVID-19), bacteria or other disease-causing organisms. While the Cal/OSHA ATD standard is only mandatory for certain healthcare employers in California, it may provide useful guidance for protecting other workers exposed to COVID-19. See <https://www.osha.gov/SLTC/covid-19/standards.html>.

18. **If an employee is known to have the virus, what do we do?** You should immediately notify the local health department and the CDC. You should send the employee home immediately for quarantine purposes, take steps to treat the affected areas of your premises and isolate exposed employees. Other employees may need to be quarantined as well depending on exposure to the employee who has the virus. You should provide the affected worker with worker's compensation claim forms (if the exposure was work-related) or SDI benefits information. Federal money may be available shortly, assuming Congress and the President agree on benefits, which appears to be on track. You should offer to have exposed employees tested. You may need to notify the workplace that there has been exposure to COVID-19 in that location, depending upon the circumstances. When doing so, be sure to refrain from mentioning specific employee names, and remind employees that they must not retaliate or discriminate against or harass any other employee on any basis, including the presence of any illness or symptoms.

19. If our agency shuts down, do we have to give a minimum amount of notice? What about the WARN Act?

- a. You do not have to give a minimum amount of notice, but should give as much notice as you can manage to assist employees. The WARN Act does not apply if you have less than 75 employees, no matter how many you lay off. If it is a temporary shutdown, give employees as much information as you can about the anticipated timeline (without promising specifics), and provide them with EDD paperwork to obtain temporary unemployment benefits during the shutdown.
- b. The federal WARN Act and state version of the WARN Act provide that larger employers must provide 60 days' notice of a "mass layoff" or "plant shutdown" if they have 100 employees (federal) or 75 employees (California) AND they are laying off at least 50 people. This includes a shutdown in work, which may include any shutdown of more than two weeks under California law. There are more details that apply, but they are beyond the scope of this analysis. Significantly, the federal and state laws are different in their application of these rules, and the exceptions are unclear – state law is particularly vague and there is no case law interpreting the terminology:
 - i. Under the state WARN Act, an employer is not required to provide notice if a mass layoff, relocation, or termination is necessitated by a physical calamity or an act of war. The law does not define the terms "physical calamity" or "act of war." Labor Code § 1401(c).
 - ii. Federal law by contrast has exclusions for "unforeseeable business circumstances" and "natural disasters."
 - iii. We are hopeful that no court would impose penalties for failure to observe the 60-day notice period under circumstances involving the virus, but this is unclear at this time. The "physical calamity" exception did not specify illness and has not yet been defined in the law, but there is certainly a reasonable argument to be made that the COVID-19 outbreak constitutes a physical calamity. If the virus is not considered to be a physical calamity and WARN notice was required, the penalty for the failure to do so is that the organization must pay the employees and provide the value of all benefits that would have been earned or received during the 60-day notice period (or any portion of that period before notice was given to employees).

20. **What existing leave or benefits laws apply to this situation?**

- a. **FMLA and CFRA**. – The Federal Family and Medical Leave Act and California Family Rights Act cover employers with 50 or more employees working within 75 miles of 49 other employees, and provide up to 12 weeks of leave for employees with a serious health condition, or those caring for a qualifying family member with a serious health condition. Note that remote workers who regularly report in remotely to a central location are included in the head count for that location. Employees need a year of service and at least 1250 hours worked in that year to qualify for coverage. Public agencies are generally covered regardless of size. FMLA and CFRA generally run concurrently except in pregnancy situations, and also should be applied when an employee who qualifies for FMLA/CFRA goes out on a worker’s compensation leave.

The new federal law passed this week contains FMLA rules that affect even smaller employers. See above.

- b. **Paid Family Leave (PFL)** – Employees are entitled up to six weeks of benefits from the state through the EDD’s PFL program, allowing an employee to obtain benefits while caring for a qualifying family member who is injured or ill (or for baby bonding). Employers need only have one employee and there is no “longevity” requirement for the employee to qualify. Note that the six weeks will be increased to eight weeks as of July 1, 2020, through the end of the year.
- c. **Worker’s Compensation** – As noted above, some workers may be able to claim worker’s compensation benefits as a result of exposure to the virus at work.
- d. **State Disability Insurance (SDI)** – Employees may claim disability leave benefits if they actually have a disability or are out for an extended period due to being ill from the virus. For SDI eligibility see https://edd.ca.gov/about_edd/coronavirus-2019.htm
- e. **Unemployment Insurance (UI)** - Employers planning a closure or major layoffs as a result of the coronavirus can get help through the state’s EDD Rapid Response program. Rapid Response teams will meet with you to discuss your needs, help avert potential layoffs, and provide immediate on-site services to assist workers facing job losses. For more information, refer to the *Rapid Response Services for Businesses Fact Sheet* (DE 87144RRB) (PDF) or contact your local America’s Job Center of California.

- f. **Federal law** – There is no federal law allowing for benefits, but the House of Representatives and Senate appear to be on the verge of passing measures designed to provide benefits to workers who can't work, as noted above.

21. **Can we stagger shifts or otherwise modify schedules to enhance social distancing and still keep the flow of work moving?** Employers have complete flexibility to modify work schedules to achieve the desired results. Keep in mind that if an employer is on an Alternative Workweek Schedule (AWS), an altered shift may not qualify for your AWS requirements and overtime may now apply during the altered schedule. Employees may also vie for more desirable shifts or schedules, and employers will need to be mindful of the morale issues attendant to such changes.
22. **Can we differentiate between essential service and non-essential service workers?** Yes, you may indicate that non-essential workers are on furlough for a period of time, while other workers may be required to continue working. Absent any state or federal emergency mandates affecting the agency's right to remain in operation, the agency should have complete flexibility in this regard.
23. **What if we have a contract for an event or to provide services, and we want to cancel the engagement or contract?** Many agreements have what is known as a "force majeure" clause, such that the contract can be cancelled if there is an unforeseen circumstance caused by broad factors such as a natural disaster, act of war, power outages, or other "Act of God" occurrences such as a hurricane or other calamity. Coronavirus may well fall into one of these categories, but each contract may need to be evaluated to determine its exact terms and how the terms can be voided or avoided. Agencies may want to look ahead to whatever events or services they have scheduled in the near term to determine whether any action or review needs to occur.
24. **What should we do about business travel?** All business travel of any kind should be curtailed and on-line meetings provided as a substitute where practical. International travel may be prohibited under federal law, depending on the destination. Domestic travel has not been officially curtailed, but employers should be mindful of the risks and allow only essential travel. Employers cannot be prevented from traveling in most circumstances, but their return to work may be curtailed under certain circumstances (see the Suggested Draft Memo to employees below)
25. **Do the state or federal emergency declarations impact our agency?** These declarations generally don't have a specific impact on an individual agency or company. Rather, they allow state and local agencies to bypass certain restrictive laws or protocols, such as competitive bidding practices for emergency supplies or obtaining access to federal disaster relief funds.
26. **Suggested Draft Memo to Employees (*subject to change once federal law is enacted)**

To: All Employees
From: Management Member Name
Re: Coronavirus (COVID-19) General Information

COMPANY NAME is actively taking steps to manage the Coronavirus (COVID-19), based upon all currently-available information regarding the disease.

We want to assure you that we are taking extra precautions as an organization to protect our workplace and our employees. We have outlined below some general information for you, which includes travel restrictions as well as action steps you can take personally to protect yourself and those around you. More information on this topic will be forthcoming as it is provided by the government's health care agencies. We also encourage you to personally review The Centers for Disease Control and Prevention (CDC) website (www.cdc.gov) and other information from relevant agencies online. Being informed is the first step to protecting yourself, your loved ones, and your co-workers.

We are currently implementing the CDC "Recommended strategies for employers to use now." These guidelines outline some of the measures we are putting into place to keep you safe. As this situation is changing quickly, we will update these guidelines and communicate with each of you as needed. Please follow these guidelines, both for your safety and the safety of your co-workers. Click on the links within the bullet points below for further information.

Safety and Hygiene:

- Please review and comply with the following informational posters and content from the CDC (this information is also posted near the entrance and in other workplace areas where they are likely to be seen):
 - **Stay Home If You're Sick:** <https://www.cdc.gov/nonpharmaceutical-interventions/pdf/stay-home-youre-sick-employers-item4.pdf>;
 - **Handwashing and Hand Sanitizer Use:** <https://www.cdc.gov/handwashing/pdf/hand-sanitizer-factsheet.pdf>;
 - **Coughing and Sneezing:** https://www.cdc.gov/healthywater/hygiene/etiquette/coughing_sneezing.html.
- Regardless of illness, all employees must cover their noses and mouths with a tissue when coughing or sneezing (or an elbow or shoulder if no tissue is available).
- Clean your hands often with an alcohol-based hand sanitizer that contains at least 60-95% alcohol, or wash your hands with soap and water for at least 20 seconds. Soap and water are preferred in the case of illness and whenever hands are visibly dirty.
- Routinely clean all frequently-touched surfaces in the workplace, such as workstations, countertops, and doorknobs. Use cleaning agents that are typically used in these areas and follow the directions on the label.
- Subject to available supply, we will provide hand sanitizers in our restrooms and other convenient locations, and disposable wipes so that commonly used surfaces (for example, doorknobs, keyboards, remote controls, desks) can be wiped down by employees before each use. If these items are not available, please commit to more regular hand washing.

Symptoms and Illness:

- As a general matter, employees must notify their supervisors if they are sick, and should carefully consider whether to stay home.
- If you are feeling ill, check yourself for symptoms of acute respiratory illness (see: <https://www.cdc.gov/coronavirus/2019-ncov/about/symptoms.html>) before traveling or coming to work.
- Employees who have symptoms of acute respiratory illness must stay home and not come to work until they are free of fever (a fever is considered to be 100.4° F [37.8° C] or greater using an oral thermometer), signs of a fever, and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants).
- CDC recommends that employees who appear to have acute respiratory illness symptoms (i.e., cough, shortness of breath) upon arrival to work, or become sick during the day, should be separated from other employees and be sent home immediately. We intend to follow this advice.
- Employees exposed to a co-worker or third party with confirmed COVID-19 should not come to work. Contact your supervisor and refer to CDC guidance for how to conduct a risk assessment of your potential exposure (see: <https://www.cdc.gov/coronavirus/2019-ncov/php/risk-assessment.html>).
- If any employee is confirmed to have COVID-19, we will need to inform our other employees of their possible exposure to COVID-19 in the workplace for health and safety reasons. We will not disclose the names of any impacted employee(s). We will make every effort to maintain medical confidentiality as required by the Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA), while providing sufficient information to all employees to protect themselves and to avoid the spread of disease in these unique circumstances.

Travel:

- Before traveling, check the CDC's Traveler's Health Notices (see: <https://wwwnc.cdc.gov/travel>) for the latest guidance and recommendations for each country to which you will travel. Specific travel information for travelers going to and returning from China, and information for aircrew, can be found on the CDC website (www.cdc.gov).
- If you are traveling to a designated high-risk area, you must notify your supervisor in advance and may be prevented from returning to work until you can be cleared of any COVID-19 exposure.
- If you become sick while traveling or on temporary assignment, you should notify your supervisor and promptly call a healthcare provider for advice.

Leave and Benefits:

- If you believe that you have been exposed to COVID-19 in the course of your work activities, you may be eligible for benefits under our worker's compensation policy. Contact [REDACTED] to report a claim and receive the necessary paperwork.
- You may use your available sick leave and, if necessary, vacation leave, to cover absences related to illness. State and federal disability laws also may apply to your situation. We will make every effort to reasonably accommodate employees who require additional unpaid leave time related to COVID-19, subject to applicable law and provided it does not pose an undue hardship for the company.
- Contact our group health insurer at [REDACTED] for further information related to your medical care benefits.
- If you are unable to come to work because of caring for a sick family member or a child care emergency such as a school closure, contact [REDACTED] to report your absence and to receive further information about your leave rights.

We hope that the above information is helpful to you. We will continue to update you as further information becomes available.

Thank you in advance for your patience as we work through this difficult time together. Please know that your health and safety is critical to us, and we appreciate your help with our efforts in this regard.
