

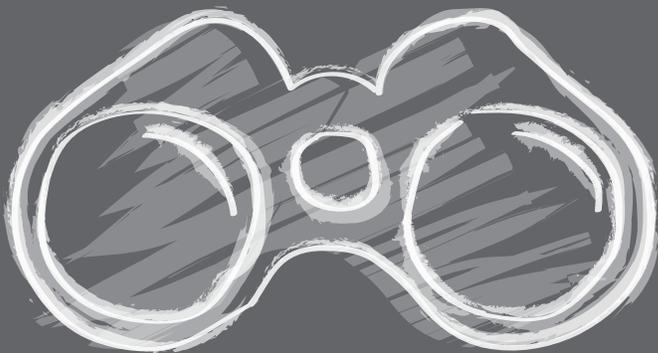


Want to know more about the Coronavirus?

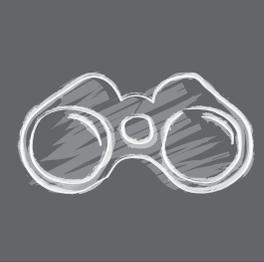
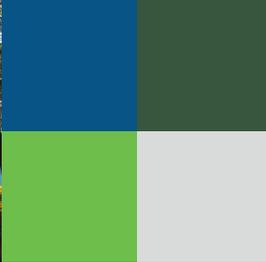
As a life-long camper, Rachel Fendell Satinsky, our very own Camp Counselor (at law), has a unique insight and the understating necessary to represent and provide guidance to camps of all kinds.



Read more for frequently asked questions on the Coronavirus for camps.



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The spread of the novel coronavirus (COVID-19) across the globe presents significant concerns for camps. The following Frequently Asked Questions (FAQs) are designed to address some of the more common questions that camps currently face. Camps are also encouraged to consult relevant FAQs put forth by the Centers for Disease Control (CDC) and the Equal Employment Opportunity Commission (EEOC). Please keep in mind that different or additional facts can impact how the situation should be handled.

What if full-time employees or seasonal staff members share that they plan to travel to a high-risk area/country?

In this situation, you may advise the employee/staff member about the risks of travel, including quarantine thereafter, and should avoid any action that could result in a claim of national origin discrimination. For year-round employees, you may deny time off for an employee's personal travel, as long as such a denial is based on the destination, the business cost of a resulting quarantine, or other legitimate business-driven interest, not the national origin of the employee.

If you have a reasonable belief an employee/staff member has travelled to a high-risk country or area and either has acquired COVID-19 or been exposed, you may ask that the employee/staff member not return to work (or come to camp) for 14 days after their return (per CDC recommendations) or you may send the person home. In these instances, you will need to consult various leave and wage and hour laws to determine entitlement to leave and pay, if any. For staff members, consider sending an email advising them that if they travel to a high-risk area, they must provide you with documentation indicating that they have self-quarantined for 14 days.

What if an employee/staff member has family members who have traveled to affected areas?

You may request that employees/staff members advise you of any family members with whom they have close contact who have traveled to high-risk areas, in order to determine if the exposure has resulted in the employee/staff member posing a direct threat to the health and safety of others. The CDC advises that employees who are well, but who have family members that develop the illness, notify their employer and refer to CDC guidance on how to conduct a risk assessment of potential exposure.

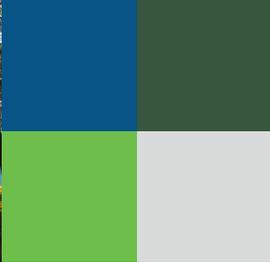
Can we prevent employees/staff members from traveling to affected areas for personal reasons?

No, but you may deny time off if the denial is based on the destination, business cost of a resulting quarantine, or other legitimate business-driven reasons, not the national origin of the employee or staff member. You may advise employees/staff members that such travel may result in quarantine or self-monitoring (including work from home, if applicable), possibly for a prolonged period.

However, for year-round employees, you should also remain aware of your obligations under leave laws to allow employees leave to care for others who are ill, including persons in affected areas, as well as your obligations to avoid national origin discrimination. Moreover, several states have off-duty discrimination laws that provide blanket protections to prohibit discrimination against employees who participate in legal activities outside the workplace, such as personal travel.



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Can you take the temperature of staff members when they arrive for the summer?

Generally, no. Normally, requiring employees to submit to temperature checks would be considered an overly broad medical examination/inquiry in violation of the Americans with Disabilities Act (“ADA”). However, based on guidance the EEOC issued in 2009 in connection with the H1N1 influenza virus pandemic, and the WHO’s March 11, 2020 announcement that COVID-19 is a pandemic, this now is considered permissible and not in violation of the law. This is subject to change depending upon how the virus progresses and camps should stay updated on these issues.

Regardless of the CDC’s/WHO’s labeling of COVID-19, temperature checks generally will be permitted if COVID-19 is considered to be widespread in the community the staff member is arriving from or in which the camp is located. You also always may ask staff members to voluntarily submit to temperature checks upon arrival and/or recommend that staff members with low-risk exposure, check their own temperature as part of an effort to ensure they are still asymptomatic before arriving at camp.

What if staff members request to wear some type of mask at camp?

The CDC does not recommend that people who are well wear some type of mask to protect themselves from respiratory disease, including COVID-19. The CDC does recommend that surgical masks should be used by people who show symptoms of COVID-19. If a staff member shows symptoms or has been diagnosed with COVID-19, however, the CDC recommends that the staff member be separated from other staff members (and campers) and be sent home immediately, thus negating the need for a mask.

What are an employer’s workers’ compensation obligations if an employee traveled to an affected area for work and contracted COVID-19?

Generally speaking, any illness or injury arising out of or in the course of employment is an industrial injury. Any contagious disease contracted at work or while traveling for work would be industrial. The problem with such illnesses is whether we know for sure where the worker contracted it, so as to prove that work is more likely than not the cause.

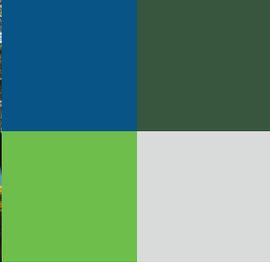
If the worker travels from a place with little or no contagion to a place with some or a lot of contagion and is diagnosed within the incubation period, then chances are that the injury will be deemed industrial. Many states have statutory provisions that indicate that when in doubt, disputes should be resolved in favor of providing benefits. So where it may be impossible to know for sure when or where the worker contracted the illness, the employee may prevail.

If one of our staff members is diagnosed with COVID-19 during the summer, what information can we share with our staff and families? Who can we share it with?

If a staff member is confirmed to have COVID-19 while at camp you should inform other staff members and families of their possible exposure to COVID-19. You should not, however, disclose the identity of the diagnosed employee because confidentiality requirements under federal law, such as the ADA, and state law, such as California’s Confidentiality of Medical Information Act (CMIA), may apply.

What privacy concerns do we need to be aware of when we are asking for the health information of our employees in order to evaluate whether they need to be quarantined upon arrival this summer?

Employers may ask employees if they are experiencing COVID-19 symptoms such as fever, tiredness, cough, and shortness of breath. Federal or state law may require the employer to handle the employee’s response as a confidential medical record. To help mitigate this risk, you should maintain the information in a separate, confidential medical file and limit access to those with a legitimate need to know.



What if, in a worst-case scenario, camp can't timely start or we have to end camp early. Do we have to pay my staff members for time not worked?

No, generally hourly workers do not have to be paid for time not worked. However, it is important to review your staff member contracts to ensure they do not "promise" pay for a specific amount of time (i.e. the camp season). A better practice is to have contracts say that a staff member will be paid X, if the staff member works from date Y to date Z.

How should we stay informed?

The CDC has released guidance (the "Interim Guidance") intended to help prevent workplace exposure to acute respiratory illnesses, including COVID-19, in non-healthcare settings.

The CDC has indicated that it is basing its recommendations for businesses upon information known at this time. Because much is unknown and the situation is ever-changing, the CDC has provided its website for tracking additional updates on developments.

The WHO is also providing information, including international updates.

Any other tips?

- Encourage employees/staff members should check the CDC's Traveler's Health Notices for the latest guidance and recommendations for each country to which they will travel. Specific travel information for travelers going to and returning from various affected locations, and information for aircrew, can be found on the CDC website.
- Prepare posters that encourage cough and sneeze etiquette, and hand hygiene at the entrance to camp, your workplace, and in other areas of camp where they are likely to be seen. Visit the coughing and sneezing etiquette and clean hands webpage for more information.
- Consider preparing an infectious disease outbreak response plan.
- Identify possible exposure and health risks to your employees/staff members. OSHA has more information on how to protect workers from potential exposure to COVID-19.
- Identify essential business functions, essential jobs or roles, and critical elements within your supply chains (e.g., raw materials, suppliers, subcontractor services/products, and logistics) required to maintain business operations. Plan for how your business will operate if there is increasing absenteeism/inability to work or these supply chains are interrupted.
- Set up authorities, triggers, and procedures for activating and terminating your camp's infectious disease outbreak response plan, altering operations (e.g., possibly changing or closing operations in affected areas), and transferring operational knowledge to key employees. Work closely with your local health officials to identify these triggers.
- Establish a process to communicate information to employees/staff members, their families, and business partners on your infectious disease outbreak response plans and latest COVID-19 information. Anticipate fear, anxiety, rumors, and misinformation, and plan communications accordingly.
- Local conditions will influence the decisions that public health officials make regarding community-level strategies; employers should take the time now to learn about plans in place in each community where they have a business. Engage state and local health departments to confirm channels of communication and methods for dissemination of local outbreak information.