

COVID-19 Resources

Q & A: Employee/Employer RIGHTS and OBLIGATIONS and Response Plan

Can a dealership ask an employee to stay home or leave work if they exhibit symptoms of the COVID-19 coronavirus or the flu?

Yes, you may ask an employee to seek medical attention and get tested for COVID-19. The CDC states that employees who exhibit symptoms of influenza-like illness at work during a pandemic should leave the workplace.

What should the dealership do if an employee of ours has tested positive for COVID-19.

Send home that employee and all employees who worked closely with that employee for a 14-day period of time to ensure the infection does not spread. *Depending on the circumstances, the dealership may need to close entirely.* Before that employee departs, ask them to identify all individuals who worked in close proximity (three to six feet) with them in the previous 14 days to ensure that we have a full list of those who should be sent home. When sending the employee(s) home, do not identify by name the infected employee due to confidentiality laws.

How can we distinguish between a “suspected but unconfirmed” case of COVID-19 and a typical illness?

There is no easy way for any employer to make this determination, but dealerships should consider the totality of the circumstances in each case and exercise common sense and good judgement always erring on the side of caution.

Any inquiries into an employee’s symptoms will attempt to distinguish the symptoms of COVID-19 from the common cold and the seasonal flu. The most common symptoms of COVID-19 are fever and a dry cough.

One of our employees self-reported that they came into contact with someone who had a presumptive positive case of COVID-19. What should the dealership do?

Take the same precautions as noted above. Treat the situation as if the suspected case is a confirmed case for purposes of sending home potentially infected employees. Again, consider the totality of the circumstances in each case and exercise common sense and good judgement.

Can I require an employee to notify the company if they have been exposed, have symptoms, and/or have tested positive for the COVID-19 coronavirus?

Yes, you can require any employee who becomes ill with COVID-19 coronavirus symptoms to notify their supervisor. While outside of work, if an employee begins experiencing symptoms, has been exposed to someone that is exhibiting symptoms, or has tested positive, the employee should contact the dealership by telephone or email and should not report to work.

Can an employee refuse to come to work because of fear of infection?

Under current law, Employees are only entitled to refuse to work if they believe they are in imminent danger. One definition under federal law states: “imminent danger” includes “any conditions or practices in any place of employment which are such that a danger exists which can reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated...” The threat must be immediate or imminent, which means that an employee must believe that death or serious physical harm could occur within a short time.

Dealerships should emphasis to employees that their health and safety is your utmost concern. To that end, constantly monitor staff and building conditions to ensure there are no unnecessary risks to the health and safety of staff or visitors to the building.