



COVID-19 Guidance: If an Employee Tests Positive

Who to Notify

If an employee notifies you that they have tested positive for COVID-19 please call the Department of Health and Human Services at (603)271-4496 for further instructions. The employee will be asked to contact those individuals who have been in close contact with them 2 days prior to the onset of symptoms, or two days prior to receiving their test if asymptomatic. Ask your employee to provide you with a list of shifts worked, the location in your facility they worked, and any employees that they have been within six feet of for over ten minutes. This can be at one time, or a cumulative throughout the day. You should encourage your employee to contact their close contacts themselves. If you as the employer are contacting employees on behalf of the employee who tested positive, be sure not to disclose the COVID-positive employee's identity, but instruct those contacts to quarantine and be tested for COVID-19.

The Vocabulary

There are terms that will be used by officials that you should be aware of. Many of the terms may seem self-explanatory but when 'close contact' changes what percentage of your employees will require quarantine for two weeks, the exact definitions become crucial. You can find a full list of definitions within the [Universal Guidelines](#), but some highlights to know are:

- **Outbreak:** A workplace is not typically considered to have an "outbreak" until there are approximately 3 related cases. In the case of a cluster of cases, public health will work with the employer to provide additional guidance including assessing if there is a risk to the public.
- **Asymptomatic infection:** People who are infected with the novel pandemic coronavirus that causes COVID-19, and are possibly contagious, but who show no outward symptoms of COVID-19. These individuals are diagnosed through testing
- **Close Contact:** People who have been within 6 feet for 10 minutes or longer of a person with COVID-19. The 10 minutes of contact can be



at one time or cumulative over the course of the day. Close contact does not include brief contact with a person or customer in passing. In the event a person is identified with COVID-19 in the workplace or activity area, the New Hampshire Department of Health and Human Services (DHHS) Division of Public Health Services (DPHS) will help to determine who has been in close contact through public health contact tracing.

- **Self-Quarantine:** An employee or volunteer who has a risk factor for exposure to COVID19 (e.g., close contact to someone with COVID-19) is required to remain at home and away from public locations for at least 14 days after their last day of potential risk factor or exposure regardless of the presence or absence of symptoms. See NH public health [self quarantine guidance](#) for additional details.
- **Approved COVID-19 test:** Approved COVID-19 tests currently include: PCR-based test (molecular test) or Quidel Sofia Antigen FIA test (antigen testing must be conducted within 5 days of symptom onset).

Your Responsibilities & Information to have Available for the State

If you are contacted by the DHHS about an employee testing positive for COVID-19, as the employer your responsibilities are as follows.

- Share knowledge of building layout with DHHS to assess risk.
- Provide list of staff members who were in close contact with the infected individual, if possible.
- Provide contact tracing information for customers that interacted with the COVID-19 positive individual, if you are a food service establishment that is required to collect that information.
- Provide team members contact information to DHHS.
- Issue community or public messaging, if requested by the state due to public safety concerns. They will inform you if that is the case.
- Support remote work or paid medical leave. Be aware of the Families First Coronavirus Response Act and how it affects your business.
- If you are providing housing for an employee who tests positive, you need to provide a safe location for them to live separately from others, including access to essential supports such as food, laundry, and medication, as appropriate.

Having accurate information about your restaurant layout and team member information will be critical for contact tracing. Be sure your employee records are updated with your staff's most recent information for ease of contact.



Requirements for the COVID-19 Positive Employee

Anyone who tests positive for COVID-19 is required to self-isolate away from all other contacts, without leaving their house until they meet the discontinuation of isolation criteria. To see more information, review [DHHS Self-Isolation Guide](#).

If they are exhibiting symptoms of COVID-19, they must stay at home until at least 10 days have passed since your symptoms first appeared AND at least 24 hours have passed since fever went away without the use of fever-reducing medications and other symptoms have improved.

If your employee does NOT have symptoms but have a positive COVID-19 diagnostic test, you must stay at home until at least 10 days have passed since the date of your positive COVID-19 diagnostic test, assuming they do not develop symptoms.

Quarantine Requirements for Possible Exposed Staff

Knowing which of your staff members needs to quarantine is important when figuring out business operations, as closing entirely for two weeks is not only unnecessary for most organizations, but can also be fatal for their business. Close contacts of the COVID-19 positive employee should be tested and quarantine. You can find more information on who should quarantine within Universal Guidelines, and what that entails in [Self-Quarantine Guidance](#).

Some FAQ by members in reference to quarantine are:

- **If an employee has been in close contact with someone who tested positive for COVID-19, but they themselves tested negative, do they still need to quarantine?** Yes, Testing for COVID19 in a person with a known exposure but who is without symptoms does not remove the need to self-quarantine.
- **If my employee is showing symptoms, but attributing it to allergies or a preexisting condition, do I still need to ask them to quarantine?** If it is unclear if a person's symptoms are new or unexplained, employers or organizations can request healthcare provider documentation that the employee or volunteer has a chronic AND stable medical condition (i.e., no worsening symptoms) that accounts for the person's chronic symptoms and that the person does not have any new or unexplained symptoms of COVID-19. Any such medical documentation should list specific chronic symptoms that the person routinely experiences.
- **If my employee is exhibiting symptoms but refuses to be tested, what should I do?** That employee should self-quarantine



until symptom-based criteria are met for [discontinuation of isolation](#). That criteria includes: at least 10 days have passed since symptoms first started, AND at least 24 hours have passed since last fever (off any fever reducing medications), AND symptoms have improved. They should be notified that by refusing seeking a diagnosis from a medical health professional they do not qualify for paid sick leave under the FFCRA.

Families First Coronavirus Response Act (FFCRA) & how it affects paying your employees for Coronavirus sick leave.

The FFCRA requires employers, with fewer than 500 employees, to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19 through December 31, 2020. Small businesses with fewer than 50 employees may qualify for an exemption from the requirement to provide leave due to school closings, or child care unavailability, if the leave requirement would jeopardize the viability of the business.

To ensure compliance, make sure to review the following information:

- NHLRA Members FAQ about the FFCRA can be found [here](#). This includes rates of pay information for tipped employees, situations that do not qualify for paid leave, and general qualifications for leave.
- Make sure that signage about the FFCRA is posted in a location visible to all employees. You can find the poster [here](#). This is required, similar to labor law posters.
- Update your employee handbook with FFCRA illness information. You can find a template here, courtesy of our longtime partners at Clark Mortenson Insurance.
- The reason for his/ her leave, and his/ her employment status (whether full-time or part-time), determines the rate of pay calculation as well as the duration of leave that is reimbursable through the FFCRA. To ensure you are informed about leave requirements, please review the US DOL information [here](#).
- For more information, review the FFCRA FAQ from the US DOL [here](#).

Employee Privacy Concerns

Although you may need to discuss with staff members who have been in close contact with the COVID-positive individual their need to quarantine, it's also important to remember that employers must maintain the confidentiality of employees with suspected or confirmed COVID-19 infection



when communicating with other employees. Do not disclose the identity of the employee who tested positive, or discuss specific details with non-exposed staff about the identity of the employee who tested positive. Be aware that you are maintaining confidentiality of your employee when addressing this issue both with other staff members, and with community messaging.

Workers Compensation Considerations

Most Workers Compensation providers will require you to fill out a First Report of Injury Form, for their records. As for whether it will cost you, the Attorney General recently issued an official opinion that employers who comply with CDC, State, or industry guidelines are protected from employee personal injury claims for contracting COVID-19 at the workplace. Contraction of the virus is considered a neutral risk and therefore precluded from New Hampshire's workers' compensation law. This opinion only applies to employees, not customers. (An opinion by the attorney general is considered the law unless otherwise overturned.)

Considerations for Temporary Suspension of Business

Unless directed otherwise by the state or your municipality, closing is not required if an employee tests positive for COVID-19. Some organizations have made the business decision to close for various reasons. Whether or not to closing is best for your business is determined by a variety of factors, and some questions that you should consider before closing are:

- Can I maintain operation safely, for my staff and customers, without closing?
- Can I properly sanitize without the need for a closure?
- Can I operate without the employee, or employees, who are quarantined?
- Will closing negatively impact my brand or consumer confidence?
- Has my employees' privacy rights been considered?

The answers to these questions will differ by establishment and situation. Be aware that if you choose to close that your messaging will be crucial in maintaining the confidentiality of your employees personal health information, as well as the confidence of your customers & community. If you do choose to temporarily close, please feel free to use this Temporary Suspension or Closure of Business Checklist to navigate what operational needs should be taken into account when closing.



Communication with Staff

Whether the staff member has been exposed or not, it is important to be clear with what you are requiring of them and that their safety is your top concern. Be aware that you do not divulge the identity of the individual who tested positive to any other staff members.

- State issued [self-quarantine guidance](#).
- Direct staff members to be tested if they have been in close contact or showing symptoms.
- Testing locations: Your employee can call 603-271-5980 or fill out the [COVID-19 Testing Request Form](#). To find COVID-19 testing location, you can view the map [here](#).
- Whether or not they qualify for paid sick leave under the FFCRA. See the above for qualification, or [click here](#) for more information.
- Sanitation and precautions you are taking to ensure their safety should be communicated to staff.

Cleaning & Sanitation

For COVID-19, you do not have to have special cleaners. Your normal cleaning company or procedures should work as long as they are using EPA-certified products. You can find more information [here](#) about CDC sanitation guidelines, or [here](#) for EPA-certified products. Wait at least 24 hours before [cleaning and disinfecting](#). If 24 hours isn't feasible, wait as long as possible. Ensure safe, correct use and storage of cleaning and disinfection products. If you require assistance locating EPA-certified products or cleaners, please contact Samantha MacDonald at smacdonald@nhlra.com for assistance.

Disclosure: These guidelines are based on best practices and current guidance, and should be used in conjunction with any state or federally issued guidelines. This is meant for the purpose of assisting in the creation of an establishment's own reopening guidelines and is not a legal or state issued document.

