# **Employee Testing Positive for COVID-19 Letter**

Customizable Letter

**[insert organization's logo, name and address]**

**[insert date]**
**[insert recipient's name]**
**[insert recipient's physical address (and/or email address if applicable)]**

Subject: COVID-19 Diagnosis

Dear**[insert recipient's name]**:

We understand that you have received a presumptive or confirmed diagnosis of COVID-19, the novel coronavirus. First and foremost, we realize how difficult and frightening a time this is for you, and we wish you a full and speedy recovery.

As a result of your diagnosis, please be advised that you are to self-quarantine for at least 14 days or the length of time recommended by your health care provider. You are not to come into work.**[OPTIONAL:**However, you may work remotely unless your symptoms prevent you from doing so.**]**You may not return to work until at least 72 hours have passed since the last symptoms have cleared, without the aid of fever-reducing medication.

In order to assess the risk of exposure to others, please contact **[insert Human Resources or appropriate contact and contact details]**to inform us as to:

* When you first began experiencing symptoms of COVID-19;
* The last time you were in the workplace; and
* The areas of the workplace you visited.

Also, you will be asked to identify the coworkers **[insert, if applicable: and clients, vendors and third parties]**that you had close contact with (e.g., being within approximately six feet) within the 14 days prior to testing positive. At no time will your identity and the fact that you tested positive be disclosed to any coworkers. Your identity will remain confidential and only known to **[insert Human Resources, supervisor or manager]**, unless you voluntarily disclose your status to your coworkers.

During this time, you may use available **[insert as applicable: paid time off (PTO), vacation and/or sick leave] [insert if organization has fewer than 500 employees: as well as paid sick leave offered under the Families First Coronavirus Response Act**]. **[Insert additional information regarding available leave options]** Please contact **[insert Human Resources or appropriate contact and contact details]**for further information regarding eligibility and the application process.

These are difficult times, and the health and safety of our employees remains our utmost priority. Please maintain contact with Human Resources **[OPTIONAL: or your supervisor**] during this time and let us know if you have any questions. We wish you a full and speedy recovery.

**[insert closing (e.g., Sincerely, Very truly yours)]**,

**[insert handwritten signature (for a mailed letter) and typed signature]**

**[insert sender's title]**

**[insert enclosure line as applicable (e.g., Enclosure or Enclosures)]**

**Tips For Employer:**

Consult the guidance from the [Centers for Disease Control and Prevention (CDC)](https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html) and the [Occupational Safety and Health Administration (OSHA)](https://www.osha.gov/Publications/OSHA3990.pdf), as well as state and local health officials if your organization has an employee(s) who tests positive for COVID-19. Health officials may be able to provide important guidance and, in some cases, access to additional resources, including assistance with the testing of other employees.

Require employees to notify Human Resources or another individual within the organization by email or telephone if they have been exposed, have symptoms and/or have tested positive for COVID-19.

Require an employee who has symptoms or tested positive for COVID-19 to go or stay home and self-quarantine at least 14 days until they no longer experience symptoms. Employees should be encouraged to consult their health care providers and CDC guidance before returning to work. The employee should at least remain at home for 72 hours (three days) free of a fever (100.4° F or greater), without the use of fever-reducing, or other symptoms.

Have employees who have been ill with COVID-19 or have had close contact with an individual diagnosed or showing symptoms of COVID-19 to complete a self-certification form prior to returning to work. The form allows an employee to self-certify that they:

* Do not have symptoms of COVID-19;
* Have not had close contact with an individual diagnosed or showing symptoms of COVID-19; nor
* Have not been directed to self-isolate or quarantine by their health care provider or a public health official.

Offer support and access to those within the organization that may be able to assist the employee. This may be in the form of a contact within Human Resources or management that could provide guidance on how to apply for leave or work remotely, if appropriate.

The Americans with Disabilities Act (ADA) allows an employer to ask employees during a pandemic if they are experiencing symptoms to determine if they have or may have COVID-19. Symptoms include, for example, fever, chills, cough, shortness of breath and/or sore throat. Employers must maintain all information about employee illnesses as a confidential medical record in compliance with the ADA.

Refrain from providing health advice and counsel the employee to consult with their health care provider with any questions or concerns they may have.

Keep in mind that an employee may be eligible for leave during this time. Inform the employee of paid time off (PTO) and sick leave options and, if the organization is covered under the [Families First Coronavirus Response Act (FFCRA)](https://www.xperthr.com/editors-choice/families-first-coronavirus-response-act-covid-19-paid-sick-leave-and-expanded-family-and-medical-leave-requirements/44225/), paid sick leave under that law as well. There are certain requirements under the FFCRA, including those relating to employee eligibility, documentation, posting and compensation.

Deep clean and disinfect any area of the workplace in which the employee spent time. Consult CDC and OSHA guidance for best practice measures to clean and disinfect those areas.

Inform those who were in close contact with the ill employee that they may have had contact with someone who has tested positive for COVID-19. These employees are urged to consult their health care providers and to follow their advice or that of a public health department regarding how long to stay at home. At a minimum, these employees should stay at home for 72 hours without a fever (without the aid of medication) and or any other symptoms (e.g., cough). If an employee develops symptoms, they should stay at home for at least seven days from when the symptoms began and three days without a fever (without the aid of medication) or any other symptoms.

The sender's address usually is included in letterhead. If not using letterhead, include the sender's address at the top of the letter one line above the date. Do not write the sender's name or title, as it is included in the letter's closing. Include only the street address, city and ZIP code.

**Warnings**

While the Health Insurance Portability and Accountability Act (HIPAA) does not apply to all employers, other laws like the ADA, the Genetic Information Nondiscrimination Act (GINA) and various state privacy laws protect certain employee medical information. Therefore, do not reveal the name or other identifying information (e.g., title) of an employee who tests positive for COVID-19 to others.

An employer may implement temperature screening measures in response to the current COVID-19 pandemic, according to the Equal Employment Opportunity Commission's (EEOC's) Pandemic Preparedness Guidance. However, be aware that some people with COVID-19 do not have a fever, and some people with a fever do not have COVID-19.

According to the EEOC's Pandemic Preparedness Guidance, an employer may ask for a doctor's note, but doctors and other health care professionals may be too busy during and immediately after an outbreak to provide fitness-for-duty documentation. Instead, consider depending on new approaches, such as reliance on local clinics to provide a form, a stamp or an email to certify that an individual does not have COVID-19.

Remember OSHA recording and reporting obligations. For example, OSHA has deemed COVID-19 disease a [recordable illness](https://www.xperthr.com/employment-law-manual/hr-and-workplace-safety-osha-compliance-federal/3146/#recordkeeping-requirements) on OSHA 300 injury and illness forms when a worker is infected due to a work-related incident and the case is a confirmed case. However, OSHA has [relaxed the recording requirement](https://www.osha.gov/memos/2020-04-10/enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19) for COVID-19 cases for certain employers. Also, a confirmed case of COVID-19 is [reportable to OSHA](https://www.xperthr.com/employment-law-manual/hr-and-workplace-safety-osha-compliance-federal/3146/#reporting-requirements) if an employee is infected due to a work-related incident and the employee is hospitalized in an in-patient facility or dies. There are also timing obligations regarding the reporting of these cases (i.e., a COVID-19-related death of an employee must be reported within eight hours from the work incident that led to the exposure).