

Tips for Employers - Florida Chamber of Commerce

The Florida Chamber of Commerce urges Floridians and visitors to follow the facts, be cautious but not fearful when it comes to the Coronavirus (COVID-19). The Florida Chamber is the official state chapter of the National Safety Council, and we are committed to helping keep Floridians safe. The safety of our collective employees is paramount, and they deserve the facts. Florida is open for business and travel. We are in 24/7 contact with Governor Ron DeSantis' office, state public health agencies, VISIT FLORIDA, the CDC and other important partners. If the CDC changes their recommendations, we will let Florida Chamber members know immediately.

- Employers are permitted to ask employees 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. An employer may require workers to go home if they exhibit symptoms of the COVID-19 coronavirus or the flu.
- Under the Fair Labor Standards Act (FLSA), employers are not required to pay employees who are not working. FLSA minimum-wage and overtime requirements attach to hours worked in a workweek, so employees who are not working are typically not entitled to the wages the FLSA requires.
- If employees are no longer working you will need to check your group health plan document (or certificate of coverage if your plan is fully insured) to determine how long employees who are not actively working may remain covered by your group health plan.
- The Occupational Safety and Health Administration (OSHA) recently published Guidance on Preparing Workplaces for COVID-19, outlining steps employers can take to help protect their workforce.
- My employee alleges that they contracted the coronavirus while at work. Will this result in a compensable workers' compensation claim? It depends. If the employee is a health care worker or first responder, the answer is likely yes (subject to variations in state law). For other categories of employees, a compensable workers' compensation claim is possible, but the analysis would be very fact specific.

Detailed resources for Employers

<https://www.osha.gov/Publications/OSHA3990.pdf>

<https://www.flchamber.com/follow-facts-not-fear/>

<https://www.fisherphillips.com/resources-alerts-comprehensive-faqs-for-employers-on-the-covid>