

## HSC IMT Policy Regarding COVID-19 Positive Employees in the HSC Workplace

Given the critical importance of the Incident Management Team leadership maintaining situational awareness during the COVID-19 crisis and of healthy, functional leadership structure, on the clinical entity Emergency Operations Committees (“EOC”) and the Health Sciences Center Incident Management Team (“IMT”), and in the normal leadership structure, the IMT is putting forth the following guidance and asking the Joint Operation Command (“JOC”) and EOC’s for UNMH, SRMC and UNMMG, respectively, to adopt and follow the following policy:

- Consistent with the guidance received from the U.S. Equal Employment Opportunity Commission (“EEOC”), the Health Sciences Center hereby designates the following positions as “Applicable Authorities” to receive identifiable information relative to COVID-19 positive HSC faculty, medical residents, fellows, HSC (including UNMH, SRMC and UNMMG, Inc.) staff, volunteers, or HSC Students:
  - The EVP/Chancellor for Health Sciences
- Because of the potential to be physically present at work on an on-call or regular basis, the critical nature of the work they perform, and the need for the IMT leadership to maintain situational awareness, any COVID-19 positive infection by any HSC faculty, medical resident, fellow, HSC (including UNMH) staff, volunteer, or HSC student, must be reported to the appropriate University of UNM Hospitals Employee Occupational Health Services (“EOHS”) at 505-515-8212 unless EOHS administered the test themselves. Whether via a test or self-disclosure, the appropriate EOHS will then report the same to the EVP/Chancellor for Health Sciences/Chair of the IMT. The UNMH EOHS and the University EOHS will routinely compile such information on a daily basis and deliver it to the EVP/Chancellor for Health Sciences marked “CONFIDENTIAL” and using a secure means for the delivery;
  - Upon request, the EVP/Chancellor for Health Sciences shall share the deidentified numbers of COVID positive employees with the University President, and at his discretion with other leaders, along with details regarding department and functions served if the case(s) threaten the operations of a critical function of University operations. Any identifiable information shall remain confidential. In this connection, the decision to share such identity with an Applicable Authority as described herein shall not be subject to review and/or appeal; and
  - **Notwithstanding the foregoing, HSC faculty, medical residents, fellows, HSC (UNMH) staff, volunteers, or HSC student who are exclusively working remotely off campus shall not be subject to the above and foregoing reporting requirements.**
  - The Applicable Authority may further disclose to other limited individuals as operationally necessary but will provide only the absolute minimum information necessary will not provide any identifiable information of the COVID positive individual. All employees should be mindful of staying home whenever they are sick and following existing sick leave policies which include letting their supervisor know when they will be out sick and, if applicable, the number of days they expect to be out.
- Each EOC, IMT and Core Group member should have backups identified for his/her role on the EOC or IMT, and for his/her regular leadership function (may be the same person, but may not). Those backups must be identified to the EVP/Chancellor for Health Sciences by Friday, April 10, 2020, with a copy to the Chief of Staff for the EVP/Chancellor for Health Sciences (and should be updated as needed from time to time).

- Any HSC faculty, medical resident, fellow, HSC (including UNMH) staff, volunteer, or HSC student who is physically present on campus (defined as any property controlled by the Regents of the University of New Mexico) and is displaying signs or symptoms of illness (i.e., a cough), will be asked whether he or she has been exposed to COVID-19 and may be asked to test and self-isolate.
- UNMH EOHS in partnership with Infection Control and Prevention will be primarily responsible for contact tracing within the workplace for any person who works within the clinical environment at UNMH, regardless of their employer. DOH is primarily responsible for contact tracing for all individuals with a non-clinical function. Contact tracing should occur within 24 hours and appropriate self-isolation should be advised.
- Please find EEOC Guidance on this topic below. This policy should be read together with any Executive, CDC or NMDOH Public Health Orders or Instructions regarding self-isolation, testing, and quarantine.

## EEOC GUIDANCE ON THE ADA AND COVID-19

[as of March 27, 2020]

- We may --
  - Ask employees who will be present in the workplace whether --
    - they have tested positive for COVID-19,
    - are experiencing symptoms of COVID-19, or
    - have tested for COVID-19; and
    - bar an employee's physical presence in the workplace if --
      - the employee has tested positive for COVID-19,
      - is experiencing symptoms of COVID-19, or
      - has tested for COVID-19 and is awaiting results
  - Single out only one employee about COVID-19 testing/symptoms only if we have a reasonable belief based on objective evidence the employee has the disease. An example of such evidence is that the employee in question is coughing. That an employee is distracted would not be sufficient evidence standing alone.
  - If a supervisor learns an employee has tested positive for COVID-19 or is experiencing symptoms of the same, the supervisor may report to "appropriate officials" so that they may take actions consistent with CDC guidance. Who is an "appropriate official" is dependent on the workplace and is set forth in the policy above. Every effort is made to limit disclosure of the name of the employee in question. Even if we seek to inform other employees who have contact with the affected employee of their potential exposure to someone diagnosed with COVID-19, it is not necessary to disclose the name of the affected employee. Concern that communications to employees such as "someone on the third floor of the business center tested positive for COVID-19" may be perceived as too vague, does not justify disclosure of the employee's name.
- We may not
  - ask the questions set forth above of employees who are teleworking and have no physical presence in the workplace.
  - ask employees about whether family members have tested positive for COVID-19 or are experiencing symptoms of the same. **However, we may ask whether the employee has come into contact with any person who has tested positive for COVID-19 or has experienced symptoms of the same.**
- **NOTE:** The confidentiality requirements of the ADA do not prohibit an employer from reporting an employee tested positive for COVID-19 to public health authorities.