


James R. Johnsen, Ed.D.
President

Butrovich Bldg, Ste. 202, 2025 Yukon Drive
P.O. Box 755000, Fairbanks, AK 99775-5000
Phone: (907) 450-8000; Fax: (907) 450-8012
Email: ua.president@alaska.edu
www.alaska.edu



UNIVERSITY
of ALASKA
Many Traditions One Alaska

DATE: April 4, 2020
TO: Chancellors, System IMT
FROM: Jim Johnsen, President 
RE: UA Tracking & Response Policy to COVID-19 in UA Facilities

Public Health has made clear that because of the volume of infections in the state it will be unable to provide specific information and advice/direction regarding presence in UA facilities of persons with COVID-19 or under investigation for COVID-19. Despite that, as an institution and employer, we have responsibilities to the public, our students, and employees to collect and respond to information regarding COVID-19 in our facilities. The collection of and action on COVID-19 related information is not only permitted under EEOC guidance,¹ it is the recommended course under CDC guidance,² and may be required under OSHA rules.³

¹ From https://www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitaion_act_coronavirus.cfm

“How much information may an employer request from an employee who calls in sick, in order to protect the rest of its workforce during the COVID-19 pandemic?”

During a pandemic, ADA-covered employers may ask such employees if they are experiencing symptoms of the pandemic virus. For COVID-19, these include symptoms such as fever, chills, cough, shortness of breath, or sore throat. Employers must maintain all information about employee illness as a confidential medical record in compliance with the ADA.”

In a March 27 webcast the EEOC also noted that during this pandemic, no laws enforced by the EEOC prevent an employer from following CDC/Public Health guidance, including anonymized notice to others affected, even if employees might be able to determine who had the COVID-19 diagnosis.

² From the CDC business response guidance linked below, “If an employee is confirmed to have COVID-19 infection, employers should inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA). The fellow employees should then self-monitor for [symptoms](#) (i.e., fever, cough, or shortness of breath).”

³ OSHA guidance requires among other things that employers develop policies and procedures to promptly identify potentially infectious individuals. <https://www.osha.gov/Publications/OSHA3990.pdf>

In addition, OSHA has issued general guidance to employers on COVID-19 regarding when the illness may be *recordable*. According to OSHA’s guidance, COVID-19 would be a recordable illness on an OSHA 300 log if an employee is infected as a result of performing their work-related duties and all of the following criteria are met:

1. The case is a confirmed case of COVID-19;
2. The case is work-related; and
3. The case resulted in death, days away from work, restricted work duty, or treatment beyond first aid is provided (such that a prescription is issued).

In addition, a COVID-19 diagnosis may be *reportable* to OSHA. An employer must report to OSHA an employee’s confirmed case of COVID-19 contracted from performing work-related duties if the employee passes away or is hospitalized as an inpatient.

Policy

In light of the foregoing, MAUs must systematically collect information regarding the presence in UA facilities of persons with COVID-19 or under investigation for COVID-19, regardless of source, inquire of employees and students who are or recently were present in UA facilities regarding COVID-19 symptoms/investigation/confirmation, take CDC recommended action such as cleaning facilities and warning affected students/employees, track the action taken, and, where significant numbers of people are affected, transmit that information to Public Health.

As a first step in this direction, please implement the Banner COVID-19 tracking tool developed by UAS.⁴

Available Guidance

CDC provides significant guidance regarding response. That guidance includes:

Cleaning and disinfecting facilities:

https://www.cdc.gov/coronavirus/2019-ncov/prepare/disinfecting-building-facility.html?deliveryName=USCDC_2067-DM24835

Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019

<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>

UA HR will provide specific guidance to supervisors regarding use of the tracking tool.

⁴ UA is a hybrid entity for HIPAA purposes. The information in question is not obtained from or generated by the health plan or health care operations, thus this information is not covered by HIPAA. It is confidential and subject to ADA and FMLA confidentiality rules as modified by the COVID-19 pandemic.