ETS Compliance Guidance for Employers – Paid Medical Removal of Employees and Return to Work

This flow chart explains the steps that employers must take when notified that an employee is COVID-19 positive, told by a licensed healthcare provider that they are suspected to have COVID-19 or is experiencing certain COVID-19 symptoms, or has been in close contact with a COVID-19 positive person in the workplace.2

1. **SCENARIO 1: EMPLOYEE IS COVID-19 POSITIVE**
   - Employer notified that employee is COVID-19 positive (tested positive for COVID-19 or diagnosed with COVID-19 by a licensed healthcare provider)
   - Immediately remove the employee from the workplace and keep removed until return to work criteria are met.

2. **SCENARIO 2: EMPLOYEE IS SUSPECTED TO HAVE COVID-19 OR EXPERIENCING CERTAIN SYMPTOMS**
   - Employer notified that employee:
     - Was told by a licensed healthcare provider that they are suspected to have COVID-19
     - Is experiencing recent loss of taste and/or smell with no other explanation
     - Is experiencing both fever (≥100.4°F) and new unexplained cough associated with shortness of breath
   - Employer has two options:
     - Option 1: Keep the employee removed until return to work criteria are met
     - Option 2: Keep the employee removed and provide a COVID-19 PCR test at no cost to the employee

3. **SCENARIO 3: EMPLOYEE HAS BEEN IN CLOSE CONTACT WITH A COVID-19 POSITIVE PERSON IN THE WORKPLACE**
   - Employer notified that a person at the workplace is COVID-19 positive:
     - The employer must notify each employee who was not in close contact with the COVID-19 positive patient.
   - The employer determines that the employee:
     - (1) Has been fully vaccinated against COVID-19 OR had COVID-19 and recovered within the last 3 months, AND
     - (2) Is not experiencing recent loss of taste and/or smell with no other explanation or both a fever (≥100.4°F) and new unexplained cough associated with shortness of breath
   - The employer has two options:
     - Option 1: Keep the employee removed for 14 days
     - Option 2: Keep the employee removed and provide a COVID-19 test at no cost to the employee at least 5 days after the exposure

Examples of return to work criteria:

- **If symptomatic:**
  - At least 10 days since symptoms first appeared AND
  - At least 24 hours with no fever without fever-reducing medication
  - Other symptoms of COVID-19 are improving (except for loss of taste or smell)

- **If asymptomatic:**
  - At least 10 days since a positive COVID-19 test

- **If employee has severe COVID-19 or an immune disease:**
  - Follow guidance of a licensed healthcare provider

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1. OSHA is requiring medical removal protection benefits to be paid only by employers that have more than 10 employees.
2. Employers may choose to remove or test employees for other COVID-19-related reasons not required by the ETS (e.g., additional symptoms from the CDC list or exposure to someone who is COVID-19 positive outside the workplace).
3. This notification provision is not triggered by the presence of a patient with confirmed COVID-19 in a workplace where services are normally provided to suspected or confirmed COVID-19 patients (e.g., emergency rooms, urgent care facilities).