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.

### 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.**

### 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

- **Immediately remove the employee from the workplace.**
  - **Employer has two options:**
    1. **Option 1:** Keep the employee removed until return to work criteria are met
    2. **Option 2:** Keep the employee removed and provide a COVID-19 PCR test at no cost to the employee

### 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 wearing a respirator and any other required PPE and has been in close contact with the COVID-19 positive person,
  - **AND**
  - 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,
    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

- **Keep employee removed until return to work criteria are met. Employers do not have to provide medical removal protection benefits (e.g., pay).**

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<sup>1</sup> OSHA is requiring medical removal protection benefits to be paid only by employers that have more than 10 employees.

<sup>2</sup> 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).

<sup>3</sup> 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).