

COVID-19 Employer Alert: Potential Public Health Notification Requirements

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Whether a business has remained in operation from the beginning of the COVID-19 pandemic or has only recently begun to reopen its workplace, the general guidance in the Pacific Northwest so far has been that employers do not have an affirmative obligation to notify public health officials of possible employee exposure to or a confirmed diagnosis of COVID-19. Presumably this is because public health officials are already informed of results as part of the formal testing process which mandates the reporting obligations of testing sites and health care providers.

However, as both the virus and associated guidance continue to evolve, and as operations resume, employers should be aware that they may now have obligations to notify public health officials if they learn of confirmed cases or workplace exposure.¹ It is also possible that there will be different reporting requirements for employers with operations in multiple jurisdictions. Because the guidance may continue to change, it will be important for employers to stay abreast of current reporting expectations going forward. Given that, employers may want to consider integrating links or references to the applicable guidance into their internal workplace procedures and related documents so that if and when a potentially positive case or workplace exposure arises, those individuals who are responsible are able to confirm and apply the most current guidance available at that time.

To that end, here is a current snapshot of applicable public health reporting obligations in Oregon and Washington and links to the current guidance (as of July 15, 2020):

WASHINGTON

- Governor Inslee's Safe Start guidance tells employers to: *Notify your local health jurisdiction within 24 hours if you suspect COVID-19 is spreading in your workplace, or if you are aware of 2 or more employees who develop confirmed or suspected COVID-19 within a 14-day period.* See [Safe Start Washington](#) (at page 6).
- Washington's Phase 3 Guidance for businesses also includes the obligation to designate a responsible individual to notify public health officials of a positive/confirmed COVID-19 in the employee population, although it is unclear at this time precisely how or when such notice is to be communicated. See, [Phase 3 Safe Start Plan Template](#). Contact information for the state's public health agency, the Department of Health (DOH) and local departments and districts is available at the [DOH website](#) and may be updated with more specific reporting guidance.

¹ This article assumes the knowledge was due to employee disclosure in connection during the [screening process](#) or as part of the employer's safety policies, and not testing by the employer which requires special consideration and planning, and may trigger additional employer obligations. See, for example, guidance from the [Oregon Health Authority](#) recommending against employer-conducted testing at this time. The [EEOC's COVID guidance](#) likewise also addresses this issue.

Disclaimer: This article is not legal advice. It is provided solely for informational and educational purposes and does not fully address the complexity of the issues or steps business must take under applicable laws.

- In King County, only certain cases must be reported to Public Health for Seattle & King County, with an online portal to do so, including:
 - Employers who operate in healthcare and social service settings (e.g., senior living communities, homeless shelters, child care programs); and
 - Employers in non-healthcare settings, if it is suspected that COVID-19 is spreading in their workplace or if there are two or more confirmed or suspected cases among their employees in a 14-day period. This notice is required within 24 hours.

See [King County guidance](#).

OREGON

- Thus far, Oregon's general guidance for businesses doesn't include any affirmative obligation to notify public health officials. See [Oregon Health Authority General Guidance for Employers](#).
- However, that is not the case in Multnomah County, where current guidance for employers states: *An employer should call the Multnomah County Health Department at 503-988-3406 **if two or more cases are reported in their workplace**. This may indicate an outbreak that requires additional follow up.* See [Multnomah County Guidance for Employers](#).

Even if disclosure is required, it is important to take care to ensure that only the necessary information is shared and that otherwise confidentiality is appropriately maintained. See a discussion about confidentiality in our prior [FAQs for Employers](#), as well as the [updated guidance from the EEOC](#) that was issued since our FAQ.

We hope this is a helpful compilation as employers engage in efforts to prepare to reopen their workplaces. Of course, this is just a small snapshot of the available resources and guidance. Employers are encouraged to visit our [COVID-19 Resources Page](#) for more information, including our recent article, [A Roadmap for Reopening Workplaces in Washington and Oregon During COVID-19](#).

As always, employers should call on us if they have questions or need assistance with their reopening planning or other employment-related issues.

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