

CORONAVIRUS

Coronavirus: What must open businesses tell customers, employees if a worker tests positive?

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Published 7:03 a.m. ET Apr. 13, 2020 | Updated 3:39 p.m. ET Apr. 13, 2020

It's an increasing problem at essential businesses across the state: how to respond — and whom to notify — when an employee is diagnosed with the coronavirus.

Conflicting information, guidance that varies from state to state, varying corporate protocols and limited state enforcement in the weeks before Gov. Phil Murphy's Wednesday executive order placed additional restrictions on retailers led to an assortment of responses from stores throughout the region.

In some cases, stores were shut temporarily for extra disinfecting. In others, they remained open without warning customers about potential exposure. And in at least one case, a worker decided to self-quarantine without pay after her co-worker became sick.

"Every day, these brave workers are in close contact with sometimes thousands of customers, increasing their own risk of becoming infected with the virus," Marc Perrone, president of the United Food and Commercial Workers International Union, said in a statement calling on the federal Centers for Disease Control and Prevention to standardize safety protocols in grocery stores. "It is absolutely critical that the CDC do more to help protect front-line workers who are at daily risk of becoming infected and even dying from the coronavirus."

In New Jersey, essential businesses, such as grocery stores, are not required to notify the public or close for extra cleaning if one of their employees tests positive. Instead, guidance issued by the state advises businesses to "separate sick employees immediately and send them home."

The business should inform that employee's co-workers about possible exposure but maintain confidentiality, according to the guidance. Businesses are then directed to local health departments and the CDC for further protocols, including sanitization guidance.

Businesses may also have to file a report with the federal Occupational Safety and Health Administration if an employee contracts the coronavirus while working, according to the New Jersey Food Council, which represents food retailers and suppliers.

Murphy's April 8 executive order limited store occupancy to 50% of maximum capacity and required employers to provide workers with face coverings and gloves at their expense, as well as break time for hand-washing.

"These restrictions that I have laid out must be followed throughout the state," Murphy said during a briefing Wednesday. "This is one set of rules for everyone in New Jersey."

The food workers' union went farther, calling for just 20% or 30% of maximum occupancy and hand-washing breaks at a minimum of every 30 minutes.

Both stopped short of saying whether stores should temporarily shut or notify customers about in-store cases. And store leaders say it's a matter of when, not if, employees become sick.

Story continues below gallery

A spokeswoman from the New Jersey Attorney General's Office did not respond to a request for comment regarding enforcement of the state guidelines. A spokeswoman for the state Department of Health also did not answer questions, instead referring to the business guidance.

The executive order added to the guidelines the threat of a disorderly conduct violation if requirements for protection, sanitization and worker notification are not met. But it came weeks after the virus first upended life in New Jersey and placed grocery store workers in vulnerable situations.

A survey of area stores revealed a wide range of responses over the past few weeks to an employee who is diagnosed with the coronavirus.

ShopRite, which identified at least two dozen sick workers in its stores across the state,

closed each store where sick employees worked for cleaning. The company also kept the public apprised of store status via Facebook and installed Plexiglass shields at checkout counters to separate customers and employees, weeks before Murphy mandated those barriers in an executive order.

Stew Leonard's in Paramus stayed open after an employee tested positive for the coronavirus. The company also placed Plexiglass shields and hand sanitizing stations in its stores, limited the number of carts inside stores and required employees to wear gloves and masks.

A Garfield Walmart closed for a day for third-party sanitization, although it wasn't immediately clear whether a worker there tested positive.

A Whole Foods in New York City closed early for cleaning in mid-March after two employees tested positive. It reopened the next day.

Numerous Costco stores around the country, including one in Manhattan, continued operating after workers were confirmed to have the virus.

A grocery store's response to a sick worker may depend on whether it's unionized. Charles Hall Jr., president of Retail, Wholesale and Department Store Union Local 108, which represents employees primarily in New Jersey at small markets, said he has seen positive reactions by store owners.

"They seem to be doing the right thing," Hall said. "All of the union supermarkets have really stepped up and been partners with the union.

"None of them have closed," he added about the stores Local 108 represents, which typically employ around 60 workers. "They've contacted the sterilization companies, and they've been using them. We sent them out a health and safety check sheet."

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Many ShopRites and Stop & Shops are unionized, while Trader Joe's and Whole Foods are not. United Food and Commercial Workers Local 1262 represents workers at some larger

grocery stores in North Jersey, including ShopRite, Stop & Shop, Foodtown and Fairway Market.

"This is about not just saving the lives of these workers, but also about protecting the customers they serve," said Perrone, of United Food and Commercial Workers International. "American lives are on the line. These workers' lives are on the line. We cannot wait any longer."

Deciding to self-quarantine

In North Jersey, one Trader Joe's employee said she placed herself in unpaid quarantine two weeks ago after she said the company was slow to notify her of potential exposure to the coronavirus.

The employee, who asked to remain unnamed because she feared retribution, said she began working her shift before she found out a co-worker had tested positive for COVID-19.

"I wasn't told before starting my shift that day that someone had tested positive," she said. "I learned about it from another crew member."

That same day, a manager called a meeting with workers after the store closed at 7 p.m. to notify them an employee had tested positive for the virus, said another store employee, who also asked not to be identified for fear of retribution.

A Trader Joe's spokeswoman said leaders at levels ranging from local to corporate "are always notified any time there's a suspected or positive test."

The first employee said that while multiple workers clean the shopping area constantly, she wasn't sure whether the crew-members-only floor was similarly disinfected. In the crew-members-only space, the employee said, she often handles cardboard boxes, where the virus can live for up to 24 hours, according to a New England Journal of Medicine study.

Still, the virus decays rapidly on surfaces, the study found, losing much of its viability in a matter of hours. It is more likely to spread via respiratory droplets transmitted through close person-to-person contact, according to the CDC.

“I’m scared for my life,” she said. “I’m scared for my co-workers. I’m scared for the people who are shopping there.”

The store later closed “for a few days for professional cleaning,” according to a sign posted on the door April 1.

“We are temporarily closing the store for precautionary cleaning and sanitization because crew members have tested positive for coronavirus,” the sign read. “As soon as the store has been fully cleaned and restocked, we plan to reopen.”

A Trader Joe’s spokeswoman said the company’s actions vary by situation and date range of potential exposure. Those actions can include notifying workers and the public and closing stores for additional cleaning.

“In instances when a store did not close, the person with the positive case had not been in the store for a period of time,” a Trader Joe’s spokeswoman said. “At the same time, even when that has been the case, we’ve closed a store for cleaning, to make our crew members more comfortable. We’ve also closed stores when there was only a suspected case.”

The company maintains a list of closed stores on its website, and employees who work at locations closed for cleaning continue being paid.

Trader Joe’s in a statement said it would encourage employees to stay home if they feel ill and would provide up to two weeks of extra paid sick time to employees who are symptomatic. Other grocery stores, such as Stop & Shop, BJ’s Wholesale Club, Whole Foods and ShopRite, put in place similar measures.

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