EMPLOYER TOOLKIT

www.ucsdbusinessoutreach.org
UCSDBusinessOutreach@gmail.com
619-335-5882
SMALL BUSINESS COVID-19 TOOLKIT

Thank you for your interest in our Small Business COVID-19 toolkit for employers. The UCSD COVID Business Outreach Program is a team of volunteers committed to providing material that supports the public during the Coronavirus pandemic.

This toolkit provides information, checklists and graphics to help:

- Learn more about COVID-19
- Implement on-site safety measures in your business, including employee health screening and social distancing
- Review your business’s compliance to federal, state, and county guidelines

The toolkit and its materials are based on recommendations from the CDC, San Diego Public Health Services, and other reputable health information organizations. The information provided in the toolkit does not replace legal or medical advice. If you or an employee is a contact of someone with COVID-19, experiencing any symptoms of COVID-19, or has been tested for COVID-19, please contact a healthcare provider or call 2-1-1.

If you have additional questions, contact the resources below.

San Diego County Business Resources
General questions and resources: COVID-Business@sdcounty.ca.gov
Reopening questions: COVID19BusinessQuestions@sdcounty.ca.gov

2-1-1 San Diego: A free 24 hour confidential phone service
Phone: 2-1-1
https://211sandiego.org/

Contact the UCSD Business Outreach Program
Email: CoRespond.Business@gmail.com
Phone: 619-335-5882
www.UCSDBusinessOutreach.org
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STAY CONNECTED

Support for Businesses and Employers

Stay connected during the Coronavirus (COVID-19) public health pandemic.
The resources below will help you stay up-to-date on all COVID-19 related issues as they emerge.

Here are the ways you can stay connected!

Coronavirus-SD.com/Business

Our Businesses and Employers page offers updated information about announcements, updates, communications, financial resources, and more for sector-specific support. Please regularly review this webpage to make sure your business is well prepared during the reopening phases of the statewide stay-at-home order.

For general questions and resources, please email: COVID-Business@sdcounty.ca.gov

Business Telebriefings: Every 2nd & 4th Wednesday | 9:30 AM

Join us for telebriefings to hear the latest updates on COVID-19 and reopening efforts in San Diego County. Frequency of telebriefings are subject to change. Please check the page above for updates.

How to Participate:

Option 1—Computer (preferred): Visit the following link: https://zoom.us/j/157409037 using your computer.
Meeting ID: 157 409 037.

Option 2—Phone (listen-in only): Call into the meeting using this number: 1 (669) 900-6833 or 1 (346) 248-7799.
Meeting ID: 157 409 037.

We encourage you to submit your questions 24 hours before the telebriefing at: https://bit.ly/35FbNeo

Safe Reopening Plan & Restaurant Info

Businesses will need to complete and post the their Safe Reopening Plan. Restaurants/
Food Facilities will need to complete and post their Restaurant Operating Protocol. These
resources are available at Coronavirus-SD.com/Business. The County will not require approval
for this plan. Essential businesses already operating do not need to submit a new plan.

For reopening questions, please email: COVID19BusinessQuestions@sdcounty.ca.gov

Email Updates


Media Briefing

Effective June 17, 2020, updates will be streamed LIVE Monday and Wednesday at 2:30 PM on the
County’s Facebook, Instagram, and Twitter accounts.

For latest updates, visit:
www.coronavirus-sd.com
## Five Key Points

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1. Implement Safety Measures

**Required**: safety in the workplace and at home

Implement ALL required measures in the county’s Safe Reopening Plan. These include but are not limited to:

A. All employees should use a facemask.

B. Maintain 6 feet social distancing

C. Encourage frequent hand washing or hand sanitizer

Implement additional safety measures from California’s Industry Specific Guidelines: [https://covid19.ca.gov/industry-guidance/](https://covid19.ca.gov/industry-guidance/)

**IMPORTANT TO KNOW**

Even if you have no symptoms, **you could have COVID-19 and could be spreading it to others**. Make sure to follow best safety practices anytime you are not with members of your household.

**Carpooling**: employees should only carpool to work with members of their household.

**Proper facemask use**

- Wash hands before and after use
- Cover nose and chin
- Do not touch facemask
1.1 What information should I share with my employees?

1. Employee rights to paid sick leave and family leave (with exceptions)
   - All private sector companies of less than 500 employees are required to post notice of the FFCRA for their employees. See the Employee Rights poster on pg. 17.
2. Updates and implementation of new safety precautions for COVID-19.
3. COVID-19 symptoms and what to do if they feel sick

1.2 Should I screen my employees for symptoms?

Yes. County public health orders require that employers “conduct temperature screening of all employees and prohibit entrance to the workplace of all employees” with:

- A temperature of 100 degrees Fahrenheit or more
- Exhibiting COVID-19 symptoms
- Recent exposure to a person who has tested positive for COVID-19

IMPORTANT: not all patients with COVID-19 have a fever. That is why it is important to screen for all of the COVID-19 symptoms and exposures. See our sample health log at the end of the packet
2. What to do if an employee has symptoms of COVID-19

The following information is also in the Employee Packet on our website.

1. **KNOW** the symptoms of COVID-19:

   - Fever or chills
   - Congestion / runny nose
   - Shortness of breath
   - Sore throat
   - Body aches
   - Fatigue
   - Headache
   - Diarrhea
   - Cough
   - Nausea or vomiting
   - New loss of taste or smell

2. **DO NOT COME INTO WORK** and stay home if they have any COVID-19 symptoms.

3. **NOTIFY** their employer.

4. **CALL 211** or visit your healthcare provider to get **free COVID-19 testing**.

   They can also make an appointment at a free testing center at [coronavirus-sd.gov](http://coronavirus-sd.gov)

   **Call 911 and seek medical care immediately if you have life-threatening symptoms.**
2.1 What if my employees don’t have health insurance?

Even if your employees are undocumented immigrants and/or don’t have insurance, they can get necessary testing and treatment for COVID-19 through Medi-Cal emergency services.

Would seeking testing or treatment for COVID-19 impact an employee's immigration status under the public charge rule?

NO. Seeking testing or treatment for COVID-19 is treatment for an emergency medical condition and is not considered under the public charge rule.

See also: COVID-19 Guidance for Immigrant Californians
2.2 What to do if an employee has suspected or confirmed COVID-19

1. Follow the **county flowchart** on the next page

2. Notify the County Department of Public Health

   Be prepared to provide:
   
   - Your name and contact number
   - Name of Business or entity
   - Employee’s name, date of birth, and contact number

   Call (888) 950-9905

For help with a specific case, contact the County Epidemiology Department at novelvirus@cdph.ca.gov

CAL/OSHA Reporting Requirements

A work-related case of COVID-19 may fall under Cal/OSHA’s recording and reporting requirements if it results in serious illness, injury, or death. For more information, see the California COVID-19 Employer Playbook:


Additional resources

Responding to COVID-19 in the workplace: https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Workplace-Outbreak-Employer-Guidance.aspx

California COVID-19 Employer Playbook (see Key Resources pg. 14)
STEPS TO TAKE IF AN EMPLOYEE IS SUSPECTED OR CONFIRMED POSITIVE TO HAVE COVID-19

1. Instruct employee to stay home at least 10 days* after symptoms started (or since first positive PCR test if person is asymptomatic/does not have symptoms).

2. If it has been less than 7 days since employee has been in the facility, temporarily close area where employee worked until cleaning is completed. Wait 24 hours or as long as practical before conducting deep cleaning of area where employee worked and may have been (breakrooms, restrooms, travel areas) with EPA-approved cleaning agents. Ensure cleaning personnel are equipped with appropriate personal protective equipment (PPE).

If it has been more than 7 days since employee has been in the facility, additional cleaning and disinfection is not necessary. Continue routine cleaning and disinfection.

3. Promptly report that an employee was diagnosed with COVID-19 to the County Public Health Services by calling 888-950-9905. Include 1) name, 2) date of birth, and 3) contact information of the employee1.

4. Cooperate with County Public Health Services COVID-19 response team to identify and provide contact information for any persons exposed by the employee at the workplace.

5. Record and report work-related COVID-19 illnesses or fatality as per other occupational health reporting requirements.

6. Provide notice of exposure to any employees and contractors (who regularly work at the workplace) who may have been exposed to COVID-19, as stated in the State’s COVID-19 Employer Playbook for a Safe Reopening.

*For patients with severe to critical illness or are severely immunocompromised, the recommended duration for Transmission-Based Precautions was changed to at least 10 days and up to 20 days after symptom onset.

As per San Diego County Public Health Order.

For school guidance: COVID-19 Industry Guidance: Schools and School-Based Programs.

PREVENTION

✓ Actively encourage sick employees to stay home.
✓ Accommodate employees through social distancing or telework (if possible).
✓ Emphasize face coverings and hand hygiene.
✓ Perform routine environmental cleaning.
✓ Check government websites (CDC, State Department) for any travel advisories.
✓ Plan for infection disease outbreaks in the workplace.

IF EMPLOYEE...

Has any severe symptoms: Advise them to seek medical attention immediately.

Has any health-related questions or concerns: Have employee contact their healthcare provider.

Does not have health coverage, has other general questions about COVID-19, or would like information about community resources: Have them call 2-1-1.

EMPLOYEE MAY RETURN TO WORK WHEN:

At least 10 days* since start of symptoms (or since first positive PCR test if person is asymptomatic) + At least 24 hours since last fever without use of fever-reducing medications + Improvement in symptoms

Employers should not require employee to provide a negative COVID-19 test result or healthcare provider’s note to return to work.

Revised 08/13/2020
3. Paid Sick and Family Leave and New Tax Credits

Under the Families First Coronavirus Response Act (FFCRA), certain employers (employers with less than 500 employees) are **required to provide their employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19**. In order to ease the burden on employers, the FFCRA also includes COVID-19 related tax credits.

What tax credits does the FFCRA provide?

The FFCRA provides businesses with tax credits to cover certain costs of providing employees with required paid sick leave and expanded family and medical leave for reasons related to COVID-19, from April 1, 2020, through December 31, 2020.

When can employers start claiming the credits?

A. Eligible Employers may claim tax credits for qualified leave wages paid to employees on leave due to paid sick leave or expanded family and medical leave for reasons related to COVID-19 for leave taken beginning on April 1, 2020 and ending on December 31, 2020.

B. Eligible Employers will claim the credits on their federal employment tax returns (e.g., Form 941, Employer's Quarterly Federal Tax Return), but they can benefit more quickly from the credits by reducing their federal employment tax deposits.

**For eligible employers, paid sick leave wages due to COVID-19 will be fully reimbursed by the IRS through refundable tax credits.**

For more information, visit:

or see the Families First Coronavirus Response Act for Employers on pg. 26

**For help filing taxes or tax credits, call 211**
4. Coronavirus Tips

Tips and tricks from other small businesses

Tip: Move and change signs every week or so

Using different signs, or moving signs around, can prompt employees and regular customers to pay more attention.

Request free signs from the County: email COVID-Business@sdcounty.ca.gov and provide:

- your contact information (Name, Phone, Email)
- language materials needed (English, Spanish, or both)
- number of requested items, and address for postal delivery.

Tip: Use reflective or colorful tape to encourage social distancing

Mark areas on your floor where you want customers to stand - these should be at least 6 feet apart. Use reflective or brightly colored tape. Some businesses have found that orange and red tape is better than blue tape - customers are more likely to notice the markings and use them properly.

Tip: separate “sanitized” and “used” pens for customers

Clean the pens with an approved disinfectant between uses. This helps increase customer confidence.

Have tips to share with other businesses? Let us know at UCSDBusinessOutreach@gmail.com
5. Importance of getting the influenza vaccine this fall

Flu and COVID-19 will likely be spreading this winter. Even though there may not be a COVID-19 vaccine yet, there is a flu vaccine. Encourage your employees to get a flu vaccine because:

- Flu symptoms can mimic COVID-19, so employees that get flu will be unable to work and businesses may have to follow procedures that assume the employee have COVID-19
- Slowing the spread of the flu by getting vaccinated will reduce the burden on the healthcare system during the COVID-19 pandemic

For more information visit: https://www.cdc.gov/flu/season/faq-flu-season-2020-2021.htm
KEY RESOURCES: SAFETY AND COMPLIANCE

Compliance Resources

**San Diego County Public Health Order**
Follow the latest changes to the county health order.
https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/HealthOfficerOrderCOVID19.pdf

**Cal/OSHA Industry-Specific Guidelines**
Employers must implement all mandatory measures and suggested measures that are necessary for sanitation, employee screening, social distancing and facial coverings.
https://www.dir.ca.gov/dosh/coronavirus/Health-Care-General-Industry.html

**California COVID-19 Employer Playbook**
Detailed guidance for employers on best safety practices, handling a case of COVID-19 in the workplace, Cal/OSHA reporting and recording requirements, and workers’ rights and benefits.

Safety Resources

**CDC Interim Guidance for Businesses**
Provides important guidance and checklists for measures to implement to increase the safety of your business.

**Federal OSHA Guidance on Preparing Workplaces for COVID-19**
Helps employers identify COVID-19 hazards in the workplace and design protections against these hazards.
FAMILIES FIRST CORONAVIRUS RESPONSE ACT: EMPLOYER PAID LEAVE REQUIREMENTS

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. [1] The Department of Labor’s (Department) Wage and Hour Division (WHD) administers and enforces the new law’s paid leave requirements. These provisions will apply from the effective date through December 31, 2020.

Generally, the Act provides that covered employers must provide to all employees: [2]

- **Two weeks (up to 80 hours) of paid sick leave at the employee’s regular rate of pay** where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or

- **Two weeks (up to 80 hours) of paid sick leave at two-thirds the employee’s regular rate of pay** because the employee is unable to work because of a bona fide need for care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor.

A covered employer must provide to employees that it has employed for at least 30 days: [3]

- Up to an additional 10 weeks of paid expanded family and medical leave at two-thirds the employee’s regular rate of pay where an employee is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

**Covered Employers:** The paid sick leave and expanded family and medical leave provisions of the FFCRA apply to certain public employers, and private employers with fewer than 500 employees. [4] Most employees of the federal government are covered by Title II of the Family and Medical Leave Act, which was not amended by this Act, and are therefore not covered by the expanded family and medical leave provisions of the FFCRA. However, federal employees covered by Title II of the Family and Medical Leave Act are covered by the paid sick leave provision.

Small businesses with fewer than 50 employees may qualify for exemption from the requirement to provide leave due to school closings or child care unavailability if the leave requirements would jeopardize the viability of the business as a going concern.

**Qualifying Reasons for Leave**

Under the FFCRA, an employee qualifies for paid sick time if the employee is unable to work (or unable to telework) due to a need for leave because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Under the FFCRA, an employee qualifies for expanded family leave if the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19.

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[1] Wage and Hour Division does not administer this aspect of the law, but notes that every dollar of required paid leave (plus the cost of the employer’s health insurance premiums during leave) will be 100% covered by a dollar-for-dollar refundable tax credit available to the employer. For more information, please see the Department of the Treasury’s website.

[2] Employers of Health Care Providers or Emergency Responders may elect to exclude such employees from eligibility for the leave provided under the Act.

[3] Employers of Health Care Providers or Emergency Responders may elect to exclude such employees from eligibility for the leave provided under the Act.

[4] Certain provisions may not apply to certain employers with fewer than 50 employees. See Department FFCRA regulations (expected April 2020).
Duration of Leave

For reasons (1)-(4) and (6): A full-time employee is eligible for up to 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

For reason (5): A full-time employee is eligible for up to 12 weeks of leave at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

Calculation of Pay

For leave reasons (1), (2), or (3): Employees taking leave shall be paid at either their regular rate or the applicable minimum wage, whichever is higher, up to $511 per day and $6,110 in the aggregate (over a 2-week period).

For leave reasons (4) or (6): Employees taking leave shall be paid at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to $200 per day and $2,000 in the aggregate (over a 2-week period).

For leave reason (5): Employees taking leave shall be paid at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to $200 per day and $12,000 in the aggregate (over a 12-week period—two weeks of paid sick leave followed by up to 10 weeks of paid expanded family and medical leave). [6]

Tax Credits: Covered employers qualify for dollar-for-dollar reimbursement through tax credits for all qualifying wages paid under the FFCRA. Qualifying wages are those paid to an employee who takes leave under the Act for a qualifying reason, up to the appropriate per diem and aggregate payment caps. Applicable tax credits also extend to amounts paid or incurred to maintain health insurance coverage. For more information, please see the Department of the Treasury’s website.

Employer Notice: Each covered employer must post in a conspicuous place on its premises a notice of FFCRA requirements. [7]

Prohibitions: Employers may not discharge, discipline, or otherwise discriminate against any employee who takes paid sick leave under the FFCRA and files a complaint or institutes a proceeding under or related to the FFCRA.

Penalties and Enforcement: Employers in violation of the first two weeks’ paid sick time or unlawful termination provisions of the FFCRA will be subject to the penalties and enforcement described in Sections 16 and 17 of the Fair Labor Standards Act. 29 U.S.C. 216; 217. Employers in violation of the provisions providing for up to an additional 10 weeks of paid leave to care for a child whose school or place of care is closed (or child care provider is unavailable) are subject to the enforcement provisions of the Family and Medical Leave Act. The Department will observe a temporary period of non-enforcement for the first 30 days after the Act takes effect, so long as the employer has acted reasonably and in good faith to comply with the Act. For purposes of this non-enforcement position, “good faith” exists when violations are remedied and the employee is made whole as soon as practicable by the employer, the violations were not willful, and the Department receives a written commitment from the employer to comply with the Act in the future.

RESOURCES

For additional information or to file a complaint:

1-866-487-9243 | TTY: 1-877-889-5627

dol.gov/agencies/whd

[5] Paid sick time provided under this Act does not carry over from one year to the next. Employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment.

[6] An employee may elect to substitute any accrued vacation leave, personal leave, or medical or sick leave for the first two weeks of partial paid leave under this section.

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

**PAID LEAVE ENTITLEMENTS**

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee’s two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to $511 daily and $5,110 total;
- 2/3 for qualifying reasons #4 and 6 below, up to $200 daily and $2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at 2/3 for qualifying reason #5 below for up to $200 daily and $12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

**ELIGIBLE EMPLOYEES**

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.*

**QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19**

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

1. Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. Has been advised by a healthcare provider to self-quarantine related to COVID-19;
3. Is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. Is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. Is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons, or
6. Is experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services.

**ENFORCEMENT**

The U.S. Department of Labor’s Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.

For additional information or to file a complaint:

1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd
Employee Health Screening Form (sample)

Screen each employee for these symptoms before their shift. Circle and answer (Y=yes, N=no) for each symptom and each employee. If an employee has a temperature greater than 100 degrees fahrenheit or reports any of the symptoms:

1. Send employee home immediately
2. Advise employee to contact medical provider or 2-1-1 for further guidance

*If you have trouble breathing, persistent pain or pressure in the chest, new confusion, inability to wake or stay awake, bluish lips/face, or any other severe symptoms, seek immediate emergency medical treatment.

https://www.cdc.gov/coronavirus/2019-ncov/community/general-business-faq.html#text=Employees%20who%20have%20symptoms%20when%20or%20local%20health%20department. (Adapted from CDC)

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GUIDANCE FOR ENFORCING MASK REQUIREMENTS

Excerpted from “California COVID-19 Employer Playbook”

Workers should avoid approaching coworkers or members of the public who are not wearing a face covering for the purpose of attempting to enforce any face-covering recommendation or requirement.

In these instances, workers should maintain at least a 6-foot distance from others and raise any concerns to their supervisor.

Supervisors should discuss any concerns with their Human Resources Department for guidance on handling these situations.

Employers should train their workers on what to do in such situations, including how to minimize risk of workplace violence and what to do to get support when de-escalation efforts are unsuccessful in these situations. There may also be limited circumstances where an employer will need to engage in a process with workers and/or customers who claim a disability-related reason for not being able to wear a mask to see if there are accommodations that are effective in maintaining the safety of the workplace.

Consider using the following language:

- “Following the guidelines (on face coverings or distancing) can protect you and everyone else, so we ask that you follow them.”
- “If you don’t have a face covering, we’d be happy to provide one (if available).”
- For customers and visitors to the workplace: “We regret that you’re unwilling to follow the guidelines. Please give us a bit of time to organize the area to allow additional physical distance between you and our fellow workers.”

In all instances, it is important to focus on minimizing risk and to practice de-escalation measures:

- Speak with a calm voice at a normal volume and communicate with posture and expression that the person will be respected.
- Settle on a method for calling in support from security or law enforcement if needed.