

DAIRY FOOD SAFETY ALLIANCE



COVID-19 and Dairy: Employer Guidance

Proactive Plans

- It is recommended by the Centers for Disease Control and Protection and various state agencies that employees who are able to telework should do so immediately and throughout this public health emergency.
 - Note: If an employee with a disability needs the same reasonable accommodation at a telework site that he had at the workplace, the employer should provide that accommodation, absent undue hardship.
- Issue interim guidance to your employees, clearly communicating the following:
 - Their safety is your primary concern
 - Expectations regarding proper hygiene related to handwashing, coughing, sneezing, and if applicable, the use of personal protective equipment
 - Expectations regarding work attendance
 - Note: If they are experiencing flu-like symptoms or a fever (100.4° F or greater using an oral thermometer), they should stay home and alert work to their symptoms, so that proper disinfection practices and other actions can occur. Employees should know that, while staff may be notified of the occurrence of a suspected or confirmed COVID-19 case on-site, in keeping with federal law, their personal status will remain confidential.
 - Resources for COVID-19 screening
 - Note: Public health officials can help with screening for COVID-19; include the number and hours your local public health department is open.
- Consider suspending associated penalties for the use of leave, paid or unpaid, so long as pre-notification occurs. If you take this step, it is recommended that you apply the policy to all job types and post the timeframe in which this change in policy will be in effect.
- Consider pro-actively offering scheduling flexibility, given that many employees may experience a loss of child, elder, or other family care. If you take this step, it is recommended that you apply the policy to all job types and post the timeframe in which this change in policy will be in effect.
- Some employees will experience significant anxiety as a result of this crisis, and it's important to share with them what help is available. If you participate in an Employee Assistance Program, remind them of that resource. Help is also available via the Substance Abuse and Mental Health Services Administration. The SAMHSA Disaster Distress Helpline provides round-the-clock crisis counseling via 1-800-985-5990 or by texting TalkWithUs to 66746. The service is free, multilingual, and confidential.

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Employer Rights ([per Equal Employment Opportunity Commission, or EEOC](#))

- Employers can send home an employee with COVID-19 or symptoms associated with it.
- Employers may ask employees who report feeling ill at work, or who call in sick, questions about their symptoms to determine if they have or may have COVID-19. Currently these symptoms include, for example, fever, chills, cough, shortness of breath, or sore throat.
- Because the CDC and state/local health authorities have acknowledged community spread of COVID-19 and issued attendant precautions as of March 2020, employers may measure employees' body temperature. As with all medical information, the fact that an employee had a fever or other symptoms would be subject to ADA confidentiality requirements. Employers should note that not all people with COVID-19 display a fever.
- Employers may follow the advice of the CDC and state/local public health authorities regarding information needed to permit an employee's return to the workplace after visiting a specified location, whether for business or personal reasons.
- Employers may ask an employee why he or she has been absent from work if the employer suspects it is for a medical reason. Employers are always entitled to know why an employee has not reported for work.
- Employers may require employees to practice infection control protocols such as regular hand washing, coughing and sneezing etiquette, proper tissue usage and disposal.
- Employers may require employees to wear personal protective equipment during a pandemic. However, where an employee with a disability needs a related reasonable accommodation under the ADA (e.g., non-latex gloves, or gowns designed for individuals who use wheelchairs), the employer should provide these, absent undue hardship.
- Employers may screen job applicants for symptoms of COVID-19 after making a conditional job offer, so long as it does so for all entering employees in the same type of job.
- Employers may delay the start date of employees who have COVID-19 or symptoms associated with it or rescind the job offer altogether.
- Employers may require employees with confirmed COVID-19 to submit to a full medical examination before returning to work, so long as that policy is held for all employees with the same diagnosis.

Employee Rights ([per EEOC](#))

- Employees with disabilities that put them at high risk for complications of COVID-19 may request telework as a reasonable accommodation to reduce their chances of infection during a pandemic. Note, if an employee voluntarily discloses that he or she has a specific medical condition or disability that puts him or her at increased risk of influenza complications, the employer must keep this information confidential.

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