



COVID 19

AVC Workplace Screening Protocol Information Sheet

As we begin to transition back to campus from the Safer-at-home order enacted in response to COVID-19, we will be facing new challenges regarding the safety of our staff. In a continued effort to reduce the risk of exposure to COVID-19 in the workplace, the District will implement a COVID-19 screening protocol.

With the encouragement of the Centers for Disease Control and Prevention (“CDC”) and guidance from the Equal Employment Opportunity Commission (“EEOC”), **Monday, May 18, 2020 and Tuesday, May 19, 2020**, the District will administer CDC approved screenings **before** employees enter the workplace.

The screening protocol is as follows:

- (1) At the beginning of each workday, from the hours of **7:15 a.m.- 9:30 a.m. and 12:00 p.m.-1:00 p.m.** employees are required to enter campus through the stadium entrance near Lot 3 at Avenue K and 32nd Street West. *(Facilities employees with early morning or evening reporting times should contact their supervisor for screening schedule).*
- (2) Employees will remain in their cars and screened prior to coming on to campus.
- (3) While maintaining social distancing standards, screening staff will ask all employees:
 - a. If they have been in contact, within 6 feet, for at least 5 minutes with someone who has a positive COVID lab test.
 - b. If they are experiencing any COVID-19 like symptoms, such as fever, cough, or difficulty breathing.
 - c. Screeners shall not reveal confidential medical information to other employees. Any information obtained from the employee will be regarded as confidential and maintained securely.

If an employee answers “Yes” to the questions above, staff will recommend that they self-quarantine at home.

- (4) Screening staff will take the temperature of each employee prior to beginning their workday.
 - a. Screeners will check for fevers (CDC defines a fever as being 100.4°F and above)
 - b. The thermometers being used are temporal artery or tympanic thermometers and will be properly disinfected between uses in the employee’s presence.
- (5) If an employee’s temperature is elevated, the employee will be sent home to monitor their symptoms and/or contact their doctor. An employee will not be permitted to return to work until they have had no fever for at least 24 hours without taking medicine to reduce a fever.

If an employee has a temperature of 100.4 or more, staff will recommend that they self-quarantine at home.

- (6) Employees sent home as a result of the screening must notify their supervisor and contact Human Resources to determine the appropriate type of leave.
- (7) Upon request, one mask/face covering will be provided to any employee who does not have their own.



WORKPLACE SCREENING FAQs

Q: Can employers screen employees for COVID-19 by taking employees' temperatures?

A: Yes.

Generally, the Americans with Disabilities Act (ADA) and California's Fair Employment Housing Act (FEHA) prohibit employers from requiring employees to undergo medical examinations unless the examinations are "job-related and consistent with business necessity." However, the California Department of Fair Employment & Housing recently issued guidance entitled [DFEH Employment Information on COVID-19](#) stating: "Generally, measuring an employee's body temperature is a medical examination that may only be performed under limited circumstances. Based on current CDC and local public health information and guidance, employers may measure employees' body temperature for the limited purpose of evaluating the risk that employee's presence poses to others in the workplace as a result of the COVID-19 pandemic."

According to guidance issued by the EEOC entitled, [What You Should Know About the ADA, the Rehabilitation Act, and COVID-19](#), the EEOC provides, "measuring an employee's body temperature is a medical examination. Because the CDC and state/local health authorities have acknowledged community spread of COVID-19 and issued attendant precautions, employers may measure employees' body temperature."

Q: Do employees maintain their privacy rights during a pandemic like COVID-19?

A: Yes.

Both federal and state laws recognize that employees maintain certain privacy rights in the workplace, including a medical condition or personal health information. But this right is not absolute and must be balanced against the District's business needs. For example, the ADA, Family Medical Leave Act (FMLA), and California's FEHA prohibit employers from disclosing confidential medical information, including the identity of an employee confirmed to have a communicable disease. But employers have an obligation to provide employees with a workplace "free from recognized hazards that are causing or are likely to cause death or serious physical harm" under the General Duty Clause of OSHA.

Q: Do employers need employees' consent or to provide any disclosures before taking their temperatures?

A: Employers do not need to obtain written consent to take employees' temperatures during a pandemic if the test is not invasive. All employees will receive a general notice as well as a disclosure will be displayed at all sites where temperatures are being taken.

Q: How should employers treat information it may collect about employees' test results or condition?

A: Information will be maintained in accordance with California Consumer Privacy Act. Minimum data will be collected when recording temperatures. All temperature checks are recorded with the last name, first initial and response to screening questions. If the results suggest the individual may be infected and will be sent home as a result, it will clearly document the results of the examination and treat the record as an employment medical record.

Q: If an employee is sent home, can an employer require temperature testing or doctor's note to confirm they are no longer infected?

A: Yes. If someone has been sent home due to symptoms, administering a temperature test before allowing the employee to return to work is appropriate as the CDC recommends individuals be fever-free for at least 24 hours to ensure they have recovered. Additionally, the EEOC has clarified that the ADA permits employers to require employees returning to work to provide a doctor's note stating they are fit for duty because the inquiry would not be disability related or would be a justified business necessity. The EEOC notes, however, that "doctors and other health care professionals may be too busy during and immediately after a pandemic outbreak to provide fitness-for-duty documentation. Therefore, new approaches may be necessary, such as reliance on local clinics to provide a form, a stamp, or an e-mail to certify that an individual does not have the pandemic virus."