

## **Daily Temperature Checks and Doctor's Notes to Return to Work May be Required During the COVID-19 Pandemic**

*By Robert P. Roy, President/General Counsel - Ventura County Agricultural Association*

Recently, the Association has been receiving questions concerning the use of daily temperature checks, as well as whether employers may require a doctor's note or some form of other verification from a healthcare provider that verifies that a worker is "virus free" upon returning to work following isolation.

It should be noted that the Federal EEOC, as well as the California Fair Employment and Housing (DEFH), have taken the position that due to the potential of **community spread** COVID-19, employers may measure an employee's body temperature. It can be performed both at the time of the employment of any individual following a job offer, as well as daily as each worker reports to work. Time spent taking the employee's temperature is to be coded on the employee's wage statement as non-productive time and paid at no less than the applicable minimum wage.

If employees question this procedure, please remind them that it is done for the purpose of evaluating the risk that an employee's presence may pose to others in the workplace as a result of COVID-19. In essence, they are not only protecting the worker and his/her fellow workers, but also their families from potential risk.

A second common question is whether an employee returning from a quarantine period is required to present some form of verification that he/she is "virus free". The CDC and other agencies have routinely advised against this because it imposes additional time restrictions upon healthcare providers, but there is no specific limitation in the manner of such verification. It could be a doctor's certificate, an email from the doctor, or a simple note indicating that the employee is "virus free". VCAA notes that this is a very fluid requirement that may change from time to time. VCAA will keep members up to date if there are any changes in these two areas of concern.