



**Oregon Farm Bureau Federation
Interim Guidance for Agricultural Employers for COVID-19**

March 24, 2020

Interim Guidance for Maintaining Healthy Business Operations:

This interim guidance is based upon what is currently known about the COVID-19 virus. The following guidance is intended to assist agricultural businesses in minimizing workplace exposure to the COVID-19 virus. Please note that this guidance is not legal advice nor is it intended to substitute for advice of legal counsel. Please consult legal counsel with any questions about how state or federal directives impact your operation. We will endeavor to update this guidance as new information becomes available, but the situation around the COVID-19 virus is evolving rapidly and we anticipate state and federal guidance to change frequently as well.

This information has been compiled from the following sources: [US Centers for Disease Control and Prevention \(CDC\)](#), [Oregon Health Authority](#), and [OSHA Guidance on Preparing Workplaces for COVID-19](#).

1. Actively Encourage Sick Workers to Stay Home and Send Sick Workers Home:

- Workers who are sick, and especially those who have COVID-19 [symptoms](#) (i.e., fever, cough, or shortness of breath), should notify the company immediately pursuant to their attendance policy and stay home. Workers should not return to work until the [criteria to discontinue quarantine](#) are met, in consultation with healthcare providers and state and local health departments.
- Workers who are well, but who have a family member with whom the employee resides or a roommate who has symptoms consistent with COVID-19, should immediately notify the company according to the company's attendance policy, closely follow [CDC recommended precautions, and employers should encourage or require the employee to stay home](#). Sick workers should follow [CDC-recommended steps](#).
- Workers who appear to have COVID-19 symptoms upon arrival at work or who become sick during the day should immediately be separated from other workers, customers, and visitors, and sent home. Where appropriate, employers should develop policies and procedures for immediately isolating people who have signs and/or symptoms of COVID-19, and notify workers of these policies.
- If a worker tests positive for COVID-19, employers should inform fellow workers of their possible exposure to COVID-19 in the workplace, but maintain confidentiality as required by the Americans with Disabilities Act (ADA) and state disability rules. Fellow workers should self-monitor for developing COVID-19 symptoms.
- If a worker tests positive for COVID-19, employers should immediately perform enhanced cleaning and disinfection of the employee's work area, tools and equipment used by the employee, and any communal areas and restrooms following the [CDC cleaning and disinfection recommendations](#).

2. Mitigate How Workers Might Be Exposed To COVID-19 At Work:

- Be aware that some workers may be at [higher risk for serious illness](#), such as older adults and those with chronic medical conditions.
- In accordance with the Governor's [Executive Order No. 20-12](#), allow workers to telework if possible. Businesses must designate an employee or officer to establish, implement, and enforce social distancing policies consistent with the Oregon Health Authority's policies on social distancing. Designate an employee or officer to enforce these social distancing policies.

NOTE: OHA's current policies for social distancing are unclear. There are conflicting interpretations about whether social distancing requires a minimum 6ft separation at all times, regardless of circumstances, or only when it is possible to maintain a 6ft distance. OFB encourages employers to seek private counsel when creating their social distancing policies to determine how to interpret and implement the Executive Order. We will update this guidance if and when additional guidance from OHA becomes available.

- Strategies that farms should use to implement social distancing include:
 - Implementing flexible worksites (e.g., telework)
 - Implementing flexible work hours (e.g., staggered shifts)
 - Increasing physical space between employees at the worksite
 - Increasing physical space between employees and customers
 - Delivering products through curbside pick-up or delivery
 - Increasing physical space between employees during meals, rest periods, and restroom breaks
- Routinely [clean and disinfect](#) all frequently touched surfaces in the workplace. Give special attention to high-touch surfaces, including, but not limited to, door handles, faucets, toilet handles, light switches, countertops, chairs, tables, equipment, machinery, tools, etc.
- Consider improving the engineering controls using the building ventilation system by increasing ventilation rates and the percentage of outdoor air that circulates into the system.
- Promote frequent and thorough hand washing, including by providing workers, customers, and worksite visitors with a place to wash their hands. If soap and running water are not immediately available, provide alcohol-based hand rubs containing at least 60% alcohol.
- Ensure bathrooms, including transportable toilets or temporary restroom facilities, are consistently stocked with water, soap, and disposable drying materials for handwashing. Provide access to tissues, trash bins, and plastic bags for the proper disposal of used tissues and other personal care products.

- Provide disposable or single-use cups at drinking stations.
- Do not transport workers who are showing COVID-19 symptoms to the workplace. If you must provide transportation for workers, provide adequate space between workers in vehicles and wipe down surfaces afterward with an approved disinfectant. Current guidance is unclear if transportation is allowed if social distancing requirements cannot be maintained. We recommend you consult counsel if you transport workers and cannot allow for social distancing during transport. If you must provide transportation for workers away from work who are showing symptoms of COVID-19, transport them separately from healthy workers and remind passengers of the need to "cover their cough." Wipe down surfaces afterwards with an approved disinfectant.

3. Educate Employees About How They Can Reduce the Spread of COVID-19 And What Resources Are Available to Them:

- Hold a training session for workers to go over US Center for Disease Control guidelines for how [COVID-19 spreads](#), how workers can [protect themselves](#), and [proper sanitization](#).
- Post instructional [posters and fact sheets](#), in English and Spanish, in communal areas and bathrooms to educate workers about proper hand hygiene and symptoms of COVID-19.
- Connect workers to employee assistance programs and community resources as needed.
- Provide all workers with job-specific education and training on preventing transmission of COVID-19, and consider doing refresher training as more information becomes available.

Interim Guidance for Farmworker Housing Providers:

This interim guidance is based upon what is currently known about COVID-19. The following guidance is intended to assist agricultural employers who provide housing to farmworkers in preventing exposure to COVID-19 in farmworker housing units. This information has been compiled from the following sources, but is subject to change as investigations are ongoing, and specific information for agricultural labor housing becomes available. This information is sourced from the [US Centers for Disease Control and Prevention \(CDC\)](#) and the [Oregon Health Authority](#).

1. Hold a training session for workers to go over US Centers for Disease Control guidelines for [reducing transmission of COVID-19](#), and how they can [protect themselves](#), [their family](#), and [their homes](#).
2. Develop or update your emergency action and Hazard Communication Program plan by identifying a list of key contacts at your local and state health departments, as well as a list of healthcare facilities where workers with respiratory illness can seek appropriate care. Make these contacts readily available for workers.
3. Allow workers time off to go to store and purchase personal cleaning supplies. Ensure bathrooms and other sinks are consistently stocked with water, soap, and disposable drying materials for handwashing. Provide access to tissues, trash bins, and plastic bags for the proper disposal of used tissues and other personal care products.
4. Post instructional [posters and fact sheets](#), in English and Spanish, in communal areas and bathrooms to educate workers about proper hand hygiene and symptoms of COVID-19.
5. [Deep clean](#) housing during times of the day that workers are not generally at housing site (during work hours while workers are working). Increase the frequency of cleaning schedules for communal areas. Give special attention to high-touch surfaces, including, but not limited to, door handles, faucets, toilet handles, light switches, countertops, chairs, tables, remote controls, etc.
6. If possible, ensure that beds are spaced for social distancing in sleeping areas for those who are not experiencing COVID-19 symptoms. Given that OHA requirements are unclear, if you cannot ensure proper distance between beds, please consult legal counsel on the recommended course of action.
7. Instruct workers that if they are sick or have COVID-19 symptoms, they must alert the company immediately. Workers who experience COVID-19 symptoms must be instructed to stay in their housing unit and strictly adhere to social distancing protocols. Management should endeavor to assist a worker in getting access to a doctor, who can let the worker know if testing is available and warranted. If the test is positive, the worker should be quarantined along with any others who are possibly exposed.
8. If possible, confine workers with COVID-19 symptoms to individual rooms and have them avoid common areas. If individual rooms are not available, please consult counsel as to best practices to

ensure COVID-19 is not transmitted to other workers. If possible, designate a separate bathroom for workers with COVID-19 symptoms. Increase the frequency of cleaning the bathroom used by symptomatic workers.

9. Check with local emergency housing providers for temporary housing options for those who might test positive and need to be quarantined where on-site options do not exist.

Interim Guidance On COVID-19 Federal Paid Sick Leave

This information has been compiled from the following source: [U.S. Department of Labor](#).

On March 18, the President of the United States signed the “Families First Coronavirus Response Act” (FFCRA). On March 23rd, the U.S. Treasury Department, Internal Revenue Service, and the U.S. Department of Labor announced that small and midsize employers can begin taking advantage of two new refundable payroll tax credits, designed to immediately and fully reimburse them, dollar-for-dollar, for the cost of providing FFCRA leave to their employees.

In general, the FFCRA provides paid sick leave and expanded family and medical leave for COVID-19 related reasons and created the refundable paid sick leave credit and the paid child-care leave credit for eligible employers. Eligible employers are businesses and tax-exempt organizations with fewer than 500 employees that are required to provide emergency paid sick leave and emergency paid family and medical leave under the act. Eligible employers will be able to claim these credits based on qualifying leave they provide between the effective date and Dec. 31, 2020. Equivalent credits are available to self-employed individuals based on similar circumstances.

The FFCRA will take effect on April 2 and contains a number of major provisions concerning paid leave, job protection, and tax implications that will affect employers nationwide. The FFCRA sunsets on December 31, 2020.

Here is an overview of key points:

1. Paid Sick Leave for Workers:

- The act provides that employees of eligible employers can receive two weeks (up to 80 hours) of paid sick leave at 100% of the employee’s pay where the employee is unable to work because the employee is quarantined, and/or experiencing COVID-19 symptoms, and seeking a medical diagnosis.
- An employee who is unable to work because of a need to care for an individual subject to quarantine, to care for a child whose school is closed or child care provider is unavailable for reasons related to COVID-19, and/or the employee is experiencing substantially similar conditions as specified by the U.S. Department of Health and Human Services can receive two weeks (up to 80 hours) of paid sick leave at 2/3 the employee’s pay.
- An employee who is unable to work due to a need to care for a child whose school is closed or child care provider is unavailable for reasons related to COVID-19, may in some instances receive up to an additional ten weeks of expanded paid family and medical leave at 2/3 the employee’s pay.

2. Paid Sick Leave Credit:

- For an employee who is unable to work because of Coronavirus quarantine or self-quarantine or has Coronavirus symptoms and is seeking a medical diagnosis, eligible

employers may receive a refundable sick leave credit for sick leave at the employee's regular rate of pay, up to \$511 per day and \$5,110 in the aggregate, for a total of 10 days.

- For an employee who is caring for someone with Coronavirus, or is caring for a child because the child's school or child care facility is closed, or the child care provider is unavailable due to the Coronavirus, eligible employers may claim a credit for two-thirds of the employee's regular rate of pay, up to \$200 per day and \$2,000 in the aggregate, for up to 10 days.
- Eligible employers are entitled to an additional tax credit determined based on costs to maintain health insurance coverage for the eligible employee during the leave period.

3. Child Care Leave Credit:

- In addition to the sick leave credit, for an employee who is unable to work because of a need to care for a child whose school or child-care facility is closed or whose child care provider is unavailable due to the Coronavirus, eligible employers may receive a refundable child care leave credit.
- This credit is equal to two-thirds of the employee's regular pay, capped at \$200 per day or \$10,000 in the aggregate.
- Up to 10 weeks of qualifying leave can be counted towards the child-care leave credit. Eligible employers are entitled to an additional tax credit determined based on costs to maintain health insurance coverage for the eligible employee during the leave period.

4. Prompt Payment for the Cost of Providing Leave:

- When employers pay their employees, they are required to withhold from their employees' paychecks federal income taxes and the employees' share of Social Security and Medicare taxes. The employers then are required to deposit these federal taxes, along with their share of Social Security and Medicare taxes, with the IRS and file quarterly payroll tax returns with the IRS.
- Under guidance that will be released next week, eligible employers who pay qualifying sick or child-care leave will be able to retain an amount of the payroll taxes equal to the amount of qualifying sick and child-care leave that they paid, rather than deposit them with the IRS.
- The payroll taxes that are available for retention include withheld federal income taxes, the employee share of Social Security and Medicare taxes and the employer share of Social Security and Medicare taxes with respect to all employees.
- If there are not sufficient payroll taxes to cover the cost of qualified sick and childcare leave paid, employers will be able file a request for an accelerated payment from the IRS. The IRS expects to process these requests in two weeks or less. The details of this new, expedited procedure will be announced next week.
- Equivalent child-care leave and sick leave credit amounts are available to self-employed individuals under similar circumstances. These credits will be claimed on their income tax return and will reduce estimated tax payments.

Example: If an eligible employer paid \$5,000 in sick leave and is otherwise required to deposit \$8,000 in payroll taxes, including taxes withheld from all its employees, the

employer could use up to \$5,000 of the \$8,000 of taxes it was going to deposit for making qualified leave payments. The employer would only be required under the law to deposit the remaining \$3,000 on its next regular deposit date.

Example: If an eligible employer paid \$10,000 in sick leave and was required to deposit \$8,000 in taxes, the employer could use the entire \$8,000 of taxes in order to make qualified leave payments, and file a request for an accelerated credit for the remaining \$2,000.

5. Small Business Exemption:

- Small businesses with fewer than 50 employees will be eligible for an exemption from the leave requirements relating to school closings or childcare unavailability where the requirements would jeopardize the ability of the business to continue.
- The exemption will be available on the basis of simple and clear criteria that make it available in circumstances involving jeopardy to the viability of an employer's business as a going concern.

NOTE: It is unclear at this time whether the 50-employee threshold applies to full-time, part-time, or all employees. The Department of Labor will provide emergency guidance and rulemaking to clearly articulate this standard. Please consult legal counsel with any questions about how this federal directive impacts your operation.

6. Non-Enforcement Period:

- Department of Labor will be issuing a temporary non-enforcement policy that provides a period of time for employers to come into compliance with the act.
- Under this policy, Department of Labor will not bring an enforcement action against any employer for violations of the act so long as the employer has acted reasonably and in good faith to comply with the act.
- The Department of Labor will instead focus on compliance assistance during the 30-day period.

For more information please visit:

- [Families First Coronavirus Response Act: Employee Paid Leave Rights](#)
- [Families First Coronavirus Response Act: Employer Paid Leave Requirements](#)
- [COVID-19 and the Fair Labor Standards Act: Questions and Answers](#)
- [COVID-19 and the Family and Medical Leave Act: Questions and Answers](#)
- [WHD Response to COVID-19](#)

SAMPLE COVID-19 Workplace Policy:

Our company is always concerned about the health and well-being of our employees. We take seriously our duty and obligation to provide our employees with a safe and healthy workplace. This means that we care about our employees' protection from the COVID-19 virus while at work. We have implemented this policy effective March 2020 and expect all employees to abide by it. This policy is also part of our Hazard Communication program. We anticipate that employees may feel anxious, fear, hear rumors, and receive misinformation and we want to help reduce fear and anxiety, dispel myths, and correct misinformation when possible. Please speak to your supervisor or the office if you have questions about this policy.

We have appointed _____(name)_____ to be our Social Distancing Officer. This person has the authority to enforce this policy. Employees who do not comply will face disciplinary action up to and including termination.

This is a temporary policy that may need to be updated or changed at any time and will be retracted when the COVID-19 pandemic has ended.

All employees are required to practice "social distancing" while at work. This means employees must always maintain at least a 6-foot distance from another employee, customers and vendors, and visitors. All employees must wash their hands regularly with soap and hot water during break periods, or at the least with an alcohol-based hand sanitizer. Employees may not take meal or rest breaks in a group but must sit or stand at least 6' apart from one another. Any uneaten meal items, wrappers, napkins, utensils, etc., must be disposed of properly to avoid others touching them.

No employees are to come to work if they have COVID-19 symptoms or have tested positive for COVID-19, but must follow our attendance policy and notify us that they have COVID-19 symptoms. Employees who are off work are expected to stay in contact with the office by calling us or texting us each week about their status and expectation of returning to work.

Employees who show symptoms consistent with the COVID-19 virus while at work will be sent home immediately and placed on an unpaid leave of absence and are not to return to work until they have no fever for at least 72 hours (i.e., three full days of no fever without the use of fever-reducing medicine) and other symptoms have improved; AND at least seven days have passed since the first symptoms appeared. Employees are required to notify the company immediately when symptoms first appear. Employees may use their available sick leave, vacation leave, federal paid sick leave or federal paid family leave (when available) to cover their wages during the required leave of absence. If the employee has no available paid leave, the employee's absence will be unpaid. In the unlikely event that the employee's symptoms become complicated, the employee may be entitled to other leaves under federal or state rules.

If an employee's immediate family member, who the employee is in contact with, tests positive for COVID-19, the employee must notify the company immediately and self-monitor for symptoms of COVID-19 infection. In this case, we may temporarily isolate the employee to another work area to

protect other employees. This is not to be viewed as a punishment, but rather as a protective measure for everyone.

Employees who are placed on leave of absence are expected to keep us updated on their status by texting or calling the company each week. If employees pay a portion of their health insurance benefits, the employee may be expected to continue to pay their portion during the leave of absence. Employees who do not return to work after their leave of absence as expected will be considered to have quit without notice.

Employees at work are responsible for cleaning their work area, tools, handles, knobs, switches, etc. before and after use with the cleaning supplies we have made available in each work location. Employees are expected to wear latex/non-latex gloves whenever possible and dispose of them properly. Employees may wear face masks, if desired, but we do not supply these.

EJEMPLO COVID-19 Política de Lugar de Trabajo:

Nuestra empresa siempre está preocupada por la salud y el bienestar de nuestros empleados. Nos tomamos en serio nuestro deber y obligación de proporcionar a nuestros empleados un lugar de trabajo seguro y saludable. Esto significa que nos preocupamos por la protección de nuestros empleados contra el virus COVID-19 mientras estamos en el trabajo. Hemos implementado esta política a partir de marzo de 2020 y esperamos que todos los empleados la cumplan. Esta política también forma parte de nuestro programa de Comunicación de Peligros. Anticipamos que los empleados pueden sentirse ansiosos, temer, escuchar rumores y recibir desinformación y queremos ayudar a reducir el miedo y la ansiedad, disipar mitos y corregir la desinformación cuando sea posible. Por favor, hable con su supervisor o con la oficina si tiene preguntas sobre esta política.

Hemos nombrado _____(nombre)_____ ser nuestro Oficial de Distanciamiento Social. Esta persona tiene la autoridad para hacer cumplir esta política. Los empleados que no cumplan se enfrentarán a medidas disciplinarias hasta e incluyendo la terminación.

Esta es una política temporal que puede necesitar ser actualizada o cambiada en cualquier momento y se retraerá cuando la pandemia de COVID-19 haya terminado.

Todos los empleados están obligados a practicar el "distanciamiento social" mientras están en el trabajo. Esto significa que los empleados siempre deben mantener al menos una distancia de 6 pies de otro empleado, clientes y proveedores, y visitantes. Todos los empleados deben lavarse las manos regularmente con jabón y agua caliente durante los períodos de descanso, o al menos con un desinfectante de manos a base de alcohol. Los empleados no pueden tomar descansos o comida en un grupo, pero deben sentarse o permanecer al menos 6' separados unos de otros. Cualquier artículo de comida no comido, envoltorios, servilletas, utensilios, etc., deben ser eliminados adecuadamente para evitar que otros los toquen.

Ningún empleado debe venir a trabajar si tienen síntomas de COVID-19 o han dado positivo para COVID-19, pero deben seguir nuestra política de asistencia y notificarnos que tienen síntomas de COVID-19. Se espera que los empleados que están fuera del trabajo se mantengan en contacto con la oficina llamándonos o enviándonos mensajes de texto cada semana sobre su estado y la expectativa de volver al trabajo.

Los empleados que muestren síntomas consistentes con el virus COVID-19 mientras están en el trabajo serán enviados a casa inmediatamente y colocados en una licencia no remunerada y no deben volver al trabajo hasta que no tengan fiebre durante al menos 72 horas (es decir, tres días completos sin el uso de medicamentos para reducir la fiebre) y otros síntomas han mejorado; Y han pasado al menos siete días desde que aparecieron los primeros síntomas. Los empleados deben notificar a la empresa inmediatamente cuando aparecen los síntomas por primera vez. Los empleados pueden usar su licencia por enfermedad disponible, licencia de vacaciones, licencia federal pagada por enfermedad o licencia familiar pagada federal (cuando esté disponible) para cubrir sus salarios durante la licencia requerida. Si el empleado no tiene licencia pagada disponible, la ausencia del empleado no será

pagada. En el improbable caso de que los síntomas del empleado se compliquen, el empleado puede tener derecho a otras hojas bajo las reglas federales o estatales.

Si el familiar inmediato de un empleado, con quien el empleado está en contacto, ofrece pruebas positivas para COVID-19, el empleado debe notificar a la empresa inmediatamente y autocontrol los síntomas de la infección de COVID-19. En este caso, podemos aislar temporalmente al empleado a otra área de trabajo para proteger a otros empleados. Esto no debe ser visto como un castigo, sino más bien como una medida de protección para todos.

Se espera que los empleados que se encuentran en licencia nos mantengan actualizados sobre su estado enviando mensajes de texto o llamando a la empresa cada semana. Si los empleados pagan una parte de sus beneficios de seguro de salud, se puede esperar que el empleado continúe pagando su parte durante el permiso de ausencia. Los empleados que no regresen al trabajo después de su licencia como se esperaba se considerará que han renunciado sin previo aviso.

Los empleados en el trabajo son responsables de limpiar su área de trabajo, herramientas, asas, perillas, interruptores, etc. antes y después de su uso con los suministros de limpieza que hemos puesto a disposición en cada lugar de trabajo. Se espera que los empleados usen guantes de látex/no látex siempre que sea posible y los desechen adecuadamente. Los empleados pueden usar máscaras faciales, si lo desean, pero no las suministramos.