March 19, 2020

TO: SIGNATORY EMPLOYERS/EMPLOYER ASSOCIATIONS

FROM: Jay Bradshaw  
Executive Director

RE: COVID-19

The World Health Organization (WHO) has declared COVID-19 to be a pandemic, and the United States Centers for Disease Control (CDC) has issued guidelines for employers and employees to help stop the spread of this disease in the workplace. As stated in previous communications, the position of the Carpenters 46 Northern California Counties Conference Board, on behalf of the Northern California Carpenters Regional Council and all affiliated Local Unions (collectively “Union”) is that employers bound to a collective bargaining agreement with the Union (“Signatory Employers”) are to follow CDC guidelines, as well as guidance issued by other state or federal agencies such as EDD, CAL/OSHA and the EEOC. As the Federal Agency responsible for enforcing Federal Anti-Discrimination laws, including the ADA, the EEOC has issued guidance related to potential violations of the ADA as it relates to the COVID-19 pandemic declaration.

Specifically, the EEOC has issued the following guidance regarding issues that may arise with our Signatory Employers during the pandemic declaration:

- Employers may ask employees if they are experiencing symptoms of the pandemic virus. For COVID-19, these include symptoms such as fever, chills, cough, shortness of breath, or sore throat. Employers must maintain all information about employee illness as a confidential medical record.
- Due to community spread of COVID-19, employers may measure employees’ body temperature utilizing noninvasive methods. However, employers should be aware that some people with COVID-19 do not have a fever. Employers are required to compensate an employee during the testing process.
- Employers may mandate that employees who become ill with symptoms of COVID-19 leave the jobsite.
- Employers may require a doctor’s note certifying the employee does not have the pandemic virus before permitting said employee to return to work.

Signatory Employers bear sole responsibility in ensuring that all applicable State and Federal laws, including but not limited to the ADA, are complied with.
During the period that the pandemic declaration is in effect covering the geographic jurisdiction of the Union, the Union will not object to the above provisions. However, the Signatory Employer must compensate the employee appropriately per the applicable provisions of the Collective Bargaining Agreement(s) to which they are bound. Nothing in this Memo shall be construed as a change, modification, amendment or supplement to any Collective Bargaining Agreement between the Union and any Employer Association or individual Employer.

If you have any questions regarding these guidelines, please contact the 46 Counties Conference Board.