

**MPCC Roundtable
August 18, 2020 TPO Update**



*These updates are a small sample of important topics and information we provide and discuss with our members in helping manage to FFCRA and everything HR. For questions about this week's topic or information about TPO Membership and the products and services we provide, please contact Michaelle Stanford, PHR-ca, M.A. at michaelles@tpohr.com. **TPO Note:** As a reminder, these updates are for informational purposes only. For unique situations to your business, consult with your Human Resource provider or employment expert.*

New FAQ's from the DIR ... Safe Reopening for Workers and Employers

Although many businesses are not permitted to fully re-open, among the most frequent questions we hear from members are concerns about whether they are required to #7 pay for face coverings and if they must #9 pay for time spent as part of required medical checks. The **Department of Industrial Relations (DIR)** who oversees state labor laws, recently released 16 FAQ's which includes.

7. Q: Must my employer pay for face coverings for use at my worksite?

A: California law requires employers to provide, at no cost to workers, safeguards, such as face coverings, when such safeguards are reasonably necessary to render the work and the worksite safe and healthful. Any face covering must cover the nose and mouth effectively. The circumstances under which face coverings must be worn are set out in CDPH's public health guidance discussed above.

The employer cannot charge workers for these face coverings even if the employer permits workers to wear these face coverings during non-work hours away from the workplace. The employer is under no legal obligation to allow workers to use employer-provided face coverings during non-work hours away from the workplace, when the employee is not on, entering or leaving the worksite or employer's premises.

9. Q: Must my employer pay me for time spent at my employer's worksite completing certain medical checks (including temperature checks) before beginning a shift?

A: Yes. Employers must pay workers for all "hours worked," including time that a worker is under the control of the employer. Employers that require their workers to complete a medical check in order to begin a shift, even if it is recommended under public health orders, must compensate workers for that time worked.

The term "hours worked" means the time during which a worker is subject to the control of an employer, and includes all the time the worker is suffered or permitted to work, whether or not required to do so. Under this definition, one way to determine whether time a worker spends performing a task is compensable—that is, whether it is time "worked"—is whether the employer exercised control over the worker by requiring the worker to perform that task.

If an employer requires that all workers perform a medical check (such as a temperature check) onsite before beginning a shift, the time completing the medical check, including any time waiting in line, would constitute time worked. This requirement applies even if such tasks were performed pursuant to a state or local public health guideline, because the check is done at the request, and thus under the control, of the employer.

All 16 of the **Safe Reopening FAQs for Workers and Employers** are located here: https://www.dir.ca.gov/covid19/FAQs_COVID-19_Safe_Reopening.htm