

# Return-to-Work Plan for FSIS Field Employees who have Self-Certified

Effective May 20, 2020

## Background

Since March 20, 2020, FSIS has allowed all employees who meet the Centers for Disease Control and Prevention (CDC)-defined [criteria for being at higher-risk of severe illness with COVID-19](#) to self-certify their health status with their supervisor. Supervisors have been authorized to approve telework to telework-eligible employees or to grant Weather and Safety Leave, which is a form of paid Administrative leave. After initial self-certification, employees have been required to have a conversation with their supervisor at least once every two-week pay period to discuss if the employee needs to continue to self-certify based on their medical condition and the current COVID-19 situation at their place of work.

Both FSIS and a significant portion of the regulated industry have taken steps to mitigate occupational risks associated with COVID-19. FSIS is now providing face coverings (cloth and disposable masks), face shields, and hand sanitizer to FSIS in-plant personnel (IPP). FSIS IPP are now required to wear a face covering in conjunction with a face shield (once available) and supervisors have been instructed to enforce this policy. In addition, FSIS-regulated establishments have been directed by the President's Executive Order and invocation of the *Defense Production Act* to utilize [CDC and OSHA's Guidance for Meat and Poultry Processing Workers and Employers](#). This guidance describes engineering and administrative controls that establishments can implement to help mitigate the risk of COVID-19 to employees. With appropriate controls in place, FSIS employees' risk of COVID-19 exposure at FSIS-regulated establishments is currently being mitigated to varying degrees. Employees who are at higher risk of severe illness from COVID-19 may now be able to return to their duty stations by following the plan outlined in this document.

The purpose of this document is to 1) describe the process for determining which employees identified as being at higher-risk can return to work and 2) describe risk management options that employees identified as being at higher-risk can utilize, regardless of whether they are able to return to work. This document applies to any FSIS employee who works within one or more FSIS-regulated establishments.

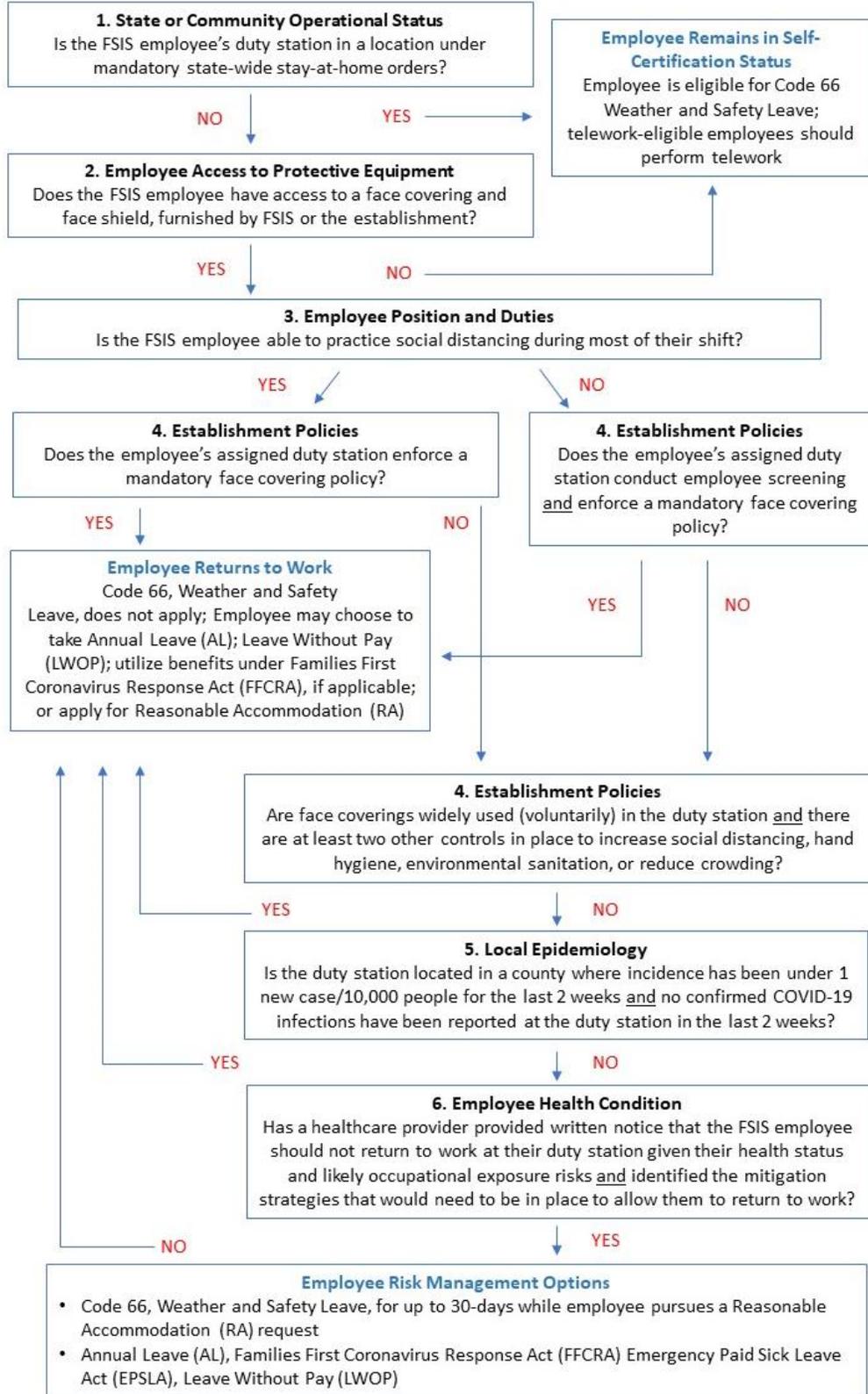
## Risk Assessment and Return-to-Work Decision Tree

When an employee discusses renewing self-certification status, the employee's supervisor should conduct a risk assessment by applying the Return-to-Work Decision Tree below, which considers the following factors:

1. State or community operational status
2. Employee access to protective equipment
3. Employee position and duties
4. Establishment policies
5. Local epidemiology
6. Employee health condition

The Decision Tree will assist the supervisor in arriving at an appropriate decision based on the above factors.

## Return-to-Work Decision Tree



## Application of the Return-to-Work Decision Tree

### 1. State or community operational status

- a. Is the employee's duty station(s) located in a location under mandatory state-wide stay-at-home orders?

### 2. Employee access to protective equipment

- a. Does the employee have access to a face covering and face shield? This equipment may be supplied by the establishment where the employee works or ordered from the USDA supply center.

### 3. Employee position and duties

- a. Consider the employee's position (i.e. Food Inspectors, Consumer Safety Inspector, Public Health Veterinarian) and associated routine job tasks. To what extent do these tasks allow the employee to perform social distancing (maintaining a distance of  $\geq 6$  feet from other people or separation by a physical barrier)?
  - i. What workspace is available to the employee?
  - ii. Is the employee performing verification tasks that allow him/her to move around the establishment?
  - iii. What steps can the employee take to maximize social distancing within their workspace?

### 4. Establishment policies

- a. Supervisors will be responsible for evaluating the ongoing policies at the FSIS employee's assigned duty station that mitigate the risk of exposure to COVID-19.
- b. Is the establishment enforcing a policy requiring all employees to wear a face covering? If face coverings are worn only on a voluntary basis in the facility, are they worn by a majority of the employees?
- c. What other controls are in place to increase social distancing, hand hygiene, environmental sanitation, or reduce crowding?
- d. Is the establishment currently conducting an employee screening program at least once per shift?
  - i. Screening programs are defined as procedures to measure employee's body temperature (using either a digital forehead thermometer or infrared thermometer) with or without additional questions to assess:
    1. If employees have recently tested positive for COVID-19.
    2. If employees are currently experiencing [symptoms](#) that are consistent with COVID-19 infection, including, but not limited to, cough, shortness of breath or difficulty breathing, muscle pain, chills, new loss of taste or smell, gastrointestinal symptoms like nausea, vomiting, or diarrhea, and fever of 100.4°F or greater.
    3. If employees share a household with or has had any recent contact with a confirmed case of COVID-19.
- e. To what extent is the establishment(s) where the FSIS employee works currently implementing additional controls described in the [CDC/OSHA Guidance for Meat and Poultry Processing Workers and Employees](#)? For example:
  - i. Does the establishment have policies in place that allow for and promote identification of sick employees, prompt evaluation, and exclusion of the sick employee?
  - ii. Does the establishment have a process in place for reporting when an employee is diagnosed with COVID-19 to the FSIS Inspector In-Charge (IIC) or Frontline Supervisor?
  - iii. Has the establishment or local health department instituted a program to test plant employees for COVID-19?

- iv. Has the plant taken measures to encourage social distancing (i.e., one-way hallways, installation of plexiglass barriers between work stations and in break rooms, changes to configuration, etc.)?
- v. Do plant employees have access to face shields?
- vi. Is alcohol based-hand sanitizer that contains at least 60% alcohol available in areas where handwashing is not feasible?
- vii. Has the establishment increased cleaning and sanitation programs (e.g. disinfecting commonly touched areas at least once per shift)
- viii. Has the establishment instituted employee training to promote adherence to COVID-19 precautions?

**5. Local epidemiology**

- a. Is the employee’s duty station located in an area that meets the [CDC criteria](#) for low incidence (less than 1 new confirmed case/10,000 people or 10 new cases/100,000 people) for the most recent two consecutive weeks and have there been any confirmed COVID-19 infections reported at the duty station in the last two weeks?
- b. For the purposes of this document, “area” is defined as the county (or counties, for employees on a patrol assignment) where the employee’s assigned duty station is located. If the employee’s duty station is <50 miles from another county, the incidence in the neighboring county should be below the threshold as well.
- c. District Offices have access to public health tools and resources to assess the local epidemiology. Supervisors should consult with their District Office when making determinations about the local epidemiology.

**6. Employee health condition**

- a. Has the employee previously self-certified as having an underlying health condition included on the CDC list of [Groups at Higher Risk for Severe Illness?](#)
  - a. Moderate-to-severe asthma
  - b. Chronic lung disease
    - i. Chronic obstructive pulmonary disease (COPD)
    - ii. Emphysema
    - iii. Chronic bronchitis
    - iv. Idiopathic pulmonary fibrosis
    - v. Cystic fibrosis
  - c. Diabetes (type 1, type 2, or gestational)
  - d. Hemoglobin disorders such as sickle cell disease (SCD) and thalassemia
  - e. Serious heart conditions
    - i. Heart failure
    - ii. Coronary artery disease
    - iii. Congenital heart disease
    - iv. Cardiomyopathy
    - v. Pulmonary hypertension
  - f. Chronic kidney disease being treated with dialysis
  - g. Severe obesity (Body Mass Index [BMI] ≥40)
  - h. Immunocompromised
    - i. Undergoing cancer treatment

- ii. Recent bone marrow or organ transplantation
- iii. Immune deficiencies
- iv. HIV with a low CD4 cell count
- v. Prolonged use of corticosteroids or other immune weakening medications
- i. Chronic liver disease, including cirrhosis
- b. Has a health care provider provided written notice that the FSIS employee should not return to work at their duty station given their health status and likely occupational exposure risks and identified the mitigation strategies that would need to be in place to allow them to return to work?
- c. As part of the Reasonable Accommodation process, the employee should submit to their supervisor health care provider documentation of the employee's limitations associated with the current CDC-defined [Groups at Higher Risk for Severe Illness](#). The documentation should also include what needs to be in place for the employee to safely return to work. All medical documentation will be secured in accordance with USDA Departmental Manual 4300-002.

### **Risk Management Plan for Employees Identified as Being at Higher-Risk**

1. Any employee can choose to take Leave Without Pay (LWOP) if they have been advised in writing by a health care provider that their assignment puts them at excess occupational risk due to a pre-existing medical condition, as defined by the CDC; employees can also choose to take Annual Leave (AL).
2. To be eligible for Code 66, Weather and Safety Leave, a risk assessment should first be conducted by the supervisor to evaluate an employee's individual circumstances at their duty assignment. The Return-To-Work Decision Tree (see page 3) is the tool supervisors should use when conducting this risk assessment. The employee must also provide documentation from a health care provider that the FSIS employee should not work at their duty station given their health status and likely risk of occupational exposure. The health care provider must also document what mitigating measures would need to be in place before the employee can return to work.
3. The employee is not eligible for Code 66, Weather and Safety Leave, if a risk assessment leads to the determination that:
  - a. a combination of an employee's position-specific factors and personal controls (social distancing, face covering use, face shield use, hand hygiene) and establishment controls significantly reduce the employee's risk of exposure to COVID-19; or
  - b. local incidence of COVID-19 is low (< 1 new reported case/10,000 people within last two weeks) and no confirmed COVID-19 infections have been reported at the duty station in the last two weeks.

Employees ineligible for Code 66, Weather and Safety Leave, should either return to work or be given the option of taking Annual Leave (AL), Leave Without Pay (LWOP), or utilizing benefits under the Families First Coronavirus Response Act (FFCRA), if applicable. They may also choose to submit a request for Reasonable Accommodation (RA); supervisors and employees should be aware that the Agency might not be able to effectively accommodate every employee request.

4. If circumstances change (e.g. reinstatement of mandatory stay-at-home orders, incidence in the community greatly increases with no changes to the establishment's policies), an employee's risk should

be re-evaluated using the Decision Tree. An employee initially put in return-to-work status can later be granted Code 66, Weather and Safety Leave, if eligibility changes.

5. If it is feasible to reassign employees identified as being at higher-risk to a lower risk position (e.g. such as one that can be done via telework), a duty station with sufficient risk mitigation controls, or geographic location with low transmission rates, efforts may be made to accommodate these employees.