



August 18, 2020

COVID-19 UPDATE



USDA TO HOST CFAP PRODUCER WEBINAR ON AUGUST 19TH

The U.S. Department of Agriculture (USDA) will host a webinar on August 19 at 12:00 noon PDT (3 p.m. EDT or 12 p.m. PST) to discuss recently added commodities eligible for the Coronavirus Food Assistance Program (CFAP).

The Farm Service Agency (FSA) will explain how CFAP works for eligible specialty crops, nursery crops and cut flowers, aquaculture commodities and certain types of eggs, and will share detailed examples of how to apply.

USDA has extended the deadline and is accepting applications for CFAP through September 11. CFAP helps offset price declines and additional marketing costs because of the coronavirus pandemic.

Producers must register [HERE](#) to participate in the webinar.

Additional CFAP resources are available at farmers.gov/cfap.

STEPS FOR RESPONDING TO INVESTIGATIVE LETTERS FROM U.S. DEPARTMENT OF LABOR AND OTHER GOVERNMENT AGENCIES

The Council has been made aware that various regulatory agencies, such as Cal/OSHA and the California Department of Labor Standards Enforcement (DLSE), have begun notifying employers of inspections designed to audit employer's compliance with new laws and regulations related to COVID-19. Companies have received letters from the U.S. Department of Labor's (DOL) Wage and Hour Division (WHD) notifying of workplace inspections for the purpose of determining their compliance with various federal laws which the DOL is responsible for administering and enforcing. These laws include the Fair Labor Standards Act (FLSA), the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), and the Families First Coronavirus Response Act (FFRCA), which includes the Emergency Paid Sick Leave Act (EPSLA) and Emergency Family and Medical Leave Expansion Act (EFMLA).

The letters notify the employer of a date that has been unilaterally set by the DOL investigator for an "initial conference" between the DOL investigator and a representative from the employer. In addition, the letters demand the employer produce a number of records and information, including, but not limited to, two years' worth of the company's tax records, payroll records (including time records) for all employees, a list of all owners and company officers, a list of all current and former employees and their contact information, the general ledger for the past two years, records related to the company's compliance with the Families First Coronavirus Response Act, and the company's employee handbook.

The California Fresh Fruit Association has provided the Council guidance with the steps that all employers should consider taking in responding to the DOL's letters. While the memo focuses on responding to DOL investigative inquiries, its principles are generally applicable to answering to other governmental investigations such as Cal/OSHA and the DLSE. If you receive an investigative letter from a governmental agency, you should immediately contact your labor and employment counsel for specific guidance.

To view the complete guidance document, click [here](#).

HIGH HEAT ADVISORY REMINDER

Over the next 7 days the temperature is expected to reach over 105 degrees, with some parts of the Valley reaching even higher. This serves as a reminder to follow high heat advisory protocols to ensure the safety of yourself and your workers.

Follow your water replenishment program and make sure you have enough shade available. If you are unable to adjust your hours of operation for your employees to avoid working when the temperature reaches 95 degrees, then make sure you follow your High Heat Procedures. Your procedures should include:

1. Tail gate meetings before the commencement of work to review high heat procedures, encourage employees to drink plenty of water, and remind employees to take a cool down rest when needed.
2. Observing employees for alertness and signs or symptoms of heat illness either by the crew leader and/or having a buddy system. For tractor drivers communicate with by phone or other communication device.
3. Reminding employees throughout the shift to drink plenty of water.
4. Ensure effective communication by voice, observation, or electronic means is maintained so employees can contact a supervisor when necessary.
5. A minimum ten minute cool down rest period every two hours. If the timing of the cool down rest coincides with a meal period or their regular rest period, then employees don't need to take a separate cool down break.

Please keep yourself and your employees safe while working out in the heat.