

An Addendum to the Injury and Illness Program

In accordance with TITLE 8, DIVISION 1, CHAPTER 4, Subchapter 7. General Industry Safety Orders Section 3205, COVID-19 Prevention

Sonora Elementary School District 830 Greenley Road Sonora, CA 95370



COVID-19 Prevention Program
An Addendum to the Injury and Illness Program: *In accordance with TITLE 8, DIVISION 1, CHAPTER 4,* Subchapter 7. General Industry Safety Orders Section 3205, COVID-19 Prevention

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(a) Scope.

- (1) This program applies to all employees and all places of employment, with the following exceptions:
 - (A) Places of employment with one employee who does not have contact with other persons.
 - (B) Employees working from home.
 - (C) Employees when covered by section <u>5199</u>, <u>Aerosol Transmissible Diseases</u>.

(b) Definitions. The following definitions apply:

"COVID-19" means coronavirus disease, an infectious disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

"COVID-19 case" means a person who:

- (1) Has a positive "COVID-19 test" as defined in this section;
- (2) Is subject to COVID-19-related order to isolate issued by a local or state health official; or
- (3) Has died due to COVID-19, in the determination of a local health department or per inclusion in the COVID-19 statistics of a county.

X nnA person is no longer a "COVID-19 case" in this section when a licensed health care professional determines that the person does not have COVID-19, in accordance with recommendations made by the California Department of Public Health (CDPH) or the local health department pursuant to authority granted under the Health and Safety Code or title 17, California Code of Regulations to CDPH or the local health department.

"COVID-19 exposure" means being within six feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period within or overlapping with the "high-risk exposure period" defined by this section. This definition applies regardless of the use of face coverings.

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"COVID-19 hazard" means exposure to potentially infectious material that may contain SARS-CoV-2, the virus that causes COVID-19. Potentially infectious materials include airborne droplets, small particle aerosols, and airborne droplet nuclei, which most commonly result from a person or persons exhaling, talking or vocalizing, coughing, sneezing, or procedures performed on persons which may aerosolize saliva or respiratory tract fluids, among other things. This also includes objects or surfaces that may be contaminated with SARS-CoV-2.

"COVID-19 symptoms" means the following unless a licensed health care professional determines the person's symptoms were caused by a known condition other than COVID-19.

- fever of 100.4 degrees Fahrenheit or higher
- chills
- cough
- shortness of breath or difficulty breathing
- fatigue
- muscle or body aches
- headache
- new loss of taste or smell
- sore throat
- congestion or runny nose
- nausea or vomiting, or diarrhea,

"COVID-19 test" means a viral test for SARS-CoV-2 that is:

- (1) Approved by the United States Food and Drug Administration (FDA) or has an Emergency Use Authorization from the FDA to diagnose current infection with the SARS-CoV-2 virus; and
- (2) Administered in accordance with the FDA approval or the FDA Emergency Use Authorization as applicable.

"Exposed workplace" means any work location, working area, or common area at work used or accessed by a COVID-19 case during the high-risk period, including bathrooms, walkways, hallways, aisles, break or eating areas, and waiting areas. The exposed workplace does not include buildings or facilities not entered by a COVID-19 case.

Effective January 1, 2021, the "exposed workplace" also includes but is not limited to the "worksite" of the COVID-19 case as defined by Labor Code section 6409.6(d)(5).

"Face covering" means a tightly woven fabric or non-woven material with no visible holes or openings, which covers the nose and mouth.

"High-risk exposure period" means the following time period:

- (1) For persons who develop COVID-19 symptoms: from two days before they first develop symptoms until 10 days after symptoms first appeared, and 24 hours have passed with no fever, without the use of fever-reducing medications, and symptoms have improved; or
- (2) For persons who test positive who never develop COVID-19 symptoms: from two days before until ten days after the specimen for their first positive test for COVID-19 was collected.

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(c) Written COVID-19 Prevention Program Components.

Sonora Elementary School District has developed this written COVID-19 Prevention Program, in accordance with TITLE 8, DIVISION 1, CHAPTER 4, Subchapter 7. General Industry Safety Orders Section 3205, COVID-19 Prevention.

The District's Prevention Program has been developed in accordance with the issued guidance from the State of California Department of Public Health and Cal/OSHA (Appendix A).

Elements of the COVID-19 Prevention Program include:

(1) System for communicating.

The District will do all of the following in a form readily understandable by employees:

(A) Employee Reports:

All employees of the District are to, without fear of reprisal, report to their Supervisor or Manager any of the following:

- 1. **COVID-19 symptoms**: If any employee is experiencing any of the identified symptoms of COVID-19
- 2. **Possible COVID-19 exposures**: If any employee has been exposed or possibly exposed to an individual who is positive for, or has been diagnosed with COVID-19.
- 3. **Possible COVID-19 hazards at the workplace**: If any employee becomes aware of a possible hazard in the workplace that could increase the likelihood of exposure to COVID-19.

Methods of Reporting:

- 1. To Whom: Mr. Boyles, Principal
- 2. How: Email or phone call cboyles@sesk12.org or 209-532-3159
- 3. Where: Sonora Elementary School Office, 830 Greenley Road, Sonora CA 95370
- 4. When: As soon as possible

(B) Procedures for accommodating employees with medical or other conditions that put them at increased risk of severe COVID-19 illness.

Pursuant to the federal Americans with Disabilities Act (ADA) (42 USC <u>12101-12213</u>) and the state's Fair Employment and Housing Act (FEHA) (Government Code <u>12900-12996</u>), the district has a duty to reasonably accommodate qualified employees and job applicants with known disabilities, except when such accommodation would cause an undue hardship to the district.

Sonora School District Administrative Regulation 4032, Reasonable Accommodation may be found on Gamut Online: https://www.csba.org/ProductsAndServices/AllServices/GamutMeetingsPolicy

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(C) Access to COVID-19 testing.

If testing is required in accordance with this written program, the District shall inform any affected employees of the reason for the COVID-19 testing and the possible consequences of a positive test.

For information on COVID-19 testing sites, please go to: https://www.lhi.care/covidtesting

(D) COVID-19 hazards and the District's COVID-19 policies and procedures to protect employees and other employers, persons, and entities within or in contact with the employer's workplace.

Sonora School District Board Policy 0470, COVID-19 Mitigation may be found on Gamut Online: https://www.csba.org/ProductsAndServices/AllServices/GamutMeetingsPolicy

Click on the gray GAMUT button and enter the following user name and password:

Username: sonorael Password: public

NOTE: See subsections (c)(3)(C) and (c)(3)(D) for confidentiality requirements for COVID-19 cases.

(2) Identification and evaluation of COVID-19 hazards.

(A) identification and evaluation of COVID-19 hazards

The district will include opportunities for employee and authorized employee representatives' participation in the identification and evaluation of COVID-19 hazards as follows;

In accordance to CDHP guidelines, in order to maintain a campus environment that allows for social distancing, the district shall assess the capacity of school facilities, including classrooms, cafeterias, multipurpose rooms, gyms, and outdoor areas, and determine the means by which the facilities can best be utilized considering space and time alternatives. To the extent reasonably possible, the district may:

- 1. Within classrooms, staff is to space desks maximally apart and position them in a way that limits students facing each other
- 2. Stagger students in areas of high traffic, such as when students are arriving for school, lining up for class, or passing between classes
- 3. Marking maximum boundaries within classrooms, common areas, outdoor spaces, and places where students are likely to gather so that students and staff are more readily aware of and can more easily abide by social distancing requirements
- 4. Utilize restroom stalls and sinks in a manner that allows for social distancing, such as limiting the number of students and/or staff who may use the restroom at a time, blocking off every other stall or sink from use, and/or marking maximum boundaries
- 5. Minimize the mixing of students from different classrooms in common spaces, such as in cafeterias and libraries
- 6. Conduct recess and physical education classes in a manner that allows for social distancing and minimizes the use of physical education equipment
- 7. Assess the capacity of school buses and develop a plan for bus routes and bus seating consistent with social distancing objectives

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8. Encourage students to walk, bicycle, or travel by private vehicle to reduce the number of students traveling on school buses. Schools may provide designated areas with proper distancing for bicycles to be stored during the school day, and may mark spaces for private vehicle drop-off and pick-up zones.

Large gatherings, such as assemblies, rallies, field trips, extracurricular activities, and athletic events, shall be suspended until the Board determines, consistent with guidance from state and local health officials, that it is safe to resume such activities. The Superintendent or designee may grant an exception if an activity can be arranged to take place in phases or per class, or modified in a manner that would keep participants from violating social distancing recommendations. When deciding whether an activity may resume, the Superintendent or designee may consider the size of the group that participates, the extent to which the students and other attendees have physical contact, whether the activity can be modified to avoid physical contact, if shared equipment is required for the activity, and if social distancing can be maintained.

(B) Employee Symptom Screening

The District has implemented a process for screening employees for and responding to employees with COVID-19 symptoms.

• All employees will be screened daily for COVID-19 symptoms by filling out a Screening Checklist and check their temperature at home, before the start of the school day.

(C) Response to COVID-19 case

The district has developed COVID-19 policies and procedures to respond effectively and immediately to individuals at the workplace who are a COVID-19 case to prevent or reduce the risk of transmission of COVID-19 in the workplace.

Any employee who contracts the virus, shows symptoms of possible infection, or is caring for someone who has been diagnosed with the virus shall self-quarantine for the period of time recommended by health authorities in order to prevent the spread of the disease to students or other staff.

(D) Workplace Assessment

The district will conduct a workplace-specific assessment to identify all interactions, areas, activities, processes, equipment, and materials that could potentially expose employees to COVID-19 hazards.

The District will take universal precautions and treat all persons, regardless of symptoms or negative COVID-19 test results, as potentially infectious.

- 1. This shall include identification of places and times when people may congregate or come in contact with one another, regardless of whether employees are performing an assigned work task or not, for instance during meetings or trainings and including in and around entrances, bathrooms, hallways, aisles, walkways, elevators, break or eating areas, cool-down areas, and waiting areas.
- 2. This shall include an evaluation of employees' potential workplace exposure to all persons at the workplace or who may enter the workplace, including coworkers, employees of other entities, members of the public, customers or clients, and independent contractors. Employers shall consider how employees and other persons enter, leave, and travel through the workplace, in addition to addressing fixed work locations.

The Superintendent or designee shall work with county health officials to track confirmed cases of students and staff with COVID-19, including, but not limited to, following up with students, their parents/guardians,

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and staff who exhibit symptoms while at school and those who report an absence or miss work due to illness. The Superintendent or designee shall report confirmed cases to local health authorities.

If a student, family member of a student, or staff member has tested positive for COVID-19, the district shall assist local health officials in conducting contact-tracing to identify potentially exposed individuals and ask them to self-quarantine, which may include not participating in on-campus instruction. While maintaining the privacy of the infected person, the district shall inform other students and staff with whom the infected person may have had contact in school.

(E) Ventilation Systems

For indoor locations, the District will evaluate how to maximize the quantity of outdoor air and whether it is possible to increase filtration efficiency to the highest level compatible with the existing ventilation system.

The Superintendent or designee shall ensure that ventilation systems are operating properly and that air flow and ventilation within district facilities is increased, to the extent possible, by opening windows and doors and using fans and air conditioning.

(F) Ongoing monitoring and review of orders and guidance

The District will monitor and review applicable orders and guidance from the State of California and the local health department related to COVID-19 hazards and prevention, including information of general application and information specific to the employer's industry, location, and operations.

The district shall continue to collaborate with local health officials and agencies, community organizations, and other stakeholders to ensure that district operations reflect current recommendations and best practices for keeping students, staff, and visitors safe during the COVID-19 state of emergency.

(G) Evaluate existing prevention controls

The District will evaluate existing COVID-19 prevention controls at the workplace and the need for different or additional controls.

The district shall continue to collaborate with local health officials and agencies, community organizations, and other stakeholders to ensure that district operations reflect current recommendations and best practices for keeping students, staff, and visitors safe during the COVID-19 state of emergency. The Superintendent or designee shall keep informed about resources and services available in the community to assist students and families in need.

(H) Periodic Inspections

The District will conduct periodic inspections as needed to identify unhealthy conditions, work practices, and work procedures related to COVID-19 and to ensure compliance with employers' COVID-19 policies and procedures.

- All employees will be screened daily for COVID-19 symptoms and check their temperature at home, before the start of the school day.
- Masks are required to be worn on campus.
- Appointments or scheduled time slots will be required for parents who wish to come to the campus for devices or hard copy work packets.

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- Maintenance crew will be disinfecting classrooms, staff rooms and offices with an electrostatic disinfecting mist each day.
- Common areas and frequently touched surfaces are being cleaned throughout the day. Cleaning
 supplies will be available, and employees are encouraged to clean and disinfect workspaces
 during the workday.
- Hand sanitizer is provided throughout the campus.
- A copier schedule will be provided to reduce proximity and the copiers will be cleaned between scheduled times.
- Meeting rooms, break rooms and other communal areas have reduced seating and capacity limits.

(3) Investigating and responding to COVID-19 cases in the workplace.

(A) Procedure to investigate COVID-19 cases in the workplace.

This includes procedures for verifying COVID-19 case status, receiving information regarding COVID-19 test results and onset of COVID-19 symptoms, and identifying and recording COVID-19 cases.

Should an employee contract COVID-19 and expose others in our workplace.

- The district or site Principal will immediately inform all affected employees of the possible exposure.
- Employees who have been potentially exposed will be notified, sent home and may be asked to telework for 10 days.
- A thorough cleaning of the workspace used by the infected individual will be conducted after the area has been closed off for at least 24 hours.

(B) Response to a COVID-19 case in the workplace:

The District will take all of the following steps in response to a COVID-19 case in the workplace.

- 1. Determine the day and time the COVID-19 case was last present and, to the extent possible, the date of the positive COVID-19 test(s) and/or diagnosis, and the date the COVID-19 case first had one or more COVID-19 symptoms, if any were experienced.
- 2. Determine who may have had a COVID-19 exposure. This requires an evaluation of the activities of the COVID-19 case and all locations at the workplace which may have been visited by the COVID-19 case during the high-risk exposure period.

Note: See subsection (c)(10) for exclusion requirements for employees with COVID19 exposure.

- 3. Give notice of the potential COVID-19 exposure, <u>within one business day</u>, in a way that does not reveal any personal identifying information of the COVID-19 case, to the following:
 - a. All employees who may have had COVID-19 exposure and their authorized representatives.
 - b. Independent contractors and other employers present at the workplace during the high-risk exposure period.

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- 4. Offer COVID-19 testing at no cost to employees during their working hours to all employees who had potential COVID-19 exposure in the workplace and provide them with the information on benefits described in subsections (c)(5)(B) and (c)(10)(C).
- 5. Investigate whether any workplace conditions could have contributed to the risk of COVID-19 (C) Confidentiality of Personal Identifying Information

The district shall continue to collaborate with local health officials and agencies, community organizations, and other stakeholders to ensure that district operations reflect current recommendations and best practices for keeping students, staff, and visitors safe during the COVID-19 state of emergency. The Superintendent or designee shall keep informed about resources and services available in the community to assist students and families in need.

All personally identifying information regarding COVID-19 cases or persons with COVID-19 symptoms shall be kept confidential. All COVID-19 testing or related medical services provided by the employer under this section and sections 3205.1 through 3205.4 shall be provided in a manner that ensures the confidentiality of employees.

EXCEPTION to subsection (c)(3)(C): Unreducted information on COVID-19 cases shall be provided to the local health department, CDPH, the Division, the National Institute for Occupational Safety and Health (NIOSH), or as otherwise required by law immediately upon request.

(D) Confidentiality of Employee Medical Records

All Employee medical records are kept confidential and are not disclosed or reported without the employee's express written consent to any person within or outside the workplace.

EXCEPTION 1 to subsection (c)(3)(D): Unreducted medical records shall be provided to the local health department, CDPH, the Division, NIOSH, or as otherwise required by law immediately upon request.

EXCEPTION 2 to subsection (c)(3)(D): This provision does not apply to records that do not contain individually identifiable medical information or from which individually identifiable medical information has been removed.

(4) Correction of COVID-19 hazards.

The District has implemented policies and/or procedures for correcting unsafe or unhealthy conditions, work practices, policies and procedures in a timely manner based on the severity of the hazard.

Sonora School District's Hazard Mitigation Plan and Injury Illness Prevention Plan can be found in the District Office. Administrative Regulation - 0470 COVID-19 Mitigation, Board Policy 3514 – Environmental Safety, Board Policy 4157 - Employee Safety, and Board Policy 4119.41 – Employees with Infectious Disease can be found on Gamut Online: https://www.csba.org/ProductsAndServices/AllServices/GamutMeetingsPolicy

Click on the gray GAMUT button and enter the following user name and password:

username: sonorael password: public

All hazards shall be reported as soon as possible to Mr. Boyles, your supervisor, or the district office.

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All work-related employee injuries, illness, and/or property damage are investigated by the District in a timely manner. A "Report of Unsafe Condition or Hazard" form may be found in the Illness and Injury Prevention Plan (a copy of the form is included in this handout).

(5) Training and instruction.

Refer to the Covid-19 Employee Training Handout.

The District has developed a training program for all employees with instruction to employees including, but not limited to, the following:

- The District's COVID-19 policies and procedures to protect employees from COVID-19 hazards.
- Information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws. This includes any benefits available under workers' compensation law, the federal Families First Coronavirus Response Act, Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, local governmental requirements, the employer's own leave policies, and leave guaranteed by contract.
- Posters and fact sheets explaining that COVID-19 is an infectious disease that can be spread through the air when an infectious person talks or vocalizes, sneezes, coughs, or exhales; that COVID-19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth, although that is less common; and that an infectious person may have no symptoms.
- Methods of physical distancing of at least six feet and the importance of combining physical distancing with the wearing of face coverings.
- The fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing must be combined with other controls, including face coverings and hand hygiene, to be effective.
- The importance of frequent hand washing with soap and water for at least 20 seconds and using hand sanitizer when employees do not have immediate access to a sink or hand washing facility, and that hand sanitizer does not work if the hands are soiled.
- Proper use of face coverings and the fact that face coverings are not respiratory protective equipment.
- COVID-19 symptoms, and the importance of not coming to work when sick, and obtaining a COVID-19 test if the employee has COVID-19 symptoms.

(6) Physical distancing.

(A) All employees will be separated from other persons by at least six feet (except where it can be demonstrated that six feet of separation is not possible, and except for momentary exposure while persons are in movement)

Methods of physical distancing include:

- Reducing the number of persons in an area at one time, including visitors;
- (B) When it is not possible to maintain a distance of at least six feet, individuals shall be as far apart as possible.

Comply with all public health orders regarding face coverings

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(7) Face coverings.

(A) The District will:

• Comply with all public health orders, as well as the guidelines listed in the Updated CDPH "Covid-19 and Reopening In-Person Instruction Framework & Public Health Guidance for K-12 Schools in California, 2020-2021 School Year" Guidelines updated January 20,2021.

NOTE: CDPH has issued guidance for employers that identifies examples when wearing a face covering is likely not feasible.

- (B) Employees exempted from wearing face coverings due to a medical condition, mental health condition, or disability shall wear an effective non-restrictive alternative, such as a face shield with a drape on the bottom, if their condition or disability permits it.
- (C) Any employee not wearing a face covering, face shield with a drape or other effective alternative, or respiratory protection, for any reason, shall be at least six feet apart from all other persons unless the unmasked employee is tested at least twice weekly for COVID-19. COVID-19 testing cannot be used as an alternative to face coverings when face coverings are otherwise required.
- (D) The District will not prevent any employee from wearing a face covering when required, unless it would create a safety hazard, such as interfering with the safe operation of equipment.
- (E) The District will implement the following measures to communicate to non-employees the face coverings requirements on their premises:

While the Board recognizes the rights of parents/guardians to participate in the education of their children and the critical importance of parental involvement in the educational process, parents are required to fully follow CDHP guidelines regarding masks, social distancing of 6 feet, and large gatherings during school operation, and during non-school operation. Parents shall be limited in number and expected to observe all CDHP guidelines and district protocols for COVID-19.

- (F) The District has developed COVID-19 policies and procedures to minimize employee exposure to COVID-19 hazards originating from any person not wearing a face covering, including a member of the public. The policies include;
 - Anyone without a medical exemption that refuses to wear a mask will be asked to leave campus
 - Plexiglass partitions have been provided for office staff
 - Plexiglass partitions have been provided for teachers conducting assessments
 - PPE is provided for anyone who enters campus without a mask and does not have a medical exemption
 - Signs have been placed on campus reinforcing the requirement to wear a mask and keep social distance

Sonora School District Board Policy 0470 – COVID-19 Mitigation, and Administrative Regulation 4032, Reasonable Accommodation may be found on Gamut Online:

https://www.csba.org/ProductsAndServices/AllServices/GamutMeetingsPolicy

Click on the gray GAMUT button and enter the following user name and password:

Username: **sonorael**Password: **public**

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(8) Other engineering controls, administrative controls, and personal protective equipment.

The district shall continue to collaborate with local health officials and agencies, community organizations, and other stakeholders to ensure that district operations reflect current recommendations and best practices for keeping students, staff, and visitors safe during the COVID-19 state of emergency. The Superintendent or designee shall keep informed about resources and services available in the community to assist students and families in need.

(A) Partitions

At fixed work locations where it is not possible to maintain the physical distancing requirement at all times, the District will install cleanable solid partitions that effectively reduce aerosol transmission between the employee and other persons.

(B) Maximize Outdoor Air

For buildings with mechanical or natural ventilation, or both, the District will maximize the quantity of outside air provided to the extent feasible, except when the United States Environmental Protection Agency (EPA) Air Quality Index is greater than 100 for any pollutant or if opening windows or letting in outdoor air by other means would cause a hazard to employees, for instance from excessive heat or cold.

(C) Cleaning and Disinfecting

The District has implemented cleaning and disinfecting procedures, which require:

- 1. Staff will clean and disinfect regularly frequently touched surfaces and objects.
- 2. Buses will be disinfected between runs and cleaned and disinfected each day.
- 3. The ventilation system will be turned on to maximize the filtering ability and the amount of fresh air in the classroom.
- 4. Water fountains on campus will be blocked off. Only bottle filling will be available.
- 5. Staff will be provided with training and equipment to properly clean and disinfect.
- 6. Products used to clean and disinfect will be approved for use against COVID-19.
- 7. If a positive case is identified the area that person has been in will be closed for 24 hours prior to cleaning and disinfecting the area.

(D) Handwashing Facilities

To protect employees from COVID-19 hazards, the District will evaluate its handwashing facilities, determine the need for additional facilities, encourage and allow time for employee handwashing, and provide employees with an effective hand sanitizer. Employers shall encourage employees to wash their hands for at least 20 seconds each time. Provision or use of hand sanitizers with methyl alcohol is prohibited.

(E) Personal protective equipment & Hygiene

- 1. Staff and students will be encouraged to wear face coverings.
- 2. In addition to our bathrooms, each classroom is equipped with a sink, soap and paper towels.
- 3. Sanitizing stations are located throughout the school campus and in each classroom.
- 4. If staff cannot use a cloth face covering, a face shield with a bib will be used.

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5. Face coverings will be available for students and staff at the school.

(9) Reporting, recordkeeping, and access.

(A) Local Public Health

The District will report information about COVID-19 cases at the workplace to the local health department whenever required by law, and shall provide any related information requested by the local health department and the JPA.

(B) Cal/OSHA

The District will report immediately to the Division any COVID-19-related serious illnesses or death, as defined under section 330(h), of an employee occurring in a place of employment or in connection with any employment.

(C) Injury & Illness Prevention Program

The District will maintain records of the steps taken to implement the written COVID-19 Prevention Program in accordance with section 3203(b).

(D) Access to the COVID-19 Prevention Program

The written COVID-19 Prevention Program shall be made available at the workplace to employees, authorized employee representatives, and to representatives of the Division immediately upon request.

(10) Exclusion of COVID-19 cases.

Any employee who contracts the virus, shows symptoms of possible infection, or is caring for someone who has been diagnosed with the virus shall self-quarantine for the period of time recommended by health authorities in order to prevent the spread of the disease to students or other staff.

An employee may use Families First Coronavirus Response Act (FFCRA) leave, personal illness and injury leave and/or family care and medical leave, as applicable, if the employee is unable to work or telework because the employee is ill or needs to take care of a spouse, parent/guardian, or child with COVID-19 or other serious health condition. (Education Code 44978, 45191; Government Code 12945.1-12945.2; Labor Code 245-249; 29 USC 2601-2654) The purpose of this section is to limit transmission of COVID-19 in the workplace.

(A) COVID-19 Cases

The District will ensure that COVID-19 cases are excluded from the workplace until the return to work requirements in section 11 are met.

(B) COVID-19 Exposure Cases

The District will exclude employees with COVID-19 exposure from the workplace for 10 days after the last known COVID-19 exposure to a COVID-19 case.

(C) Earnings & Benefits while excluded

For employees excluded from work and otherwise able and available to work, the District will continue and maintain the employee's earnings, seniority, and all other employee rights and benefits, including the employee's right to their former job status, as if the employee had not been removed from their job.

The District may use employer-provided employee sick leave benefits for this purpose and consider benefit payments from public sources in determining how to maintain earnings, rights and benefits, where permitted by law and when not covered by workers' compensation.

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EXCEPTION 1: Subsection (c)(10)(C) does not apply to any period of time during which the employee is unable to work for reasons other than protecting persons at the workplace from possible COVID-19 transmission.

EXCEPTION 2: Subsection (c)(10)(C) does not apply where the employer demonstrates that the COVID-19 exposure is not work related.

(D) This section does not limit any other applicable law, employer policy, or collective bargaining agreement that provides for greater protections.

(E) Information on Benefits & Leaves

At the time of exclusion, the District will provide the employee the information on available benefits and leaves as required

EXCEPTION to subsection (c)(10): Employees who have not been excluded or isolated by the local health department need not be excluded by the employer, if they are temporarily reassigned to work where they do not have contact with other persons until the return to work requirements of subsection (c)(11) are met.

(11) Return to work criteria.

- (A) COVID-19 cases with COVID-19 symptoms shall not return to work until:
 - 1. At least 24 hours have passed since a fever of 100.4 or higher has resolved without the use of fever-reducing medications;
 - 2. COVID-19 symptoms have improved; and
 - 3. At least 10 days have passed since COVID-19 symptoms first appeared.
- (B) COVID-19 cases who tested positive but never developed COVID-19 symptoms Shall not return to work until a minimum of 10 days have passed since the date of specimen collection of their first positive COVID-19 test.
- (C) A negative COVID-19 test shall not be required for an employee to return to work.
- (D) If an order to isolate or quarantine an employee is issued by a local or state health official

The employee shall not return to work until the period of isolation or quarantine is completed or the order is lifted. If no period was specified, then the period shall be:

Shall not return to work until a minimum of 14 days have passed since the date of specimen collection of their first positive COVID-19 test.

- 14 days from the time the order to isolate was effective, or
- 14 days from the time the order to quarantine was effective.

Guidance from the California Department of Public Health:

Guidance on Returning to Work or School Following COVID-19 Diagnosis Self-Quarantine Instructions for Individuals Exposed to COVID-19 Self-Quarantine Guidance for Individuals Exposed to COVID-19

These instructions are for people who have been in close contact with someone who has been diagnosed with COVID-19.

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<u>Self-Isolation Instructions for Individuals Who Have or Likely Have COVID-19</u> Self-Isolation Guidance for Individuals Who Have or Likely Have COVID-19

These instructions are for people who have or likely have COVID-19. They include information for households, families, caregivers, or close contacts.

(E) Division approval of return to work

If there are no violations of local or state health officer orders for isolation or quarantine, the Division may, upon request, allow employees to return to work on the basis that the removal of an employee would create undue risk to a community's health and safety. In such cases, the District will develop, implement, and maintain effective control measures to prevent transmission in the workplace including providing isolation for the employee at the workplace and, if isolation is not possible, the use of respiratory protection in the workplace.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 144.6, Labor Code.

§ 3205.1. Multiple COVID-19 Infections and COVID-19 Outbreaks.

(a) Scope.

- (1) This section applies to a place of employment covered by section the District COVID-19 Prevention Program if:
 - The exposed workplace has been identified by a local health department as the location of a COVID-19 outbreak or,
 - When there are three or more COVID-19 cases in an exposed workplace within a 14-day period.
- (2) This section shall apply until there are no new COVID-19 cases detected in a workplace for a 14-day period.

(b) COVID-19 testing.

Information on COVID-19 testing sites, please go to: https://www.lhi.care/covidtesting

- (1) The District will provide COVID-19 testing to all employees at the exposed workplace except for employees who were not present during the period of an outbreak identified by a local health department or the relevant 14-day period(s) under subsection (a), as applicable. COVID-19 testing shall be provided at no cost to employees during employees' working hours.
- (2) COVID-19 testing shall consist of the following:
 - (A) Immediately upon being covered by this section, all employees in the exposed workplace shall be tested and then tested again one week later. Negative COVID-19 test results of employees with COVID-19 exposure shall not impact the duration of any quarantine period required by, or orders issued by, the local health department.
 - (B) After the first two COVID-19 tests required by (b)(2)(A), The District will provide continuous COVID-19 testing of employees who remain at the workplace at least once per week, or more frequently if recommended by the local health department, until this section no longer applies pursuant to subsection (a)(2).
 - (C) District will provide additional testing when deemed necessary by the Division through the Issuance of Order to Take Special Action, in accordance with title 8 section 332.3.

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(c) Exclusion of COVID-19 cases.

The District will ensure COVID-19 cases and employees who had COVID-19 exposure are excluded from the workplace in accordance with our COVID-19 Prevention Program and local health officer orders if applicable.

(d) Investigation of workplace COVID-19 illness.

The District will immediately investigate and determine possible workplace related factors that contributed to the COVID-19 outbreak in accordance with our COVID-19 Prevention Program.

(e) COVID-19 Investigation, review and hazard correction.

In addition to the requirements of our COVID-19 Prevention Program the District will immediately perform a review of potentially relevant COVID-19 policies, procedures, and controls and implement changes as needed to prevent further spread of COVID-19. The investigation and review shall be documented and include:

- (1) Investigation of new or unabated COVID-19 hazards including the employer's leave policies and practices and whether employees are discouraged from remaining home when sick; the employer's COVID-19 testing policies; insufficient outdoor air; insufficient air filtration; and lack of physical distancing.
- (2) The review shall be updated every thirty days that the outbreak continues, in response to new information or to new or previously unrecognized COVID-19 hazards, or when otherwise necessary.
- (3) The District will implement changes to reduce the transmission of COVID-19 based on the investigation and review required by our COVID-19 Prevention Program. The District will consider moving indoor tasks outdoors or having them performed remotely, increasing outdoor air supply when work is done indoors, improving air filtration, increasing physical distancing as much as possible, respiratory protection, and other applicable controls.

(f) Notifications to the local health department.

- (1) The District will contact the local health department immediately but no longer than 48 hours after the employer knows, or with diligent inquiry would have known, of three or more COVID-19 cases for guidance on preventing the further spread of COVID-19 within the workplace.
- (2) The District will provide to the local health department the total number of COVID-19 cases and for each COVID-19 case, the name, contact information, occupation, workplace location, business address, the hospitalization and/or fatality status, and North American Industry Classification System code of the workplace of the COVID-19 case, and any other information requested by the local health department. The District will continue to give notice to the local health department of any subsequent COVID-19 cases at the workplace.
- (3) Effective January 1, 2021, the District will provide all information to the local health department required by Labor Code section 6409.6.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 144.6, Labor Code.

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§ 3205.2. Major COVID-19 Outbreaks.

(a) Scope.

- (1) This section applies to any place of employment covered by our COVID-19 Prevention Program when:
 - there are 20 or more COVID-19 cases in an exposed workplace within a 30-day period.
- (2) This section shall apply until there are no new COVID-19 cases detected in a workplace for a 14-day period.

(b) COVID-19 testing.

Information on COVID-19 testing sites, please go to: https://www.lhi.care/covidtesting

The District will provide twice a week COVID-19 testing, or more frequently if recommended by the local health department, to all employees present at the exposed workplace during the relevant 30-day period(s) and who remain at the workplace.

COVID-19 testing will be provided at no cost to employees during employees' working hours.

(c) Exclusion of COVID-19 cases.

The District will ensure COVID-19 cases and employees with COVID-19 exposure are excluded from the workplace in accordance with our COVID-19 Prevention Program and any relevant local health department orders.

(d) Investigation of workplace COVID-19 illnesses.

The District will comply with the investigation procedures in accordance with our COVID-19 Prevention Program.

(e) COVID-19 hazard correction.

In addition to the requirements of our COVID-19 Prevention Program, the District will take the following actions:

- (1) In buildings or structures with mechanical ventilation, employers shall filter recirculated air with Minimum Efficiency Reporting Value (MERV) 13 or higher efficiency filters if compatible with the ventilation system. If MERV-13 or higher filters are not compatible with the ventilation system, employers shall use filters with the highest compatible filtering efficiency. Employers shall also evaluate whether portable or mounted High Efficiency Particulate Air (HEPA) filtration units, or other air cleaning systems would reduce the risk of transmission and shall implement their use to the degree feasible.
- (2) The District will determine the need for a respiratory protection program or changes to an existing respiratory protection program under section 5144 to address COVID-19 hazards.
- (3) The District will evaluate whether to halt some or all operations at the workplace until COVID-19 hazards have been corrected.
- (4) Any other control measures deemed necessary by the Division through the Issuance of Order to Take Special Action, in accordance with title 8 section 332.3.

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(f) Notifications to the local health department. Employers shall comply with the requirements of section 3205.1(f).

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 144.6, Labor Code.

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Appendix A: Guidance

Employers - General Guidance

- <u>California Blueprint for a Safer Economy</u> Find the status of activities in your county
- Follow the Employer Playbook for a Safe Reopening
- Industry guidance to reduce risk
- Guidance on Returning to Work or School Following COVID-19 Diagnosis
- Responding to COVID-19 in the Workplace for Employers
- Side by Side Comparison of COVID-19 Paid Leave

Guidance Employers – Office Workspaces

- Follow this guidance for office workspaces to create a safer environment for workers.
- Review the guidance, prepare a plan, and post the checklist for office workspaces

Guidance - K-12 Education

- Follow this guidance for schools and school-based programs
- Review the guidance, prepare a plan, and post the checklist for schools
- Check the answers to frequently asked questions about guidance for schools.
- Follow the guidance related to cohorts of children and youth.
- See the California Interscholastic Federation statement for information about seasonal sports.
- Some schools may have reopened based on the <u>COVID-19</u> and <u>Reopening In-Person Learning Framework for K-12 Schools</u>. These schools should follow the guidance on school closure provided in that framework when determining whether to close due to COVID-19 spread.
- Elementary education waiver: See the Waiver Process Overview for details.
- Local health officers will need to submit the Waiver Notice Form to CDPH.
- Schools seeking a waiver can use the template Waiver Letter and Cover Form.

Face Covering Information

- Guidance for the Use of Face Coverings
- Face coverings, masks, and respirators Information & Overview
- Face coverings, masks & respirators Handout
- Use of Cloth Face Coverings to Help Slow the Spread of COVID-19 CDC Recommendations
- Voluntary use of N95 masks Cal/OSHA

California Healthy Schools Act & Integrated Pest Management (IPM)

- <u>Do I need training to use a disinfectant?</u>
- IPM Training for School Staff Online Training Options
- Reminders for Using Disinfectants for Schools and Child Care
- What About Hand Sanitizers?
- EPA Approved Cleaners
- Disinfecting Fogger Tips
- EPA Supports Healthy Indoor Environments in Schools During COVID-19 Pandemic

Americans with Disabilities Act - U.S. Equal Employment Opportunity Commission

- Pandemic Preparedness in the Workplace and the Americans with Disabilities Act
- What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws

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Appendix B: Cal/OSHA Regulations

Subchapter 7. General Industry Safety Orders § 3205. COVID-19 Prevention.

- (a) Scope.
- (1) This section applies to all employees and places of employment, with the following exceptions:
- (A) Places of employment with one employee who does not have contact with other persons.
- (B) Employees working from home.
- (C) Employees when covered by section 5199.
- (2) Nothing in this section is intended to limit more protective or stringent state or local health department mandates or guidance.
- (b) Definitions. The following definitions apply to this section and to sections 3205.1 through 3205.4.
- "COVID-19" means coronavirus disease, an infectious disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).
- "COVID-19 case" means a person who:
- (1) Has a positive "COVID-19 test" as defined in this section;
- (2) Is subject to COVID-19-related order to isolate issued by a local or state health official; or
- (3) Has died due to COVID-19, in the determination of a local health department or per inclusion in the COVID-19 statistics of a county.

A person is no longer a "COVID-19 case" in this section when a licensed health care professional determines that the person does not have COVID-19, in accordance with recommendations made by the California Department of Public Health (CDPH) or the local health department pursuant to authority granted under the Health and Safety Code or title 17, California Code of Regulations to CDPH or the local health department.

"COVID-19 exposure" means being within six feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period within or overlapping with the "high-risk exposure period" defined by this section. This definition applies regardless of the use of face coverings.

"COVID-19 hazard" means exposure to potentially infectious material that may contain SARS-CoV-2, the virus that causes COVID-19. Potentially infectious materials include airborne droplets, small particle aerosols, and airborne droplet nuclei, which most commonly result from a person or persons exhaling, talking or vocalizing, coughing, sneezing, or procedures performed on persons which may aerosolize saliva or respiratory tract fluids, among other things. This also includes objects or surfaces that may be contaminated with SARS-CoV-2.

"COVID-19 symptoms" means fever of 100.4 degrees Fahrenheit or higher, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea, unless a licensed health care professional determines the person's symptoms were caused by a known condition other than COVID-19.

"COVID-19 test" means a viral test for SARS-CoV-2 that is:

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- (1) Approved by the United States Food and Drug Administration (FDA) or has an Emergency Use Authorization from the FDA to diagnose current infection with the SARS-CoV-2 virus; and
- (2) Administered in accordance with the FDA approval or the FDA Emergency Use Authorization as applicable.

"Exposed workplace" means any work location, working area, or common area at work used or accessed by a COVID-19 case during the high-risk period, including bathrooms, walkways, hallways, aisles, break or eating areas, and waiting areas. The exposed workplace does not include buildings or facilities not entered by a COVID-19 case.

Effective January 1, 2021, the "exposed workplace" also includes but is not limited to the "worksite" of the COVID-19 case as defined by Labor Code section 6409.6(d)(5).

"Face covering" means a tightly woven fabric or non-woven material with no visible holes or openings, which covers the nose and mouth.

"High-risk exposure period" means the following time period:

- (1) For persons who develop COVID-19 symptoms: from two days before they first develop symptoms until 10 days after symptoms first appeared, and 24 hours have passed with no fever, without the use of fever-reducing medications, and symptoms have improved; or
- (2) For persons who test positive who never develop COVID-19 symptoms: from two days before until ten days after the specimen for their first positive test for COVID-19 was collected.
- (c) Written COVID-19 Prevention Program. Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include:
- (1) System for communicating. The employer shall do all of the following in a form readily understandable by employees:
- (A) Ask employees to report to the employer, without fear of reprisal, COVID-19 symptoms, possible COVID-19 exposures, and possible COVID-19 hazards at the workplace.
- (B) Describe procedures or policies for accommodating employees with medical or other conditions that put them at increased risk of severe COVID-19 illness.
- (C) Provide information about access to COVID-19 testing. If testing is required under this section, section 3205.1, or section 3205.2, the employer shall inform affected employees of the reason for the COVID-19 testing and the possible consequences of a positive test.
- (D) In accordance with subsection (c)(3)(B)3., communicate information about COVID-19 hazards and the employer's COVID-19 policies and procedures to employees and to other employers, persons, and entities within or in contact with the employer's workplace.

NOTE: See subsections (c)(3)(C) and (c)(3)(D) for confidentiality requirements for COVID-19 cases.

- (2) Identification and evaluation of COVID-19 hazards.
- (A) The employer shall allow for employee and authorized employee representative participation in the identification and evaluation of COVID-19 hazards.

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- (B) The employer shall develop and implement a process for screening employees for and responding to employees with COVID-19 symptoms. The employer may ask employees to evaluate their own symptoms before reporting to work. If the employer conducts screening at the workplace, the employer shall ensure that face coverings are used during screening by both screeners and employees and, if temperatures are measured, that non-contact thermometers are used.
- (C) The employer shall develop COVID-19 policies and procedures to respond effectively and immediately to individuals at the workplace who are a COVID-19 case to prevent or reduce the risk of transmission of COVID-19 in the workplace.
- (D) The employer shall conduct a workplace-specific identification of all interactions, areas, activities, processes, equipment, and materials that could potentially expose employees to COVID-19 hazards. Employers shall treat all persons, regardless of symptoms or negative COVID-19 test results, as potentially infectious.
- 1. This shall include identification of places and times when people may congregate or come in contact with one another, regardless of whether employees are performing an assigned work task or not, for instance during meetings or trainings and including in and around entrances, bathrooms, hallways, aisles, walkways, elevators, break or eating areas, cool-down areas, and waiting areas.
- 2. This shall include an evaluation of employees' potential workplace exposure to all persons at the workplace or who may enter the workplace, including coworkers, employees of other entities, members of the public, customers or clients, and independent contractors. Employers shall consider how employees and other persons enter, leave, and travel through the workplace, in addition to addressing fixed work locations.
- (E) For indoor locations, the employer shall evaluate how to maximize the quantity of outdoor air and whether it is possible to increase filtration efficiency to the highest level compatible with the existing ventilation system.
- (F) The employer shall review applicable orders and guidance from the State of California and the local health department related to COVID-19 hazards and prevention, including information of general application and information specific to the employer's industry, location, and operations.
- (G) The employer shall evaluate existing COVID-19 prevention controls at the workplace and the need for different or additional controls. This includes evaluation of controls in subsections (c)(4), and (c)(6) through (c)(8).
- (H) The employer shall conduct periodic inspections as needed to identify unhealthy conditions, work practices, and work procedures related to COVID-19 and to ensure compliance with employers' COVID-19 policies and procedures.
- (3) Investigating and responding to COVID-19 cases in the workplace.
- (A) Employers shall have an effective procedure to investigate COVID-19 cases in the workplace. This includes procedures for verifying COVID-19 case status, receiving information regarding COVID-19 test results and onset of COVID-19 symptoms, and identifying and recording COVID-19 cases.
- (B) The employer shall take the following actions when there has been a COVID-19 case at the place of employment:

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- 1. Determine the day and time the COVID-19 case was last present and, to the extent possible, the date of the positive COVID-19 test(s) and/or diagnosis, and the date the COVID-19 case first had one or more COVID-19 symptoms, if any were experienced.
- 2. Determine who may have had a COVID-19 exposure. This requires an evaluation of the activities of the COVID-19 case and all locations at the workplace which may have been visited by the COVID-19 case during the high-risk exposure period.

Note: See subsection (c)(10) for exclusion requirements for employees with COVID19 exposure.

- 3. Give notice of the potential COVID-19 exposure, within one business day, in a way that does not reveal any personal identifying information of the COVID-19 case, to the following:
- a. All employees who may have had COVID-19 exposure and their authorized representatives.
- b. Independent contractors and other employers present at the workplace during the high-risk exposure period.
- 4. Offer COVID-19 testing at no cost to employees during their working hours to all employees who had potential COVID-19 exposure in the workplace and provide them with the information on benefits described in subsections (c)(5)(B) and (c)(10)(C).
- 5. Investigate whether any workplace conditions could have contributed to the risk of COVID-19 exposure and what could be done to reduce exposure to COVID-19 hazards.
- (C) Personal identifying information of COVID-19 cases or persons with COVID-19 symptoms shall be kept confidential. All COVID-19 testing or related medical services provided by the employer under this section and sections 3205.1 through 3205.4 shall be provided in a manner that ensures the confidentiality of employees.

EXCEPTION to subsection (c)(3)(C): Unredacted information on COVID-19 cases shall be provided to the local health department, CDPH, the Division, the National Institute for Occupational Safety and Health (NIOSH), or as otherwise required by law immediately upon request.

(D) The employer shall ensure that all employee medical records required by this section and sections 3205.1 through 3205.4 are kept confidential and are not disclosed or reported without the employee's express written consent to any person within or outside the workplace.

EXCEPTION 1 to subsection (c)(3)(D): Unredacted medical records shall be provided to the local health department, CDPH, the Division, NIOSH, or as otherwise required by law immediately upon request.

EXCEPTION 2 to subsection (c)(3)(D): This provision does not apply to records that do not contain individually identifiable medical information or from which individually identifiable medical information has been removed.

- (4) Correction of COVID-19 hazards. Employers shall implement effective policies and/or procedures for correcting unsafe or unhealthy conditions, work practices, policies and procedures in a timely manner based on the severity of the hazard. This includes, but is not limited to, implementing controls and/or policies and procedures in response to the evaluations conducted under subsections (c)(2) and (c)(3) and implementing the controls required by subsection (c)(6) through (c)(8).
- (5) Training and instruction. The employer shall provide effective training and instruction to employees that includes the following:

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- (A) The employer's COVID-19 policies and procedures to protect employees from COVID-19 hazards.
- (B) Information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws. This includes any benefits available under workers' compensation law, the federal Families First Coronavirus Response Act, Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, local governmental requirements, the employer's own leave policies, and leave guaranteed by contract.
- (C) The fact that COVID-19 is an infectious disease that can be spread through the air when an infectious person talks or vocalizes, sneezes, coughs, or exhales; that COVID19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth, although that is less common; and that an infectious person may have no symptoms.
- (D) Methods of physical distancing of at least six feet and the importance of combining physical distancing with the wearing of face coverings.
- (E) The fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing must be combined with other controls, including face coverings and hand hygiene, to be effective.
- (F) The importance of frequent hand washing with soap and water for at least 20 seconds and using hand sanitizer when employees do not have immediate access to a sink or hand washing facility, and that hand sanitizer does not work if the hands are soiled.
- (G) Proper use of face coverings and the fact that face coverings are not respiratory protective equipment.
- (H) COVID-19 symptoms, and the importance of not coming to work and obtaining a COVID-19 test if the employee has COVID-19 symptoms.
- (6) Physical distancing.
- (A) All employees shall be separated from other persons by at least six feet, except where an employer can demonstrate that six feet of separation is not possible, and except for momentary exposure while persons are in movement. Methods of physical distancing include: telework or other remote work arrangements; reducing the number of persons in an area at one time, including visitors; visual cues such as signs and floor markings to indicate where employees and others should be located or their direction and path of travel; staggered arrival, departure, work, and break times; and adjusted work processes or procedures, such as reducing production speed, to allow greater distance between employees.
- (B) When it is not possible to maintain a distance of at least six feet, individuals shall be as far apart as possible.
- (7) Face coverings.
- (A) Employers shall provide face coverings and ensure they are worn by employees over the nose and mouth when indoors, when outdoors and less than six feet away from another person, and where required by orders from the CDPH or local health department. Employers shall ensure face coverings are clean and undamaged. Face shields are not a replacement for face coverings, although they may be worn together for additional protection. The following are exceptions to the face coverings requirement:
- 1. When an employee is alone in a room.

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- 2. While eating and drinking at the workplace, provided employees are at least six feet apart and outside air supply to the area, if indoors, has been maximized to the extent possible.
- 3. Employees wearing respiratory protection in accordance with section 5144 or other title 8 safety orders.
- 4. Employees who cannot wear face coverings due to a medical or mental health condition or disability, or who are hearing-impaired or communicating with a hearing-impaired person.
- 5. Specific tasks which cannot feasibly be performed with a face covering. This exception is limited to the time period in which such tasks are actually being performed, and the unmasked employee shall be at least six feet away from all other persons unless unmasked employees are tested at least twice weekly for COVID-19.

NOTE: CDPH has issued guidance for employers that identifies examples when wearing a face covering is likely not feasible.

- (B) Employees exempted from wearing face coverings due to a medical condition, mental health condition, or disability shall wear an effective non-restrictive alternative, such as a face shield with a drape on the bottom, if their condition or disability permits it.
- (C) Any employee not wearing a face covering, face shield with a drape or other effective alternative, or respiratory protection, for any reason, shall be at least six feet apart from all other persons unless the unmasked employee is tested at least twice weekly for COVID-19. Employers may not use COVID-19 testing as an alternative to face coverings when face coverings are otherwise required by this section.
- (D) No employer shall prevent any employee from wearing a face covering when not required by this section, unless it would create a safety hazard, such as interfering with the safe operation of equipment.
- (E) Employers shall implement measures to communicate to non-employees the face coverings requirements on their premises.
- (F) The employer shall develop COVID-19 policies and procedures to minimize employee exposure to COVID-19 hazards originating from any person not wearing a face covering, including a member of the public.
- (8) Other engineering controls, administrative controls, and personal protective equipment.
- (A) At fixed work locations where it is not possible to maintain the physical distancing requirement at all times, the employer shall install cleanable solid partitions that effectively reduce aerosol transmission between the employee and other persons.
- (B) For buildings with mechanical or natural ventilation, or both, employers shall maximize the quantity of outside air provided to the extent feasible, except when the United States Environmental Protection Agency (EPA) Air Quality Index is greater than 100 for any pollutant or if opening windows or letting in outdoor air by other means would cause a hazard to employees, for instance from excessive heat or cold.
- (C) Employers shall implement cleaning and disinfecting procedures, which require:
- 1. Identifying and regularly cleaning and disinfecting frequently touched surfaces and objects, such as doorknobs, elevator buttons, equipment, tools, handrails, handles, controls, bathroom surfaces, and steering wheels. The employer shall inform employees and authorized employee representatives of cleaning and disinfection protocols, including the planned frequency and scope of regular cleaning and disinfection.

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- 2. Prohibiting the sharing of personal protective equipment and to the extent feasible, items that employees come in regular physical contact with such as phones, headsets, desks, keyboards, writing materials, instruments, and tools. When it is not feasible to prevent sharing, sharing shall be minimized and such items and equipment shall be disinfected between uses by different people. Sharing of vehicles shall be minimized to the extent feasible, and high touch points (steering wheel, door handles, seatbelt buckles, armrests, shifter, etc.) shall be disinfected between users.
- 3. Cleaning and disinfection of areas, material, and equipment used by a COVID-19 case during the high-risk exposure period.

NOTE: Cleaning and disinfecting must be done in a manner that does not create a hazard to employees. See Group 2 and Group 16 of the General Industry Safety Orders for further information.

- (D) To protect employees from COVID-19 hazards, the employer shall evaluate its handwashing facilities, determine the need for additional facilities, encourage and allow time for employee handwashing, and provide employees with an effective hand sanitizer. Employers shall encourage employees to wash their hands for at least 20 seconds each time. Provision or use of hand sanitizers with methyl alcohol is prohibited.
- (E) Personal protective equipment.
- 1. Employers shall evaluate the need for personal protective equipment to prevent exposure to COVID-19 hazards, such as gloves, goggles, and face shields, and provide such personal protective equipment as needed.
- 2. Employers shall evaluate the need for respiratory protection in accordance with section 5144 when the physical distancing requirements in subsection (c)(6) are not feasible or are not maintained.
- 3. Employers shall provide and ensure use of respirators in accordance with section 5144 when deemed necessary by the Division through the Issuance of Order to Take Special Action, in accordance with title 8 section 332.3.
- 4. Employers shall provide and ensure use of eye protection and respiratory protection in accordance with section 5144 when employees are exposed to procedures that may aerosolize potentially infectious material such as saliva or respiratory tract fluids.

NOTE: Examples of work covered by subsection (c)(8)(E)4. include, but are not limited to, certain dental procedures and outpatient medical specialties not covered by section 5199.

- (9) Reporting, recordkeeping, and access.
- (A) The employer shall report information about COVID-19 cases at the workplace to the local health department whenever required by law, and shall provide any related information requested by the local health department.
- (B) The employer shall report immediately to the Division any COVID-19-related serious illnesses or death, as defined under section 330(h), of an employee occurring in a place of employment or in connection with any employment.
- (C) The employer shall maintain records of the steps taken to implement the written COVID-19 Prevention Program in accordance with section 3203(b).
- (D) The written COVID-19 Prevention Program shall be made available at the workplace to employees, authorized employee representatives, and to representatives of the Division immediately upon request.

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(E) The employer shall keep a record of and track all COVID-19 cases with the employee's name, contact information, occupation, location where the employee worked, the date of the last day at the workplace, and the date of a positive COVID-19 test. Medical information shall be kept confidential in accordance with subsections (c)(3)(C) and (c)(3)(D). The information shall be made available to employees, authorized employee representatives, or as otherwise required by law, with personal identifying information removed.

Note: Subsection (c)(9)(E) does not alter the right of employees or their representatives to request and obtain an employer's Log of Work-Related Injuries and Illnesses (Log 300), without redaction, or to request and obtain information as otherwise allowed by law.

- (10) Exclusion of COVID-19 cases. The purpose of this subsection is to limit transmission of COVID-19 in the workplace.
- (A) Employers shall ensure that COVID-19 cases are excluded from the workplace until the return to work requirements of subsection (c)(11) are met.
- (B) Employers shall exclude employees with COVID-19 exposure from the workplace for 14 days after the last known COVID-19 exposure to a COVID-19 case.
- (C) For employees excluded from work under subsection (c)(10) and otherwise able and available to work, employers shall continue and maintain an employee's earnings, seniority, and all other employee rights and benefits, including the employee's right to their former job status, as if the employee had not been removed from their job.

Employers may use employer-provided employee sick leave benefits for this purpose and consider benefit payments from public sources in determining how to maintain earnings, rights and benefits, where permitted by law and when not covered by workers' compensation.

EXCEPTION 1: Subsection (c)(10)(C) does not apply to any period of time during which the employee is unable to work for reasons other than protecting persons at the workplace from possible COVID-19 transmission.

EXCEPTION 2: Subsection (c)(10)(C) does not apply where the employer demonstrates that the COVID-19 exposure is not work related.

- (D) Subsection (c)(10) does not limit any other applicable law, employer policy, or collective bargaining agreement that provides for greater protections.
- (E) At the time of exclusion, the employer shall provide the employee the information on benefits described in subsections (c)(5)(B) and (c)(10)(C).

EXCEPTION to subsection (c)(10): Employees who have not been excluded or isolated by the local health department need not be excluded by the employer, if they are temporarily reassigned to work where they do not have contact with other persons until the return to work requirements of subsection (c)(11) are met.

- (11) Return to work criteria.
- (A) COVID-19 cases with COVID-19 symptoms shall not return to work until:
- 1. At least 24 hours have passed since a fever of 100.4 or higher has resolved without the use of fever-reducing medications;
- 2. COVID-19 symptoms have improved; and

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- 3. At least 10 days have passed since COVID-19 symptoms first appeared.
- (B) COVID-19 cases who tested positive but never developed COVID-19 symptoms shall not return to work until a minimum of 10 days have passed since the date of specimen collection of their first positive COVID-19 test.
- (C) A negative COVID-19 test shall not be required for an employee to return to work.
- (D) If an order to isolate or quarantine an employee is issued by a local or state health official, the employee shall not return to work until the period of isolation or quarantine is completed or the order is lifted. If no period was specified, then the period shall be 10 days from the time the order to isolate was effective, or 14 days from the time the order to quarantine was effective.
- (E) If there are no violations of local or state health officer orders for isolation or quarantine, the Division may, upon request, allow employees to return to work on the basis that the removal of an employee would create undue risk to a community's health and safety. In such cases, the employer shall develop, implement, and maintain effective control measures to prevent transmission in the workplace including providing isolation for the employee at the workplace and, if isolation is not possible, the use of respiratory protection in the workplace.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 144.6, Labor Code.

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§ 3205.1. Multiple COVID-19 Infections and COVID-19 Outbreaks.

- (a) Scope.
- (1) This section applies to a place of employment covered by section 3205 if it has been identified by a local health department as the location of a COVID-19 outbreak or when there are three or more COVID-19 cases in an exposed workplace within a 14-day period.
- (2) This section shall apply until there are no new COVID-19 cases detected in a workplace for a 14-day period.
- (b) COVID-19 testing.
- (1) The employer shall provide COVID-19 testing to all employees at the exposed workplace except for employees who were not present during the period of an outbreak identified by a local health department or the relevant 14-day period(s) under subsection (a), as applicable. COVID-19 testing shall be provided at no cost to employees during employees' working hours.
- (2) COVID-19 testing shall consist of the following:
- (A) Immediately upon being covered by this section, all employees in the exposed workplace shall be tested and then tested again one week later. Negative COVID-19 test results of employees with COVID-19 exposure shall not impact the duration of any quarantine period required by, or orders issued by, the local health department.
- (B) After the first two COVID-19 tests required by (b)(2)(A), employers shall provide continuous COVID-19 testing of employees who remain at the workplace at least once per week, or more frequently if recommended by the local health department, until this section no longer applies pursuant to subsection (a)(2).
- (C) Employers shall provide additional testing when deemed necessary by the Division through the Issuance of Order to Take Special Action, in accordance with title 8 section 332.3.
- (c) Exclusion of COVID-19 cases. Employers shall ensure COVID-19 cases and employees who had COVID-19 exposure are excluded from the workplace in accordance with subsections 3205(c)(10) and (c)(11) and local health officer orders if applicable.
- (d) Investigation of workplace COVID-19 illness. The employer shall immediately investigate and determine possible workplace related factors that contributed to the COVID-19 outbreak in accordance with subsection 3205(c)(3).
- (e) COVID-19 Investigation, review and hazard correction. In addition to the requirements of subsection 3205(c)(2) and 3205(c)(4), the employer shall immediately perform a review of potentially relevant COVID-19 policies, procedures, and controls and implement changes as needed to prevent further spread of COVID-19. The investigation and review shall be documented and include:
- (1) Investigation of new or unabated COVID-19 hazards including the employer's leave policies and practices and whether employees are discouraged from remaining home when sick; the employer's COVID-19 testing policies; insufficient outdoor air; insufficient air filtration; and lack of physical distancing.
- (2) The review shall be updated every thirty days that the outbreak continues, in response to new information or to new or previously unrecognized COVID-19 hazards, or when otherwise necessary.

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- (3) The employer shall implement changes to reduce the transmission of COVID-19 based on the investigation and review required by subsections (e)(1) and (e)(2). The employer shall consider moving indoor tasks outdoors or having them performed remotely, increasing outdoor air supply when work is done indoors, improving air filtration, increasing physical distancing as much as possible, respiratory protection, and other applicable controls.
- (f) Notifications to the local health department.
- (1) The employer shall contact the local health department immediately but no longer than 48 hours after the employer knows, or with diligent inquiry would have known, of three or more COVID-19 cases for guidance on preventing the further spread of COVID-19 within the workplace.
- (2) The employer shall provide to the local health department the total number of COVID-19 cases and for each COVID-19 case, the name, contact information, occupation, workplace location, business address, the hospitalization and/or fatality status, and North American Industry Classification System code of the workplace of the COVID-19 case, and any other information requested by the local health department. The employer shall continue to give notice to the local health department of any subsequent COVID-19 cases at the workplace.
- (3) Effective January 1, 2021, the employer shall provide all information to the local health department required by Labor Code section 6409.6.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 144.6, Labor Code.

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§ 3205.2. Major COVID-19 Outbreaks.

- (a) Scope.
- (1) This section applies to any place of employment covered by section 3205 when there are 20 or more COVID-19 cases in an exposed workplace within a 30-day period.
- (2) This section shall apply until there are no new COVID-19 cases detected in a workplace for a 14-day period.
- (b) COVID-19 testing. Employers shall provide twice a week COVID-19 testing, or more frequently if recommended by the local health department, to all employees present at the exposed workplace during the relevant 30-day period(s) and who remain at the workplace.

COVID-19 testing shall be provided at no cost to employees during employees' working hours.

- (c) Exclusion of COVID-19 cases. Employers shall ensure COVID-19 cases and employees with COVID-19 exposure are excluded from the workplace in accordance with subsections 3205(c)(10) and (c)(11) and any relevant local health department orders.
- (d) Investigation of workplace COVID-19 illnesses. The employer shall comply with the requirements of subsection 3205(c)(3).
- (e) COVID-19 hazard correction. In addition to the requirements of subsection 3205(c)(4), the employer shall take the following actions:
- (1) In buildings or structures with mechanical ventilation, employers shall filter recirculated air with Minimum Efficiency Reporting Value (MERV) 13 or higher efficiency filters if compatible with the ventilation system. If MERV-13 or higher filters are not compatible with the ventilation system, employers shall use filters with the highest compatible filtering efficiency. Employers shall also evaluate whether portable or mounted High Efficiency Particulate Air (HEPA) filtration units, or other air cleaning systems would reduce the risk of transmission and shall implement their use to the degree feasible.
- (2) The employer shall determine the need for a respiratory protection program or changes to an existing respiratory protection program under section 5144 to address COVID-19 hazards.
- (3) The employer shall evaluate whether to halt some or all operations at the workplace until COVID-19 hazards have been corrected.
- (4) Any other control measures deemed necessary by the Division through the Issuance of Order to Take Special Action, in accordance with title 8 section 332.3.
- (f) Notifications to the local health department. Employers shall comply with the requirements of section 3205.1(f).

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 144.6, Labor Code.

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