

California Coronavirus Guidance

In response to the Coronavirus (COVID-19) global pandemic, state governments have issued guidance to help employers comply with labor and employment laws during the outbreak. Employer resources on the actions California has taken during this time are provided below.

Because states are continually monitoring and responding to developments related to COVID-19, employers are strongly advised to visit the [California Department of Public Health News Release webpage](#) for the latest updates, as well as the [Coronavirus \(COVID-19\) Response webpage](#) for additional resources.

Cal/OSHA Temporary COVID-19 ETS

On Dec. 16, 2021, the California Division of Occupational Safety and Health (Cal/OSHA) readopted a revised [COVID-19 prevention emergency temporary standard](#). The original [temporary emergency standard](#) went into effect Nov. 30, 2020. The revised standard is effective **Jan. 14, 2022**.

Under the standard, employers must establish, implement and maintain a written COVID-19 prevention program. The program can be part of, or maintained separately from, the employer's injury and illness prevention program (IIPP). The written program must include plans, policies, systems or procedures for:

- All workplaces, which includes sections on hazard identification and response, reporting, recordkeeping and limiting the transmission of COVID-19;
- Employer-provided housing (as applicable); and
- Employer-provided transportation (as applicable).

Notable Standard Revisions

The revisions made to the standard reflect the availability of vaccines to limit workplace transmission, updated guidance from the U.S. Centers for Disease Control and Prevention (CDC) and updated face-covering guidance from the CDPH. They are intended to provide options for employers to make a safe transition from physical distancing and face-covering mandates to more normal operations.

Please refer to the full text of the standard or to Cal/OSHA's [resource page](#) for more detailed information.

Employer Notice and Reporting Requirements

On Oct. 5, 2021, California approved [Assembly Bill 654](#) (AB 654) to amend California's Occupational Safety and Health Administration (Cal/OSHA) COVID-19 notice and reporting regulations. The bill became effective upon adoption on Oct. 5, 2021.

The bill requires employers to give notice of COVID-19 outbreaks to:

- Qualifying individuals or employees exposed to qualifying individuals within one business day; and
- Local public health agencies within 48 hours or one business day, whichever is later.

The bill also expands the employers that are exempt from the COVID-19 outbreak reporting requirements to various licensed entities, including:

- Community clinics;
- Adult day health centers;
- Community care facilities; and
- Child day care facilities.

Finally, the bill adds the delivery of renewable natural gas to the list of utilities that cannot be interrupted if a total or partial workplace shutdown is required because of a COVID-19 outbreak.

Qualifying Individuals

A qualifying employee includes any person who has:

- A laboratory-confirmed case of COVID-19, as defined by the State Department of Public Health.
- A positive COVID-19 diagnosis from a licensed health care provider.
- A COVID-19-related order to isolate provided by a public health official.
- A death due to COVID-19, in the determination of a county public health department or per inclusion in the COVID-19 statistics of a county.

AB 654 COVID-19 Notice Requirements

If employers or their representatives receive a notice of potential exposure to COVID-19, employers must take all of the following actions **within one business day**:

- Provide a written notice to all employees and the employers of subcontracted employees who were on the premises at the same worksite as the qualified employee (confirmed or diagnosed with COVID-19) within the infectious period that they may have been exposed to COVID-19. The notice must be in a manner the employer normally uses to communicate employment-related information. Written notice may include but is not limited to personal service, email or text message if it can reasonably be anticipated to be received by the employee within one business day of sending it. The notice must be in both English and the language understood by the majority of employees.
- Provide a written notice to the exclusive representative, if any, of qualifying individuals who had close contact with the employee with COVID-19.
- Provide all employees who were on the premises at the same worksite as the qualifying individual within the infectious period and the exclusive representative, if any, with information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state or local laws, including workers' compensation. Options for exposed employees should include COVID-19-related leave, company sick leave, state-mandated leave, supplemental sick leave or negotiated leave provisions, as well as antiretaliation and antidiscrimination protections for the employee.
- Notify all employees and employers of subcontracted employees who were on the premises at the same worksite as the qualifying individual within the infectious period and the exclusive representative, if any, of the cleaning and disinfection plan that the employer is implementing per the guidelines of the federal Centers for Disease Control and Prevention (CDC) and the COVID-19 prevention program per the Cal/OSHA COVID-19 Emergency Temporary Standards (ETS).

If the number of cases reported meets the definition of a COVID-19 outbreak as defined by the State Department of Public Health, employers or their representatives must also notify their local public health agency **within 48 hours or one business day**, whichever is later. The outbreak notification must include the employee's:

- Name;
- Phone number;
- Occupation; and
- Worksite.

Employers must also report the business address and NAICS code of the worksite where qualifying individuals work. Employers that have an outbreak subject to these requirements must continue to notify the local health department of any subsequent laboratory-confirmed cases of COVID-19 at the worksite.

The notice requirement for exclusive representatives must contain the same information as would be required in an incident report in a Cal/OSHA Form 300 injury and illness log unless the information is inapplicable or unknown to the employer. This requirement must apply regardless of whether the employer is required to maintain a Cal/OSHA Form 300 injury and illness log. Notifications required by this rule must not impact any determination of whether or not the illness is work-related.

The notice requirement must not apply to employees who, as part of their duties, conduct COVID-19 testing or screening or provide direct patient care or treatment to individuals who are known to have tested positive for COVID-19, are persons under investigation, or are in quarantine or isolation related to COVID-19 unless the qualifying individual is an employee at the same worksite.

Employees must not be required to disclose medical information unless otherwise required by law. Employers must also not retaliate against a worker for disclosing a positive COVID-19 test or diagnosis or order to quarantine or isolate. Workers who believe they have been retaliated against may file a complaint with the Division of Labor Standards Enforcement, and the complaint will be investigated.

The State Department of Public Health will make workplace industry information received from local public health departments available on its internet website in a manner that allows the public to track the number and frequency of COVID-19 outbreaks as well as the number of COVID-19 cases and outbreaks by industry reported by any workplace. Local public health departments and Cal/OSHA must provide a link to AB 654 on their internet websites to help employers understand their responsibilities. For this reason, employers are reminded that they should protect personally-identifying information. Employee information that is personally identifiable must not be made to the public or posted.

Outbreak Reporting Exceptions

AB 654 applies to both private and public employers. However, the requirement that employers must notify the local public health agency and what is to be included in that notification do not apply to:

- “Health facilities,” as defined in Section 1250 of the Health and Safety Code.
- “Community clinics,” as defined in Section 1204 of the Health and Safety Code.
- Intermittent clinics exempt from licensure under Section 1206 of the Health and Safety Code.
- Tribal clinics exempt from licensure under Section 1206 of the Health and Safety Code.
- Outpatient settings conducted, maintained or operated by a federally recognized “Indian tribe,” “tribal organization” or “urban Indian organization,” as defined in Section 1603 of Title 25 of the United States Code.
- “Rural health clinics,” as defined in Section 1395 Title 42 of the United States Code.
- “Federally qualified health centers,” as defined in Section 1395 Title 42 of the United States Code.
- “Chronic dialysis clinics,” as defined in Section 1204 of the Health and Safety Code.
- Employers that provide health care services and have employees licensed pursuant to Division 2 of the Business and Professions Code.
- “Adult day health centers,” as defined in Section 1570.7 of the Health and Safety Code.
- “Home health agencies,” as defined in Section 1727 of the Health and Safety Code.
- “Pediatric day health and respite care facilities,” as defined in Section 1760.2 of the Health and Safety Code.
- “Hospices,” as defined in Section 1746 of the Health and Safety Code.
- Community care facilities, as described in the California Community Care Facilities Act (Chapter 3 of Division 2 of the Health and Safety Code), including adult residential facilities for persons with special health care needs, as described in Section 1567.50 of the Health and Safety Code.
- Residential care facilities for persons with chronic, life-threatening illness, as described in Chapter 3.01 of Division 2 of the Health and Safety Code.
- Residential care facilities for the elderly, as described in the California Residential Care Facilities for the Elderly Act.
- Child day care facilities, as described in the California Child Day Care Facilities Act.

Employers must maintain records of the written notifications required for a period of at least three years. Cal/OSHA will enforce the notice requirements through its citation process.

Rehiring Displaced Employees

As of Apr. 16, 2021, certain employers are required to give preference to rehiring and retaining employees displaced by COVID-19 when filling new positions. This [new law](#) applies to hotels, private clubs, event centers, airport hospitality operations, airport service providers and enterprises that provide building service to office, retail or other commercial buildings. The law expires Dec. 31, 2024.

Preference System

Employers must notify qualified, laid-off employees **within five business days** of all new job positions. If more than one qualified, laid-off employee applies, the position must be offered to the individual with the greatest length of service based on the date of hire.

Laid-off employees who receive an offer must be given at least five business days to accept or decline the offer. Employers can make simultaneous, conditional offers to laid-off employees, as long as preference parameters are observed. Employers must keep a record of these offers and related communications for three years.

Employers that decline to recall laid-off employees on the grounds of qualifications must provide laid-off employees a notice including the reasons for the decision within 30 days. Finally, employers cannot refuse to employ, terminate, reduce compensation or take other adverse action against any laid-off employee for seeking to enforce their rights under this law.

Employee Eligibility

Laid-off employees would qualify for a recall position if they held the same or similar position at the enterprise at the time of the employee's most recent layoff with the employer.

A laid-off employee is any employee who was:

- Employed for six months or more during the 12 months preceding Jan. 1, 2020; and
- Separated from employment due to a reason related to the COVID-19 pandemic, including a public health directive, government shutdown order, lack of business, a reduction in force or other economic, non-disciplinary reason related to the COVID-19 pandemic.

Employee Leave

California enacted a new [supplemental paid sick leave law](#) requiring employers with **more than 25 employees** to provide up to **80 hours** of paid leave for specific COVID-19-related reasons. The requirement is effective as of Feb. 19, 2022, but it is **retroactive to Jan. 1, 2022**. California previously had a similar law in effect that expired Sept. 30, 2021. The new law expires Sept. 30, 2022.

Compensation under the law is limited to \$511 per day and a total of \$5,110 per worker.

This 2022 supplemental paid sick leave law requires up to 40 hours of paid leave for full-time employees who are unable to work or telework for an employer because of:

- An order, guidance or advice from a public health official or health care provider to quarantine or isolate, pertaining to themselves or a family member;

- COVID-19 vaccination and recovery from vaccination for themselves or a family member, including boosters (generally limited to three days per vaccination);
- Their own symptoms of COVID-19 while seeking a medical diagnosis; or
- The care of a child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.

Full-time employees are entitled to an **additional 40 hours** of supplemental paid sick leave if they or a family member they care for **tests positive for COVID-19**. Employers may require employees to retest after five days and may require documentation of a family member's test result.

Firefighters and part-time and variable-hours employees receive an amount of leave calculated according to their work schedule. Supplemental paid sick leave is **in addition to**:

- Accrued sick leave under the California Healthy Workplaces, Healthy Families Act of 2014
- Prior COVID-19 supplemental paid sick leave the employee was entitled to

The law states that employers may not require employees to exhaust their COVID-19 supplemental paid sick leave before satisfying any requirement to provide paid leave for COVID-19 reasons under Cal/OSHA COVID-19 emergency temporary standards. (See discussion of the emergency temporary standards below).

Employer-provided supplemental leave benefits that are equivalent to supplemental paid leave in their timing, permitted reasons for leave and compensation may be counted towards the employer's requirement under the supplemental paid leave law.

Employer notice and recordkeeping obligations apply. The state has issued [FAQs](#) about the law and a [poster](#) employers must use.

[Guidance](#) from the California Department of Industrial Relations about another COVID-19-related leave requirement states that employers that **require COVID-19 testing or vaccination** must pay for the time those procedures take because that time constitutes "hours worked." In this situation, employers may not require workers to use paid leave.

In addition, on Nov. 30, 2020, California adopted (and later updated) [emergency temporary Cal/OSHA standards](#) on COVID-19 infection prevention that apply to most workers in California not covered by Cal/OSHA's [Aerosol Transmissible Diseases standard](#). Among other things, the new standards require employers to exclude employees from the workplace for specified periods if they test positive for or have been exposed to COVID-19, or if they are under an isolation order from a health official.

If an employee is accordingly excluded from work and is otherwise "able and available to work," the employer is required to **continue to 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. 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.

[FAQs](#) issued by the California Department of Industrial Relations state that employees **unable to work** because of COVID-19 symptoms are **not eligible** for exclusion pay and benefits. These employees, however, may be eligible for workers' compensation or state disability insurance. The FAQs also state that employees would typically receive pay for a quarantine period of up to **14 days**. If an employee is out of work for more than a standard quarantine period based on a single exposure or positive test, but still does not meet the regulation's requirements to return to work, that extended quarantine period **may** be an indication that the employee is not able and available to work due to illness. The employee, however, may be eligible for temporary disability or other benefits.

The exclusion pay requirement **does not apply** when the employee is unable to work for reasons other than protecting persons at the workplace from possible COVID-19 transmission. It also does not apply where the employer demonstrates that the COVID-19 exposure is not work related.

Employers are required to **provide notice** of the employee rights described above to employees who have been excluded from the workplace under the new standard, at the time of exclusion.

The California Department of Industrial Relations has created [employer resources](#) about the standard.

Local Laws

The following entries describe select California local leave laws, enacted in response to the COVID-19 emergency. Additional localities not listed here may have passed similar measures. Employers should familiarize themselves with the leave laws that apply in their county, city or town.

- **Long Beach**—Effective May 19, 2020, a Long Beach [ordinance](#) imposes a paid sick leave requirement on employers that have 500 or more employees nationally and are not required to provide FFCRA emergency paid sick leave. Under the ordinance, full-time employees are entitled to 80 hours of paid leave, and part-time employees are eligible for paid leave in an amount equal to their average number of work hours over a two-week period, for specified COVID-19-related reasons. As with the FFCRA, different rates of compensation apply, depending on the reason for leave. The ordinance also contains pay caps and employee and employer exceptions, such as for health care worker and emergency responder employees (as defined in the ordinance). Every 90 days, the city manager must report on whether the ordinance is still necessary.
- **Los Angeles**—Mayor Eric Garcetti [issued](#) a public order, effective April 10, 2020, and continuing through two weeks after the end of the COVID-19 local emergency, requiring up to 80 hours of supplemental paid sick leave for certain workers for specified COVID-19-related reasons. The city issued [rules](#) to implement the order.
 - A February 10, 2021, update to the order requires supplemental paid sick leave to workers who have worked at least 60 days at businesses and nonprofits with 500 or more employees in the city or 2,000 or more employees nationwide.
 - A June 2021 update added COVID-19 vaccination and recovery as permitted reasons for taking supplemental paid sick leave. In addition, the mayor created a new paid leave entitlement for COVID-19 **vaccination** and vaccination recovery **for all employees of private employers**.
 - This mandate for [Vaccine Paid Sick Leave Due to COVID-19](#) is retroactive to Jan. 1, 2021. It requires employers with **25 or fewer** employees to provide full-time employees with four hours' paid leave per injection and up to eight hours' paid leave to recover from side effects that prevent them from working or teleworking. Part-time employees receive a prorated amount of leave. Employers with **more than 25** employees must also provide the vaccine paid sick leave to full- and part-time employees who have exhausted all of their existing state and city COVID-19 supplemental paid sick leave.
 - The vaccine paid sick leave must be provided in addition to other paid leave, and employers may not require that other leaves be used first. However, certain paid leave provided by employers for COVID-19 vaccination may offset the new requirement, and collective bargaining agreements with COVID-19 vaccine leave provisions may be exempt. Employers may require verification of vaccination.
- **Unincorporated Los Angeles County**—On Jan. 26, 2021, the county amended and extended an urgency ordinance providing employees up to 80 hours of **supplemental paid sick leave** for specific COVID-19-related reasons. The [new amended ordinance](#) is retroactive to January 1, 2021, and took effect immediately. It remains in effect until two calendar weeks after the expiration of the COVID-19 local emergency (the original ordinance expired Dec. 31, 2020). The amendments expand supplemental paid sick leave to cover employees at **all nongovernmental businesses** in the unincorporated areas of the county (the original applied only to employers with 500 or more employees nationally). Part-time employees receive paid sick leave equal to their average two weeks' pay. Pay is capped at \$511 per day and \$5,110 total.
 - Employers may **exclude emergency responders or health care providers**, as defined in the ordinance, from the leave. Leave otherwise due to an employee under the amended ordinance is reduced by any supplemental paid sick leave the employee received under the original ordinance or the FFCRA. Employees who have exhausted their leave benefits under either measure are not eligible for any additional supplemental paid sick leave under the amended ordinance.
 - Additionally, on May 18, 2021, the county passed an [urgency ordinance](#) requiring all private employers to provide **paid leave for COVID-19 vaccination** for employees in unincorporated parts of

the county. The ordinance became effective immediately and is **retroactive to Jan. 1, 2021**. Full-time employees are allowed up to four hours of paid leave per injection, while part-time employees receive a prorated amount of leave based on their work hours during the two weeks before the injection. The leave includes travel time to and from appointments and time to recover from any vaccine-related symptoms that prevent the employee from being able to work or telework. Employers may require written verification of vaccination. Notice, recordkeeping and nonretaliation provisions apply. Workers entitled to COVID-19 supplemental paid sick leave must first exhaust that leave before taking vaccination leave. However, vaccine leave must be provided in addition to state paid sick leave.

- The leave requirement was originally set to expire Aug. 31, 2021, but was later [extended](#) through 14 days after the expiration of the COVID-19 local emergency as declared by the Board of Supervisors.
- **Oakland**—Under an [emergency ordinance](#) passed Jan. 19, 2021, the Oakland City Council amended and extended its original emergency paid sick leave ordinance, which was passed May 12, 2020, and expired Dec. 31, 2020. The new ordinance is retroactive to Dec. 31, 2020, and it requires all employers within the city to provide their workers with emergency paid sick leave for specified COVID-19-related reasons, which include being at least 65 years old or at other risk of serious illness from COVID-19 exposure. The law took effect immediately upon passage. Full-time workers receive 80 hours of leave, while part-time workers are entitled to an amount of leave equal to their average work hours over a 14-day period.
 - Employers may take a credit toward the leave required in the ordinance for any emergency paid sick leave they provided an employee under the FFCRA or the state supplemental leave requirement (both expired). Pay caps and exemptions, including for small employers (fewer than 50 employees) and health care worker and emergency responder employees, apply.
 - The city issued [FAQs](#) on the expired ordinance and is expected to issue new FAQs on the extension and amendment.
 - The paid leave requirement remains in effect through the end of the city's declaration of a COVID-19 emergency.
- **San Francisco**—The San Francisco Public Health Emergency Leave Ordinance **expired** on April 20, 2021. It required employers with 500 or more employees worldwide to provide their San Francisco employees with up to 80 hours of emergency paid sick leave for certain coronavirus-related purposes.
 - The city of San Francisco also passed the **Workers and Families First Program** providing \$10 million to businesses with employees in San Francisco to provide five days of sick leave beyond employers' existing policies. The additional sick leave is available only to employees who have exhausted their currently available sick leave, have exhausted or are not eligible for federal or state supplemental sick leave, and whose employer agrees to extend sick leave beyond current benefits. The city has released an [employer guide](#) on the program.
 - In addition, the city has published [guidance](#) on San Francisco Paid Sick Leave for coronavirus-related reasons.
- **San Jose**—On Jan. 5, 2021, following the Dec. 31, 2020, expiration of its original supplemental paid sick leave ordinance, San Jose passed a new [ordinance](#) that continued, from Jan. 1, 2021, through June 30, 2021, the paid sick leave benefits that had been provided under the city's ordinance and the FFCRA's Emergency Paid Sick Leave Act, and added a private right of action to enforce the benefits. **This ordinance has expired.**

Stop Work Orders

Effective Jan. 1, 2021, California law [AB 685](#) authorizes the [California Division of Occupational Safety and Health](#) (the Division) to issue stop-work orders for facilities or operations that pose an imminent COVID-19 hazard to workers. The provisions specific to COVID-19 will remain in effect until Jan. 1, 2023. At that point, provisions regarding “imminent hazard” situations will continue to apply more broadly to other hazards.

Affected Entities

California's AB 685 applies to any place of employment, operation or process that exposes workers to the risk of infection by COVID-19, if that risk constitutes an “imminent hazard.”

Limited Orders

When an imminent hazard is found in the workplace, the Division is authorized to prohibit the operation, process or entry into the space that poses the imminent hazard. These types of prohibitions are commonly referred to as “stop-work orders.”

The Division will notify affected employers in writing when stop-work orders are issued. Employers that receive these orders must display them prominently in a conspicuous place at each location affected. The orders must remain on display until the place of employment, machine, device, apparatus or equipment is made safe and all required safeguards or safety appliances or devices are provided. Only Division personnel are authorized to remove a stop-work order notification once it has been displayed.

Stop-work orders are generally limited to the immediate area where the threat exists. The written order will specify all affected areas, processes and operations. The Division will not issue stop-work orders that materially interrupt the performance of critical governmental functions essential to public health and safety, or the delivery of electrical power or water.

Definitions

- **Imminent:** A threat is imminent or immediate if it is believed that death or serious physical harm could occur within a short time (for example, before Cal/OSHA can investigate the problem).
- **Hazard:** Must present a threat of death or serious physical harm. Serious physical harm means that a part of the body is damaged so severely that it cannot be used very well. For a health hazard, there must be a reasonable expectation that toxic substances are present and exposure to them will shorten life or cause significant reduction in physical or mental efficiency.
- **Qualifying Individual:** A “qualifying individual” is a person who:
 - Has a laboratory-confirmed COVID-19 case;
 - Has a positive COVID-19 diagnosis from a licensed health care provider;
 - Is subject to a COVID-19 order to isolate issued by a public health official; or
 - Has died due to COVID-19, as determined by a county public health department (or has been included in the COVID-19 county statistics).

Unemployment

- The California Employment Development Department provides [COVID-19 Unemployment Answers to FAQs](#), which contains the latest guidance on these benefits.

WARN Act

- Temporary suspension of 60-day notice requirement in the California WARN Act for those employers that give written notice to employees and satisfy other conditions. Visit the [Conditional Suspension of WARN Act FAQs](#) for more details.

Workers' Compensation

On Sept. 17, 2020, California amended its workers’ compensation (WC) law, under [Senate Bill 1159](#) (SB1159), to provide a presumption that COVID-19 is a compensable, work-related condition under certain circumstances. The changes went into effect immediately.

In general, the changes mean that it would be an employer’s burden to prove that an employee **did not** contract COVID-19 on the job, rather than the employee’s burden of proving that he or she **did** contract it on the job.

A similar presumption was previously implemented under [Executive Order N-62-20](#), but that had only applied for employees who worked outside their homes between March 19 and July 5, 2020. With some modifications, the new law adopts and expands that order to cover certain employees through **Jan. 1, 2023**. It also creates retroactive and ongoing reporting requirements for employers with five or more employees in the state. For more information, see the DIR's answers to [frequently asked questions](#) on this executive order.

Worker Exposure Notices

Effective **Jan. 1, 2021**, California law (AB 685) requires employers to notify:

- Workers when they have potentially been exposed to the coronavirus in the workplace; and
- Local public health agencies when a worksite has a COVID-19 outbreak.

Notice of Potential Exposure

The worker notification requirement is triggered any time an employer (or its representative) receives a notice of potential exposure. “Notice of potential exposure” includes any notification from:

- A public health official or licensed medical provider, indicating that an employee was exposed to a qualifying individual at a worksite;
- An employee, or his or her emergency contact, indicating that the employee is a qualifying individual;
- An employer’s testing protocol, indicating that an employee is a qualifying individual; or
- A subcontracted employer, indicating that a qualifying individual was on the employer’s worksite.

Worker COVID Notification

Employers that receive a notice of potential exposure to COVID-19 must provide a written notice to all potentially affected workers within one business day. These notifications will not impact the determination of whether the illness is work related. Employers are required to maintain records of these notifications for at least three years.

The notice must be distributed to affected workers using the same channels and media that the employer normally uses to provide employment-related communications. At minimum, the notice must:

- Indicate that the worker may have been exposed to COVID-19.
- Inform the worker of any benefits and protections available under:
 - Applicable federal, state and local laws (such as workers’ compensation);
 - Options for exposed employees (such as COVID-19-related leave, company sick leave, state-mandated leave, supplemental sick leave or negotiated leave provisions); and
 - Antiretaliation and antidiscrimination laws.
- Explain the disinfection and safety plan that the employer plans to implement and complete per the guidelines of the federal Centers for Disease Control.

The required notice must be given to all individuals who were at the same worksite as a qualifying individual within the infectious period (as defined by the California Department of Public Health). These include employees, subcontracted employees and any exclusive employee representatives. The notice provided to exclusive employee representatives must include the same information as would be required in an incident report in a Cal/OSHA Form 300 injury and illness log, unless the information is inapplicable or unknown to the employer. This requirement applies regardless of whether the employer is required to maintain a Cal/OSHA Form 300 injury and illness log.

Public Health Agency Notification

The new law also requires employers to notify local public health agencies, within 48 hours, any time the number of cases within a work site meets California's definition of a COVID-19 outbreak. Ongoing notifications are also required for any subsequent laboratory-confirmed cases of COVID-19 at the worksite. This requirement does not apply to health facilities.

The required notices to a public health agency must include the names, numbers, occupations and worksites of employees who meet the definition of a qualifying individual. Employers must also report their business addresses and the NAICS codes of the worksites where the qualifying individuals work.

Business Resources

- [Q&As for Employers](#)
- [Labor and Workforce Development Agency: COVID-19 Resources for Employers and Workers](#)