

## **AB 685 - Notice to Employees Re Covid-19 at Worksite**

### **Directions for Use:**

When an employer becomes aware of a person who was on the premises at a worksite who was infectious with COVID-19 or who was subject to a COVID-19-related quarantine order, the employers must immediately (within one business day of becoming aware), provide written notice to all employees and the employers of subcontracted employees at the worksite with the following template.

Written notice should be the matter the employer normally uses to communicate employment-related information and 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 and shall be in both English and the language understood by the majority of the employees. Further, employers are required to keep records of the written notices provided to employees for at least three years.

Worksite means the building, store, facility, agricultural field, or other location where a worker worked during the infectious period. It does not apply to buildings, floors, or other locations of the employer that a qualified individual did not enter. In a multi-worksite environment, the employer need only notify employees who were at the same worksite as the qualified individual.

### **Template:**

Dear [Employee Name]:

[Entity Name] has been notified that [an employee or another individual such as contractor employee] at [name of worksite] [tested positive or has been diagnosed with COVID-19 or who was subject to a COVID-19-related quarantine order]. As an immediate response to protect the health and safety of our workforce, we conducted an investigation to determine workers who may have had close contact, as currently defined by public health authorities, with that individual. As such, you have been identified as an employee who may have been exposed to this virus between [exposure dates].

According to the Centers for Disease Control and Prevention (CDC), the virus is spread primarily through respiratory droplets between people who are in close contact with one another (less than 6 feet apart) for a total of 15 or more cumulative minutes during a twenty-four hour period. Individuals are contagious up to 48 hours before they exhibit symptoms or test positive for COVID-19.

Please see below instructions regarding responsive steps we are taking, steps all employees must take, and COVID-19-related benefits that you may be entitled to.

## Responsive Steps We are Taking

List steps being taken by Entity depending on the severity of the outbreak, number of cases, etc, and in compliance with CDC guidelines i.e. (1) instituting remote workforce, (2) sanitizing workplace, (3) closing workplace, (4) notifying building management, (5) notifying local department of public health, (6) notifying Cal OSHA, and (7) notifying union, if applicable.

Provide a link or enclose a copy of employer's COVID-19 safety plan and/or COVID-19 Prevention Program.

## Steps All Employees Must Take

We would like to remind all employees to abide by the CDC and California Dept. of Public Health guidelines to protect your health and the health of those around you. That includes: (1) washing your hands often with soap and water for at least 20 seconds, especially if you have been in a public place and after blowing your nose, coughing or sneezing; (2) if soap and water are not readily available, use a hand sanitizer that includes at least 60 percent alcohol; (3) avoid touching your eyes, nose, and mouth with unwashed hands; (4) wearing a face covering when around others or in a public place; and (5) maintaining a physical distance of at least 6 feet from all coworkers at the workplace. [Add other protocols the Entity has in place and provide links to Entity resources if applicable]

During this time if you experience any of the symptoms of COVID-19 (fever or 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), please inform [human resources/management] at [contact information] so that we may take steps to protect others at the worksite and track any potential outbreaks within [Entity]. You may also want to contact your health care provider to determine if you should be tested for COVID-19.

[Entity Name] will keep all medical information confidential to the extent possible and will only disclose it on a need-to-know basis, as required by the Americans with Disabilities Act (ADA) or California's Fair Employment and Housing Act (FEHA). Under the ADA and FEHA, we are required to maintain the confidentiality of any medical information we receive, including the name of any affected employee.

## Work Exclusion [Recommended Section if the Employer determines the Employee is a Risk to the Worksite]

Until further notice, you are excluded from physically coming to work as to help prevent potential spread of the virus. You will be on home quarantine for 14 days after your last date of exposure to the ill employee. Please know we are offering telework opportunities where possible and will work with you to make this transition smooth. Contact [name and contact information] to determine if teleworking is an option for you. If telework is not an option, we will discuss the options that may be available.

## **Job Protected and Paid Leaves**

Please note if you are unable to telework, or if you become ill, you have options to take sick leave or use benefits provided by the federal government under [list applicable job protected and/or leave sick leave benefits such as the FFCRA (Families First Coronavirus Response Act.) and/or California Paid Sick Leave Law, workers compensation, etc. and insert link or attachment to relevant leave employer specific policies.]

## **Returning to Work**

You may return to work upon clearance by [name/contact information of HR representative]. No employees will be allowed to return to work less than 14 days after the last date of exposure to an infected individual. Moreover, employees who have had symptoms may not return to work until they have been fever free (without fever reducing medication) for 72 hours, at least 10 days have passed since the onset of their symptoms and they are showing an improvement in symptoms. Finally, employees who have been asymptomatic but who tested positive may not return to work until 10 days have passed since the date of their first positive test. [Insert link or attachment to relevant worksite policies as applicable].

## **No Retaliation or Discrimination**

[Entity Name] will not terminate, demote, reduce pay, or otherwise retaliate against an employee who uses any of the above job protected of paid leaves, or otherwise needs time away from work for a legally protected reason. If you feel like you have been retaliated and discriminated against for these reasons, contact [name/contact information of HR representative] immediately.

This notice is pursuant to California Labor Code section 6409.6. Please contact [name/contact info of contact person] with any questions or concerns. We appreciate everyone continuing to do their best to support the health and safety of our work environment and each other.

Sincerely,

[Employer Name]

[Title]

[Contact Information]