

## **Alert** | Health Emergency Preparedness Taskforce: Business Continuity Amid COVID-19



September 2020

### **California to Mandate Employer Notification of Possible COVID-19 Exposure to Employees**

On Sept. 17, 2020, the governor of California **signed into law** new workplace notice requirements and enforcement procedures in response to the Coronavirus Disease 2019 (COVID-19) pandemic. These new requirements go into effect Jan. 1, 2021.

The new law, **AB 685**, requires public and private employers to provide written notification to employees, subcontractors, and employees' exclusive bargaining representative who "may have been exposed" to the virus in the workplace. Within one business day after learning that a person who was in the workplace tested positive for the virus, or is subject to an isolation order, the employer must provide written notification to those who may have been exposed. The notice must indicate who was present at the workplace and all of the benefits they may be entitled to receive under the law as a result of the possible exposure. Finally, the notice must indicate how the employer plans to disinfect and provide safety to employees going forward pursuant to CDC guidelines. The written notifications must be maintained at the worksite for at least three years.

When public or private employers become aware of a COVID-19 outbreak, the employer has 48 hours to notify the local public health agency. An "outbreak" exists when three or more employees have tested positive for the virus and live in different households. The employer must provide the names, occupations, and worksites of the individuals who tested positive for the virus, employees who are confirmed to have a case of COVID-19, received a positive diagnosis, ordered to isolate by a public health official, or have died

due to COVID-19. The employer must also notify the local health department of any subsequent cases of the virus in the workplace.

Further, the Division of Occupational Safety and Health (Cal/OSHA) has the authority to mandate that a public or private employer cease its business operations if it deems that there is an “imminent hazard” in the workplace related to the transmission of the virus. This provision sunsets Jan. 1, 2023.

Finally, the new law authorizes Cal/OSHA to issue a COVID-19 serious citation without advance notice to a public or private employer. This provision also sunsets Jan. 1, 2023.

Businesses have limited time to amend and implement their policies and procedures to comply with the new and somewhat vague notification requirements.

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