

## **CALIFORNIA: STEP-BY-STEP FOR A POSITIVE COVID-19 EMPLOYEE IN THE WORKPLACE**

Updated March 2023

In California, there are specific requirements and steps to be taken when an employer is informed that an employee has COVID-19 or has been exposed to someone with COVID-19. See below for step-by-step actions for **California employees**:

### **WHEN AN EMPLOYEE TESTS POSITIVE:**

1. **Exclude the Sick Employee.** You should exclude from the workplace any employee who tested positive or was diagnosed with COVID-19 according to the guidelines below:
  - a. **For employees who were diagnosed or tested positive:**
    - i. At least 5 days have passed since COVID-19 symptoms first appeared, and
    - ii. All other symptoms are improving, including the fever without the use of fever-reducing medications; and
    - iii. The employee submits a negative antigen test taken on or after Day 5.
      1. If the employee cannot submit a negative test on or after Day 5, isolation must continue for 10 days and until symptoms improve.
    - iv. Employees must wear a mask for 10 days after the positive test whenever around others.
2. **Inform "close contact" employees and business associates in the workplace.** "Close contact" is defined as either:
  - a. Being in an indoor space of 400,000 cubic feet per floor or less with a COVID-19 case for a cumulative 15 minutes or more over a 24-hour period from 2 days before the onset of symptoms or, for those that never developed symptoms, 2 days before collection of a specimen for the positive COVID-19 test, called the "infectious period." OR
  - b. When in an indoor space of more than 400,000 cubic feet per floor, being within 6 feet of a person with COVID-19 during their infectious period.

Inform those close contacts that they have had close contact with an infected employee **while maintaining the individual's privacy**. Again, you **must not** disclose the identity of the individual who tested positive for COVID-19. You must inform close contacts in writing **within one business day**. Close contacts do not need to stay home unless they begin feeling symptoms or test positive.

3. **Post a notice in the workplace for 15 days** containing the following information:
  - I. Stating that a COVID-19-positive individual was in the workplace, and the dates they were there.
  - II. The areas in which they spent time while sick.
  - III. Who to contact to see the Company's cleaning plan
  - IV. Who to contact to obtain information on benefits should they begin experiencing symptoms or test positive
  - V. Record-keeping: Employers are required to keep a log of all the dates the required notice was posted at each worksite of the employer, and must allow the Labor Commissioner to access these records.

Alternatively, you can Inform all other employees and contractors who were in the workplace but not in close contact during the "infectious period" that there was a positive employee case, while maintaining the privacy of the positive employee. Let them know close contacts were informed, and that they have not been identified as close contacts. Have them monitor for symptoms and immediately report any symptoms to their supervisor or employer. Please note that posting a notice satisfies this requirement.

4. **Quarantine is no longer required for most.** Close contacts who **remain without symptoms** and who **do not test positive** do not have to quarantine following close contact. They must
  - Test within 3-5 days of last exposure, and receive a negative test result
    - If an exposed employee tests positive, follow the requirements above for positive cases
  - Wear a well-fitting mask around others for 10 days after exposure
  - Remain asymptomatic the entire 10 days following exposure
    - If symptoms develop, test and stay home
  
5. **Testing.** Offer all workplace close contact employees testing at no cost to them during work hours. You do not have to offer testing to non-employees or employees who have recovered from a case of COVID-19 within the past 90 days and remain symptom-free following close contact in the workplace.

Please keep in mind that not only are you as the employer responsible for providing testing, but you must also pay the employee for any time taken for the test and, in most cases, mileage reimbursement.

**Workers' Compensation.** If any of the COVID-19 positive employees contracted COVID-19 at work, provide them with Workers' Compensation paperwork. Report the positive cases to your Workers' Compensation carrier within their required timeline (check with your WC carrier for more information).

Note: As of January 1, 2023, employers are no longer required to provide COVID-19 Paid Supplemental Leave to employees. Employees are allowed to use accrued sick time for absences due to COVID-19.

6. **Recordkeeping.** Record the positive COVID cases and include the following information:
  - a. the employee's name,
  - b. contact information,
  - c. occupation,
  - d. location where the employee worked,
  - e. the date of the last day at the workplace, and
  - f. the date of a positive COVID-19 test.

As always, please contact us with any questions.

**Trudi's contact info:**

[trudi@peoplepersonhr.com](mailto:trudi@peoplepersonhr.com)

310.938.3828

**Kathy's contact info:**

[kathy@peoplepersonhr.com](mailto:kathy@peoplepersonhr.com)

213.340.4290