Responding to COVID-19 Cases and Outbreaks in the Workplace

A Resource Guide for Employers
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California Department of
PublicHealth

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Overview

The COVID-19 pandemic has affected workplaces and communities across California, and California employers have an important role to play in addressing the ongoing pandemic. This resource document was created to help employers understand the steps they can take to prevent the spread of COVID-19 and to respond quickly and appropriately to COVID-19 cases and outbreaks identified in the workplace.

Under current laws and regulations, employers must notify the local health department (LHD) when they identify three or more cases of COVID-19 among workers at the workplace within a 14-day period. In general, however, employers should be proactive and keep in mind that identification of even a single positive case among workers may quickly develop into a large outbreak. As outbreak circumstances and work practices vary, employers should consider seeking assistance early on from their LHD to plan and coordinate a response that meets the needs of the workplace.

Legal and Regulatory Requirements

This resource document is intended to provide a comprehensive set of public health best practices and strategies to help employers identify, respond to, and prevent additional cases of COVID-19 in their workplace. In non-healthcare workplaces, employers are responsible for ensuring that their actions to protect employees comply with the legal requirements of AB 685 (Labor Code 6409.6) (see CDPH FAQs) and the Cal/OSHA COVID-19 Prevention Emergency Temporary Standards (ETS). To avoid potential penalties, employers are advised to consult Cal/OSHA's COVID-19 ETS regulatory language, Frequently Asked Questions, and other materials at Emergency Temporary Standards page. This CDPH resource does not restate the comprehensive requirements of the ETS.

This resource document is not intended for use in managing or preventing outbreaks in healthcare, congregate living settings, or other workplaces where Cal/OSHA's Aerosol Transmissible Diseases (ATD) standard (Title 8, Section 5199) applies.

Key Components of Workplace Outbreak Management

1. Prepare now to identify and manage COVID-19 cases in the workplace.

- Identify contact information for the local health department (LHD) in the jurisdiction where the workplace is located.
- Designate a workplace infection prevention coordinator to implement COVID-19 infection prevention procedures and to manage COVID-related issues among workers.
- Develop mechanisms for tracking suspected and confirmed cases among workers.
- Ask workers to report the following to the employer, without fear of retaliation: COVID-19 symptoms, possible COVID-19 exposures, and possible COVID-19 workplace hazards.
- Instruct workers to stay home and report to the employer if they are having symptoms of COVID-19, were diagnosed with COVID-19, or are awaiting test results for COVID-19.
- Ensure that sick leave policies are sufficiently generous and flexible to enable workers who are sick to stay home without penalty and ensure that workers are aware of such policies.
  - Employees may be eligible for Workers' Compensation, State Disability Insurance, or Supplemental Sick Leave benefits.
  - This chart identifies state benefits for workers impacted by COVID-19, and some cities and counties require employers to provide sick leave benefits to employees in addition to the state's requirements.
  - Consult Cal/OSHA's website for information about ETS exclusion pay requirements.
- Encourage all workers to get vaccinated and boosted when eligible; vaccination is the single most effective strategy for preventing COVID-19 outbreaks in the workplace.
  - Certain high-risk settings (such as healthcare facilities, correctional facilities, homeless shelters, residential care facilities, and schools) have additional requirements. Employers should consult the latest State Public Health Officer orders to ensure compliance.

2. Share information with the LHD and other stakeholders.

- In the event of an outbreak in the workplace, employers are required under AB 685 to notify the LHD in the jurisdiction where the workplace is located within 48 hours or one business day. For AB 685 reporting purposes, an outbreak in a non-healthcare setting is defined as three or more cases of COVID-19 among workers in a workplace within a 14-day period.
- Even if the outbreak reporting threshold is not met, employers are encouraged to contact the LHD for guidance concerning any COVID-19 cases or exposures that occur in the workplace.
- AB 685 requires employers to share the following information with LHDs:
  - The total number of workers with COVID-19
  - Name, contact information, and occupation (job title) of each worker with COVID-19
  - Hospitalizations and deaths of workers with COVID-19
  - Employer name and business address
  - Workplace location
  - Industry name and North American Industry Classification System (NAICS) code of the workplace
  - Any additional information requested by the local health department. This may include job descriptions, work locations, work schedules, city and county of residence, vaccination status, a roster of all workers at the worksite, and other details that will inform the LHD's investigation and follow-up actions.
- During the outbreak, AB 685 also requires employers to continue notifying the LHD if additional cases of COVID-19 are identified among employees.
  - Employers should establish a schedule for sharing updates with the LHD.
  - Determine how updates will be shared (e.g., telephone, fax directed to a specified person, secure e-mail, or web portal).
  - LHDs regularly transmit and protect confidential health information. Securely sharing confidential information about workers with COVID-19 is critical for the LHD to provide comprehensive support to the employer and protect the health of the community.
- The LHD in the jurisdiction where the workplace is located may have specific additional criteria for outbreak reporting requirements. Employers must follow the specific instructions of their LHD, if available.
- Workers may live in counties or jurisdictions outside of the area in which the workplace
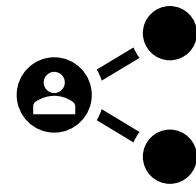
is located. If an employer becomes aware of COVID-19 cases among workers who live in another county or jurisdiction, employers should also inform the LHD in the jurisdiction where a COVID-19 positive worker resides.

- If the facility uses contract or temporary workers, designate an individual to communicate information and instructions on the outbreak to these workers and their employers.
- Consult Cal/OSHA's website for COVID-19 employer reporting requirements.

3. Identify additional employee cases and close contacts.

- Testing employees should be the first strategy considered by employers to identify additional cases. LHDs can be consulted to discuss testing strategies and may help facilitate testing options, if needed. Consult Cal/OSHA's website to understand ETS requirements for employee COVID-19 testing.
  - o Be aware that testing reflects an individual's health status at a single point in time only. Even if an employee tests negative, they may still develop COVID-19 infection from a recent or subsequent exposure. Covered employers should consult the Cal/OSHA ETS for specific return-to-work requirements or criteria.
- When an employee is identified with COVID-19, employers must determine when the employee was last present in the workplace, as well as the date of the positive COVID-19 test and when the individual first experienced COVID-19 symptoms.
- If the employee was present in the workplace during their infectious period, the employer must determine which other employees would be considered close contacts. See the State Public Health Officer Order for definitions of infectious period and close contact, as well as Cal/OSHA ETS and relevant FAQs.
  - o This requires the employer to evaluate when the individual was present in the workplace during their infectious period, which areas of the workplace they visited, and which other workers they likely interacted with. Workers with COVID-19 should be interviewed by phone, and employment records should be consulted to obtain this information.
  - o Employers should consult Cal/OSHA requirements regarding testing and exclusion of close contacts from the workplace, as discussed in Section 6 below.
  - o While at home, close contacts should self-monitor daily for COVID-19 symptoms and should undergo repeat testing if they develop any new symptoms.

4. Consider whether to temporarily suspend operations.

- Businesses may elect to voluntarily suspend operations or shut down a particular part of a worksite when a case of COVID-19, exposure to COVID-19, or an outbreak has occurred in the workplace. This can allow investigation of the exposure, testing of employees, and implementation of other recommended COVID-19 control measures. The LHD can assist employers in determining if taking this step is an appropriate choice.
- The LHD in the jurisdiction where the workplace is located has the authority to close business operations while an exposure is being investigated or an outbreak is being managed.
- Criteria for making a determination for closure may include the size of the workforce, the number or percentage of the workforce infected or exposed, the vulnerability of members of the public who visit the business to COVID-19 infection, or other factors, including the epidemiology of disease spread in the community at large.
- LHDs may vary in their specific requirements for workplace outbreak investigations, reporting, and suspension of operations.

5. Notify and provide instruction to employees.

- If an individual with COVID-19 at the worksite is identified, AB 685 requires employers to notify all workers who were at the same worksite during the individual's infectious period. This requirement applies whether or not the individual with COVID-19 is a worker. See Cal/OSHA AB 685 FAQs for additional information on notification requirements.
- Any employees excluded from work due to COVID-19 infection or exposure must be provided with information about COVID-19 related benefits to which the employee may be entitled.

6. Determine when it is appropriate for cases and contacts of cases to return to work.

- Employers should review the most recent Cal/OSHA requirements and CDPH isolation and quarantine guidance and FAQs to determine when workers who test positive for COVID-19 or who have been exposed to someone with COVID-19 may return to work.
  - Work exclusion periods vary depending on an individual's symptoms, testing, and vaccination status.
- LHDs may impose additional return-to-work requirements; employers should consult with them regarding these requirements.

7. Ensure that workers are equipped with appropriate respiratory protection.

- COVID-19 is an airborne virus, and effective masks and respirators are an important strategy for controlling the spread of COVID-19 in the workplace.
- Employers must follow masking requirements in the current CDPH Guidance for the Use of Face Masks and should also consult the accompanying face covering FAQ.
- CDPH strongly recommends that employers upgrade the masks that they provide to their employees, as described in CDPH Get the Most out of Masking guidance.
  - Employers should provide employees with masks in the "Better" category or higher.
  - In higher-risk situations, such as high-density workplaces or workplace outbreaks, or when COVID-19 case rates are high in the community, employers should strongly consider providing NIOSH-approved N95 respirators to employees.
- Employers should also consult the Cal/OSHA website for information about masking requirements in the ETS, including additional requirements that may apply during COVID-19 outbreaks.

8. Clean and disinfect work areas and improve ventilation.

- Employers should consult CDC guidance on appropriate cleaning and disinfection procedures. Employers should also consult CDPH guidance on improving indoor ventilation to reduce risk of COVID-19 transmission.

9. For more information, consult the following resources:

- Cal/OSHA COVID-19 webpage
  - COVID-19 Emergency Temporary Standards, resources, and FAQs

- Labor Code Section 6409.6 (AB 685):
  - CDPH FAQs for employers
  - CDPH guidance on AB 685 definitions

- CDC workplace guidance

- Additional CDPH resources:
  - Occupational Health Branch COVID Page: COVID-19 & the Workplace
  - COVID-19 & Indoor Air Quality Ventilation Tips and Ventilation Guidance
  - CDPH Guidance for the Use of Face Masks, Face Covering FAQs, and face mask tips and resources
  - CDPH Guidance on Isolation and Quarantine and FAQs