

Note: The COVID-19 (coronavirus) situation continues to develop rapidly. Employers should continue to monitor the U.S. [Centers for Disease Control and Prevention COVID-19 website](#), the [Cal/OSHA website](#), and Ogletree's [Coronavirus \(COVID-19\) Resource Center](#) for the latest developments. This document is intended as a draft starting point for further discussion, and it is intended for use in only California. Country, state, and local laws vary, nothing herein should be interpreted as medical or epidemiological characterizations or advice, and government agencies are likely to issue further guidance that should be considered. Employers should carefully review and discuss these materials with their Ogletree counsel to tailor the materials and guidance to their particular situation. **This document does not constitute legal advice regarding the topics contained herein. For more information, please contact Kevin Bland ([kevin.bland@ogletree.com](mailto:kevin.bland@ogletree.com)) or Karen Tynan ([Karen.tynan@ogletree.com](mailto:Karen.tynan@ogletree.com)).**

### WHEN THERE HAS BEEN COVID-19 IN THE PLACE OF EMPLOYMENT

	Action	Statutory Authority
1	<p>Determine</p> <ul style="list-style-type: none"> <li>Day and time COVID-19 case was last present</li> <li>Date of positive COVID-19 test/diagnosis</li> <li>Date COVID-19 case first had COVID-19 symptoms, if any</li> </ul>	8 CCR § 3205(c)(3)(B)(1)
2	<p>Determine</p> <ul style="list-style-type: none"> <li>Who may have COVID-19 exposure</li> <li>An evaluation of activities of the case and locations which may have been visited by the case</li> </ul> <p>For employees with COVID-19 exposure:</p> <ul style="list-style-type: none"> <li>Employers shall exclude employees from workplace for 14 days after the last known exposure to a case</li> <li>If excluded employees are still able and available to work, the Employer shall continue and maintain earnings, seniority, rights and benefits</li> </ul> <p>For employees who test positive for COVID, they shall not return to work until:</p> <ul style="list-style-type: none"> <li>At least 24 hours have passed since a fever of 100.4 or higher has resolved with fever-reducing medications</li> <li>COVID-19 symptoms have improved, and</li> <li>At least 10 days have passed since onset of symptoms</li> </ul> <p><i>*For employees who test positive but do not develop symptoms, they shall not return to work until 10 days have passed since date of first COVID test</i></p>	<p>8 CCR § 3205(c)(3)(B)(2)</p> <p>8 CCR § 3205(c)(10)(B-C)</p> <p>8 CCR § 3205(c)(11)</p>
3	<p>Provide:</p> <ul style="list-style-type: none"> <li>Written notice of potential COVID-19 exposure, within 1 business day, without revealing personal information to employees/authorized representatives and independent contractors/other employers present at the workplace during the high-risk exposure period</li> <li>Information to exposed employees with info regarding COVID-19 related benefits to which employee may be entitled</li> <li>Notice to all employees and authorized representatives on disinfection and safety plan that the Employer plans to implement</li> </ul> <p><i>*The Notice shall contain the same information that would be included in a Cal/OSHA Form 300 Injury and Illness Log</i></p>	<p>8 CCR § 3205(c)(3)(B)(3)</p> <p>Cal. Labor Code § 6409.6(a), (c)</p>

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	Action	Statutory Authority
4	Offer information regarding: <ul style="list-style-type: none"> <li>• COVID-19 testing at no cost to employees during working hours to employees who had potential COVID-19 exposure</li> <li>• COVID-19 related benefits to which the employee may be entitled under federal, state or local laws</li> <li>• Maintenance of earnings, seniority and other rights and benefits assuming the employee is still able and available to work</li> </ul>	8 CCR § 3205(c)(3)(B)(4) 8 CCR § 3205(c)(5)(B) 8 CCR § 3205(c)(10)(C)
5	Investigate whether any workplace conditions could have contributed to the risk of COVID-19 exposure and what could be done to reduce	8 CCR § 3205(c)(3)(B)(5)